

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application by Sandy Creek) DOCKET NO. 880965-WS
 Utilities, Inc. for water and sewer) ORDER NO. 21022
 certificates in Bay County.) ISSUED: 4-11-89

The following Commissioners participated in the disposition of this matter:

MICHAEL McK. WILSON, Chairman
 THOMAS M. BEARD
 BETTY EASLEY
 GERALD L. GUNTER
 JOHN T. HERNDON

ORDER GRANTING CERTIFICATES

BY THE COMMISSION:

Background

Sandy Creek Utilities, Inc. (Sandy Creek or Utility) is a water and sewer company, which has been in operation since 1981. The original owner of the Utility was Adam Whitley (Mr. Whitley or owner), who filed bankruptcy in 1985. During its operation, the owner used the Utility as collateral for a loan. After Mr. Whitley filed bankruptcy, Capital Bank of Miami took over the Utility and had Allen Bense appointed as receiver in December, 1985 to oversee its operation.

We learned of the Utility's existence when the Commission was contacted in January of 1986 by the receiver. Upon determining that the Utility was jurisdictional, Mr. Bense was advised to file an application for certificates and the Utility's 1986 annual report. In July, 1988, Sandy Creek filed its application. In addition, the Utility filed its 1986 and 1987 Annual Reports and paid the regulatory assessment fees for 1986.

Application

The application is in compliance with Section 367.041, Florida Statutes, and Rule 25-30.035, Florida Administrative Code, concerning applications for certificates. In particular, the application contains:

1. The correct filing fee as prescribed by Section 367.141, Florida Statutes.
2. Adequate maps (territory and system) and proper territory description of the area proposed to be served as required by Rule 25-30.035(3)(h)(1) and (i), Florida Administrative Code. Said territory to be served is described as being in Bay County and more particularly described in Attachment A attached hereto.
3. Proof of notice to all interested governmental and regulatory agencies, and all utilities within a four mile radius of the territory to be served, as well as proof of advertisement in a newspaper of general circulation in the county as prescribed in Rule 25-30.030, Florida Administrative Code.

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- 4. Evidence that the Utility owns the land on which the Utility's facilities will be located as required by Rule 25-30.035(3)(f), Florida Administrative Code.

No objections to the application have been filed and the time for filing such has expired.

Sandy Creek, a Florida Corporation which was formed in September, 1986, is owned by Capital Bank of Miami. The Utility, as mentioned previously, has been providing water and sewer service since 1981. Sandy Creek is currently serving approximately 122 water and 94 sewer customers.

Sandy Creek is in the process of expanding its wastewater treatment facility and has been granted a construction permit by the Department of Environmental Regulation (DER). The expansion is a result of a DER consent order. Upon completion of the expansion, the Utility's sewer system will be in compliance with DER requirements. There are no outstanding citations or violations for the water system.

Since the bank, through its ownership of Sandy Creek, has successfully operated the Utility since 1985, it has demonstrated its ability to provide service to the area requested. Therefore, we find that it is in the public interest to grant Sandy Creek Certificates Nos. 514-W and 446-S to serve the territory described in Attachment A of this Order.

Rates and Charges

Sandy Creek currently charges the following monthly water and sewer rates:

Water

Residential and General Service

0-3,000 Gallons	\$7.50 (Minimum Charge)
All Additional Usage	\$.90 (Per 1,000 Gallons)

Sewer

Residential and General Service

Flat Rate	\$16.00 (Per Month)
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Sandy Creek collects a \$25.00 Service Charge for initial connections, normal reconnections and violation reconnections. The Utility also collects a \$47.00 customer deposit. The Utility's service availability charges include a \$150.00 meter installation fee, a \$300.00 water connection (tap-in) fee and a \$700.00 sewer connection (tap-in) fee for the installation of new service. The Utility also charges \$300.00 to connect a customer to the wastewater pretreatment effluent pumping (PEP) system.

We find these rates and charges to be reasonable and they are, therefore, approved.

Regulatory Assessment Fees

As stated previously, Sandy Creek paid the 1986 regulatory assessment fees. The Utility also owes regulatory assessment fees for 1987 and 1988. Sandy Creek is, therefore, directed to pay regulatory assessment fees in the amount of \$1,017.87 for 1987 within 45 days of the date of this Order. This is the

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amount due in accordance with the Utility's 1987 Annual Report. The amount of regulatory assessment fees due for 1988 is unknown since the Utility has not yet filed its 1988 Annual Report. The Utility is, therefore, directed to file its 1988 Annual Report and pay regulatory assessment fees for 1988.

It is, therefore,

ORDERED by the Florida Public Service Commission that Sandy Creek Utilities, Inc., Wewa Route 75-427, Panama City, Florida 32404, is hereby granted Certificates Nos. 514-W and 446-S to serve the territory described in Attachment A of this Order. It is further

ORDERED that the rates and charges set forth in the body of this Order are hereby approved for Sandy Creek. It is further

ORDERED that Sandy Creek shall pay regulatory assessment fees for 1987 in the amount of \$1,017.87 within 45 days of the date of this Order. It is further

ORDERED that Sandy Creek shall file its 1988 Annual Report and pay 1988 regulatory assessment fees within 45 days of the date of this Order. It is further

ORDERED that Docket No. 880965-WS is hereby closed.

By ORDER of the Florida Public Service Commission,
this 11th day of April, 1989.



STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

ALC

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting within fifteen (15) days of the issuance of this order in the form prescribed by

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Rule 25-22.060, Florida Administrative Code; or 2) judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water or sewer utility by filing a notice of appeal with the Director, Division of Records and Reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.

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ATTACHMENT A

SANDY CREEK UTILITIES, INC.
SANDY CREEK RANCH & COUNTRY CLUB
TERRITORY DESCRIPTION

Township 04 South, Range 13 West, Bay County

Section 25

Commence at the N.W. corner of said Section 25 also the Point of Beginning; thence N 89 degrees 56 minutes E, 600.00 feet; thence S 01 degree 24 minutes E, 600.00 feet; thence N 89 degrees 56 minutes E, 1200.00 feet; thence S 01 degree 24 minutes E, 450.00 feet; thence N 89 degrees 56 minutes E, 900.71 feet; thence N 01 degree 24 minutes W, 450.00 feet; thence N 89 degrees 56 minutes E, 300.00 feet; thence N 01 degree 24 minutes W, 150.00 feet; thence N 89 degrees 56 minutes E, 270.00 feet; thence S 01 degree 24 minutes E, 110.10 feet; thence S 45 degrees E, 178.30 feet; thence N 45 degrees E, 85.00 feet; thence N 89 degrees 56 minutes E, 244.10 feet; thence N 01 degree 24 minutes W, 80.00 feet; thence N 89 degrees 56 minutes E, 100.00 feet; thence N 01 degree 24 minutes W, 219.48 feet; thence N 89 degrees 59 minutes 40 seconds E, 172.28 feet; thence S 13 degrees 56 minutes E, 1230.24 feet to the Northerly R/W line of Country Club Drive; thence N 89 degrees 56 minutes E along said R/W line 255.31 feet to the P.C. of a curve to the left, having a delta of 103 degrees 52 minutes 00 seconds, radius of 35.00 feet for an arc distance of 63.45 feet, to the P.T. of said curve; thence S 13 degrees 56 minutes E, 175.10 feet to the P.C. of a curve to the left, having a delta of 76 degrees 08 minutes 00 seconds, radius of 35.00 feet, for an arc distance of 46.51 feet, to the P.T. of said curve and the Southerly R/W line of Country Club Drive; thence S 89 degrees 56 minutes W, along the said R/W line 272.59 feet; thence S 13 degrees 56 minutes E, 139.75 feet; thence S 89 degrees 56 minutes W, 300.00 feet; thence N 78 degrees 30 minutes W, 90.39 feet; thence S 01 degree 24 minutes E, 306.36 feet; thence S 89 degrees 56 minutes W, 300.00 feet; thence S 01 degree 24 minutes E, 600.00 feet; thence S 89 degrees 56 minutes W, 3000.00 feet; thence S 01 degree 24 minutes E, 1223.91 feet; thence N 89 degrees 49 minutes 28 seconds W, 600.06 feet to the West line of said Section 25; thence N 01 degree 24 minutes W along the said west line, 3921.37 feet to the Point of Beginning.