

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application of Gulf Aire)	DOCKET NO. 910660-SU
Wastewater Treatment Plant (Gulf)	
Aire Properties, Inc.) for)	ORDER NO. 25275
amendment of Certificate No.)	
422-S for addition and deletion)	ISSUED: 10/30/91
of territory in Gulf County,)	
Florida.)	
_____)	

The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD, Chairman
SUSAN F. CLARK
J. TERRY DEASON
BETTY EASLEY

ORDER AMENDING CERTIFICATE TO REFLECT
ADDITION AND DELETION OF TERRITORY AND CLOSING DOCKET

BY THE COMMISSION:

Background

On June 5, 1991, Gulf Aire Wastewater Treatment Plant (Gulf Aire or Utility) filed an application with this Commission to amend Certificate No. 422-S in Gulf County. Gulf Aire currently provides wastewater service to 138 customers in its certificated territory.

In its application, Gulf Aire requested to amend Certificate 422-S to correctly reflect the territory it currently serves in Gulf County, and to add territory. The Utility also requested to delete certain beach property. The beach property to be deleted is owned by the Gulf Aire Property Owners Association, which intends to prohibit its development.

As stated above, Gulf Aire wishes to amend its territory to include areas it is currently serving that are not within its service area. Part of the discrepancy in the territory description is due to an omission of territory from the legal description filed with the application in Docket No. 880621-SU, which is an amendment docket. We will not initiate show cause proceedings against Gulf Aire for serving outside of its service area since, upon

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discovering the discrepancy, the Utility filed an application for amendment of its service area to correct the omission.

Also, upon reviewing the application, we discovered an omission in the description of the service area, grandfathered in by Order No. 17638. This omission resulted in an inaccurate representation of the boundary in Parcel No. 1.

Application

Except as discussed previously, the application is in compliance with Section 367.045, Florida Statutes, and other pertinent statutes and administrative rules, except Rule 25-30.036, Florida Administrative Code. Rule 25-30.036 requires a utility to own the land upon which its facilities are located. The warranty deed submitted by Gulf Aire is in the name of the developer (Gulf Aire Properties, Inc.). Therefore, Gulf Aire is directed to file a warranty deed in the name of the Utility within 30 days of the date of this Order.

Gulf Aire submitted a filing fee in the amount of \$150, as prescribed by Rule 25-30.020, Florida Administrative Code. Gulf Aire also provided territory and system maps and a territory description, in accordance with Rule 25-30.036(1)(e), (f), and (i), Florida Administrative Code. Attachment A of this Order describes the territory to be added, the territory being deleted, the territory omitted in Docket No. 880621-SU, and the corrected legal description of Parcel No. 1.

Gulf Aire is in compliance with the noticing provisions of Section 25-30.030, Florida Administrative Code, including notice to the customers in the area being added. There are no customers in the area being deleted. No objections to the application have been received and the time for filing such has expired.

Since Gulf Aire has been providing quality wastewater service to residents of Gulf County since June of 1987, it has demonstrated that it has the ability to serve the requested territory. Further, from information submitted with the application, it appears that Gulf Aire has the financial ability to provide service to the additional territory.

The territory, which Gulf Aire is requesting to serve, is located in close proximity to its existing service area. The system is substantially complete, with many of the lines in place to serve the Sea Shore Development. There is approximately 300 feet of pipe still to be constructed. There is no other utility within close proximity that could serve the area.

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Based on the foregoing, we find that it is in the public interest to amend Certificate No. 422-S to include the additional territory requested herein, the territory previously omitted from Gulf Aire's certificated territory in the amendment docket (Docket No. 880621-SU), and the corrected legal description of Parcel No. 1, as shown on Attachment A of this Order. In addition, Certificate No. 422-S is amended to reflect the deletion of the beach property, which is also shown on Attachment A of this Order. Gulf Aire has returned Certificate No. 422-S to this Commission for entry reflecting the action taken herein. The Utility has also filed revised tariff sheets reflecting the amendment.

Rates and Charges

Gulf Aire's current rates and charges were approved in Order No. 17638, issued in Docket No. 861336-SU. The rates and charges became effective on June 2, 1987. Gulf Aire shall charge the customers in the territory added herein the rates and charges approved in its tariff until authorized to change by the Commission.

It is, therefore,

ORDERED by the Florida Public Service Commission that the Certificate No. 422-S, held by Gulf Aire Wastewater Treatment Plant (Gulf Aire Properties, Inc.), Post Office Box 13424, Mexico Beach, Florida 32410, is hereby amended to include the territory described in Attachment A of this Order, which by reference is incorporated herein. It is further

ORDERED that Gulf Aire's service area is hereby amended to correct the omission from the legal description in Docket No. 880621-SU. The corrected description is shown as Addition A (Seashore Townhomes and Adjacent Property) on Attachment A of this Order. It is further

ORDERED that Gulf Aire's service area is hereby amended to correct the omission from the legal description of the service area grandfathered in by Order No. 17638. The corrected description of Parcel No. 1 is shown on Attachment A of this Order. It is further

ORDERED that territory is hereby deleted from Certificate No. 422-S, as shown on Attachment A of this Order. It is further

ORDERED that Gulf Aire shall file a Warranty Deed in the name of the Utility within 30 days of the date of this Order as proof that it owns the land upon which its facilities are located. It is further

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ORDERED that Gulf Aire shall charge the customers in the additional territory the rates and charges approved in its tariff until authorized to change by the Commission. It is further

ORDERED that Docket No. 910660-SU is hereby closed.

By ORDER of the Florida Public Service Commission, this 30th
day of OCTOBER, 1991.

STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

ALC

by: Kay Hegan
Chief, Bureau of Records

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 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

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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.

ATTACHMENT A

GULF AIRE WASTEWATER TREATMENT PLANT

Territory Description

ADDITION A (SEASHORE TOWNHOMES AND ADJACENT PROPERTY)

Township 6 South, Range 11 West and Township 7 South, Range 11 West, Gulf County, Florida.

A portion of Southeast 1/4 of Fractional Section 31, Township 6 South, Range 11 West; a portion of Northwest 1/4 of Northwest 1/4 of Section 5, Township 7 South, Range 11 West and a portion of Northeast 1/4 of Northeast 1/4; Fractional Section 6, Township 7 South, Range 11 West, being more particularly described as follows:

Beginning at a point on the Southwesterly right-of-way line of U.S. Highway No. 98 (State Road No. 30), said point being 33.00 feet from and at right angle to the center line of said U.S. Highway No. 98, said point also being North 39°51'00" West 431.52 feet from the point of intersection of said right-of-way line with the south line of Fractional Section 31, Township 6 South, Range 11 West, thence along said right-of-way line as follows: South 39°51'00" East 431.52 feet to a point on the line between Fractional Section 31, Township 6 South, Range 11 West and Fractional Section 6, Township 7 South, Range 11 West, said point being South 89°52'49" West 98.01 feet from section corner; thence South 89°52'49" West along said Section line for 22.105 feet to a point that is 50.00 feet from and at right angle to the center-line of said U.S. Highway No. 98; thence South 39°51'00" East 359.90 feet; thence, leaving said right-of-way line South 50°09'00" West 222 feet, more or less to a point on the mean high water line of the Gulf of Mexico; thence meandering Northwesterly along and with said mean high water line to a point that bears South 50°09'00" West from the Point of Beginning; thence North 50°09'00" East 263 feet, more or less, to the POINT OF BEGINNING.

ADDITION B (POOL & TENNIS COURTS)

Commencing at the Southwest corner of Section 32, Township 6 South, Range 11 West, Gulf County, Florida; thence North 89°52'49" East along the south line of said Section 32, according to the record plat of Port St. Joe Beach, Unit 2 as recorded in Plat Book 2, page 6, Public Records of Gulf County, Florida, for a Distance of 10.035 feet to a point on the Northeasterly right-of-way line of U.S. Highway No. 98 (State Road No. 30) said point being 33.00 feet from

and at right angle to the center line of said U.S. Highway No. 98; thence along said Northeasterly right-of-way line as follows: North 39°51'00" West 1067.05 feet; thence North 39°53'03" West 69.08 feet; thence leaving said Northeasterly right-of-way line, North 49°07'27.5" East 384.67 feet; thence North 49°07'28" East 331.33 feet to the point of curvature of a curve to the left, said curve having a radius of 305.00 feet; thence Northeasterly along the arc of said curve through a central angle of 25°25'19" for 135.33 feet to the Southwest corner of Lot 39, Block "C", Gulf Aire Phase II as recorded in Plat Book 3, pages 30 and 31, in the Public Records of Gulf County, Florida for the POINT OF BEGINNING; thence South 66°17'51" East along the South line of said Lot 39 for 155.46 feet to the Southeast corner of said Lot 39; thence North 2°42'30" East along the East line of Block "C" 128.82 feet; thence North 89°31'41" East 225.31 feet, thence South 0°21'51" West 192 feet; thence North 89°38'09" West 230.55 feet; thence North 67°43'35" West (radially) 185.19 feet to a point on a curve to the left (Northeasterly); thence along said curve having a delta of 11°17'22", radius of 305 feet and an arc distance of 60.10 feet to the POINT OF BEGINNING, having a chord bearing of North 29°20'50" East. This described legal is for common ingress and egress to surrounding properties.

ADDITION C (IKE DUREN'S ACREAGE)

Commence at the Northeast corner of Original Government Lot 7, Fractional Section 31, Township 6 South, Range 11 West, Gulf County, Florida and run thence South 89°53'47" West for 865.72 feet to the POINT OF BEGINNING; thence South 49°07'27.5 feet West for 794.98 feet; thence North 40°56'23" West for 686.19 feet; thence North 89°53'47" East for 1050.75 feet to the POINT OF BEGINNING. Said parcel of land lying and being in Original Government Lot 7, Fractional Section 31, Township 6 South, Range 11 West, Gulf County, Florida, and having an area of 6.26 acres more or less.

CORRECTED LEGAL DESCRIPTION

Parcel No. 1:

Commence at the point of intersection of the Northeastern right-of-way line of U.S. Highway 98 - State Road 30 and the South boundary line of Section 32, Township 6 South, Range 11 West, as same is shown on the official plat of Port St. Joe Beach, Unit two as recorded in Plat Book 2, Page 6, in the Public Records of Gulf County, Florida, and extend a line South 89°52'49" West along said South boundary line of Section 32 for 22.105 feet; thence North

39°51'00" West along said Northeastern right-of-way line for 521.37 feet to the POINT OF BEGINNING. Thence North 50°09'00" East for 1,447.838 feet; thence South 89°33'45.5" West for 817.824 feet to a St. Joe Paper Co. concrete monument; thence South 89°53'47" West for 865.720 feet; thence South 49°07'27.5" West for 1,062.211 feet to a point on the Northeastern right-of-way line of said State Road 30 - U.S. Highway 98; thence South 40°52'32.5" East along said right-of-way line for 468.621 feet to a point of curve; thence along the arc of a curve to the right which has a radius of 39,646.755 feet and a central angle of 00°59'30" for 686.20 feet to a point of tangent; thence South 39°53'02.5" East for 330.017 feet; thence South 39°51'00" East along said right-of-way line for 545.682 feet to the POINT OF BEGINNING, said lands being in Section 31 and 32, Township 6, South, Range 11 West, Gulf County, Florida, and having an area of 59.315 acres, more or less.

DELETION (COMMON AREA)

Commence at the point of intersection of the Northeastern right-of-way line of State Road 30 - U.S. Highway 98 and the South boundary line of Section 32, Township 6 South, Range 11 West, as same is shown on the official plat of Port St. Joe Beach, Unit Two, as recorded in Plat Book 2, Page 6, in the Public Records of Gulf County, Florida, thence South 89°52'49" West along the South boundary line of said Section 32 for 22.105 feet; thence North 39°51'00" West along the Northeastern right-of-way line of said State Road 30 - U.S. Highway 98, said right-of-way being 66.00 feet wide, for 1067.052 feet; thence North 39°53'03" West along said right-of-way for 129.96 feet; thence South 49°07'27.5" West for 66.01 feet to a point on the Southwestern right-of-way line of said State Road 30 - U.S. Highway 98 for the POINT OF BEGINNING. Thence North 39°53'03" West along said right-of-way line for 201.20 feet to a Point of Curve; thence along the arc of a curve to the left which has a radius of 39,580.755 feet and a central angle of 00°59'30" for 685.06 feet to a Point of Tangent; thence North 40°52'32.5" West along said right-of-way line for 468.62 feet; thence South 49°07'27.5" West for 217 feet, more or less, to a point on the mean high waterline of the Gulf of Mexico, thence meander said mean high waterline in a Southeasterly direction for 1355 feet, more or less, to a point that is South 49°07'27.5" West of the POINT OF BEGINNING; thence North 49°07'27.5" East for 225 feet, more or less, to the POINT OF BEGINNING.

Said parcel of land being in Fractional Section 31, Township 6 South, Range 11 West, Gulf County, Florida, and having an area of 6.96 Acres, more or less. This parcel of land is shown as Tract A on the official plat of Gulf Aire, as recorded in Plat Book 3, Page 13, in the Public Records of Gulf County, Florida.