

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for ) DOCKET NO. 920579-WS  
amendment of Certificates Nos. ) ORDER NO. PSC-92-1169-FOF-WS  
378-S and 447-W in Marion ) ISSUED: 10/13/92  
County by DECCA UTILITIES, a )  
Division of Decca )  
\_\_\_\_\_ )

ORDER AMENDING CERTIFICATES TO INCLUDE  
ADDITIONAL TERRITORY AND  
CLOSING DOCKET

BY THE COMMISSION:

Decca Utilities (Decca or utility), a division of Decca, is a Class B utility which provides water and wastewater services to approximately 1,425 customers in Marion County, Florida. According to Decca's 1991 annual report, the utility recorded an annual operating revenue of \$390,120 and \$359,948, for its water and wastewater systems respectively, with a net operating income of \$180,038 for water and \$68,492 for wastewater.

On June 4, 1992, Decca applied to the Public Service Commission (Commission) for an amendment to Certificates Nos. 378-S and 447-W in Marion County, Florida. Decca has made application to extend its service area to include two shopping centers which will consist solely of commercial retail establishments. The request for service was made to the utility by Steeplechase Plaza Partners. A copy of the Agreement between the developer and the utility was filed with the application.

On July 7, 1992, three timely objections were filed by: Venture Associates Utilities Corporation (Venture); the Palm Cay Homeowners' Association, Inc. (Palm Cay); and the Venture Associates Corporation (Corporation). Venture Associates Utilities Corporation (Venture) is a certificated utility providing water service to the Palm Cay development, which is adjacent to the proposed territory.

Decca addressed the three objections in its motion to dismiss, filed July 13, 1992. On September 16, 1992, the objectors filed a response to Decca's motion to dismiss. On September 29, 1992, at our Agenda Conference, in Order No. PSC-92-1146-FOF-WS, issued October 8, 1992, we dismissed the objections filed in opposition to Decca's application for an amendment, and we authorized our Staff to administratively approve Decca's application.

DOCUMENT NUMBER-DATE

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REG RECORDS/REPORTING

Decca's application is in compliance with Section 367.045, Florida Statutes, and other statutes and rules. The application contains one check in the amount of \$150 which is the correct filing fee pursuant to Rule 25-30.020, Florida Administrative Code. The applicant has provided evidence in the form of a warranty deed that the utility owns the land upon which the utility's facilities are located, as is required by Rule 25-30.036(1)(d), Florida Administrative Code.

In addition, Decca has submitted an affidavit consistent with Section 367.045(2)(d), Florida Statutes, that it has tariffs and annual reports on file with this Commission. The utility's application also contained adequate service territory and system maps, along with a proper territory description pursuant to Rule 25-30.036(1)(e), (f), and (i), Florida Administrative Code. A legal description of the requested territory is appended to this Order as Attachment A.

The application contains proof of compliance with the noticing provisions set forth in Rule 25-30.030, Florida Administrative Code. The local planning agency was noticed, and it did not protest the application. According to the utility, the provision of service will be consistent with the local comprehensive plan which, as yet, has not been approved by the Department of Community Affairs.

Decca is not in an area designated by the Southwest Water Management District as a critical use area. Presently, the utility disposes of its effluent through the use of evaporation/percolation ponds. The utility has operated in Marion County since 1985, and Decca has no outstanding notices of violation from the Department of Environmental Regulation. Therefore, we find that the utility has the technical expertise required to provide quality service to the proposed customer.

The utility's water treatment system has the capacity of 4.75 million gallons per day (mgd), and its permitted average flow is 2.37 mgd with average flows of 1.03 mgd. The wastewater treatment plant has a capacity of 500,000 gallons per day (gpd) with average flows of 180,000 gpd. The ultimate demand of the extension is estimated to be 50,000 gpd of water and wastewater at the Publix and Food Lion Shopping Centers. Therefore, Decca has sufficient capacity to serve the requested territory.

RATES AND CHARGES

The developer of the shopping centers will donate the mains after they are installed. The utility will assess a system capacity charge of \$350 and \$600 per equivalent residential connection (ERC) for water and wastewater, respectively. Since the cost of the extension will be borne by the prospective customer, the addition of this territory will have a negligible impact on the utility's capital structure and will not affect the utility's rates and charges.

The utility's rates and charges for its water and wastewater systems were originally established by this Commission in Order No. 15602, issued January 29, 1986. The current effective rates were approved for service pursuant to a price index rate adjustment on October 25, 1991. Decca shall charge customers in the additional territory the rates and charges for general service approved in its tariff until other rates and charges are approved by this Commission.

Based on the foregoing, we find that it is in the public interest to grant Decca's request to amend Certificates Nos. 447-W and 378-S to include the territory in Marion County as described in Attachment A. Decca has returned its certificates for entry to include the additional territory and filed revised tariff sheets which reflect the amended territory description.

It is, therefore,

ORDERED by the Florida Public Service Commission that, Certificates Nos. 447-W and 378-S, held by Decca Utilities, 8865 S.W. 104th Lane, Ocala, Florida 32676, are hereby amended to include the territory described in Attachment A of this Order, which by reference is incorporated herein. It is further

ORDERED that the customers in the territory added herein shall be charged the rates and charges approved in Decca Utilities' tariff. It is further

ORDERED that Docket No. 920579-WS is hereby closed.

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By ORDER of the Florida Public Service Commission this 13th  
day of October, 1992.

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STEVE TRIBBLE, Director  
Division of Records and Reporting

( S E A L )

LK

by: Kay Flynn  
Chief, Bureau of Records

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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 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 Civil 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

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DECCA UTILITIES

SERVICE TERRITORY DESCRIPTION - PUBLIX SHOPPING CENTER

MARION COUNTY

Township 16 South, Range 20 East

In Section 25

Commence at the North 1/4 corner of said section 25; thence N 88°47'30" E, along the northerly boundary line of said Section 25, 429.04 feet to the intersection with the northwesterly right-of-way line of State Road No. 200 (100 feet wide); thence departing said northerly boundary line S 41°34'12" W, along said northwesterly right-of-way line 423.33 feet to the Point of Beginning; thence continue S 41°34'12" W, along said right-of-way line 1360.31 feet; thence departing said right-of-way line N 00°14'34" W, 200.91 feet; thence S 88°54'30" W, 250.51 feet; thence N 00°14'34" W, 769.98 feet to the Point of Curvature of a tangent curve concave southeasterly and having as its elements a central angle of 89°09'04" and a radius of 30.00 feet; thence northeasterly along the arc of said curve 46.68 feet (chord bearing and distance of N 44°19'58" E, 42.11 feet) to the Point of Tangency thereof, thence departing said curve N 88°54'30" E, 1127.97 feet to the Point of Beginning.

ATTACHMENT A

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DECCA UTILITIES

SERVICE TERRITORY DESCRIPTION - FOOD LION SHOPPING CENTER

MARION COUNTY

Township 16 South, Range 20 East

In Section 25

Commence at the Northeast corner of Section 25, Township 16 South, Range 20 East, Marion County, Florida; Thence S 88° 47' 30" W, along the North Boundary Line of Said Section 25, 2,076.37 feet to the Intersection with the Southeasterly Right of Way Line of State Road 200 (100 feet wide); Thence S 41° 34' 12" W along said right of way line 1,332.04 feet to the Point of Beginning (P.O.B.); Thence departing said Right of Way Line S 48° 25' 48" E, 250.00 feet; Thence N 41° 34' 12" E, 200 feet; Thence S 48° 25' 48" E, 249.08 feet to a Point on the Westerly Right of Way Line of Sweepstake Drive, Also known as S. W. 84th Avenue Road, (60 feet wide), said Point also being on a curve concave Northwesterly and having as its elements a radius of 1,583.98 feet and a central angle of 01° 57' 39" (Chord bearing and distance of S 40° 35' 23" W, 54.21 feet); Thence Southwesterly along said Right of Way Line and the Arc of Said curve 54.21 feet; Thence S 41° 34' 12" W along Said Right of Way Line 361.65 feet to the Point of Curvature of a Tangent Curve Concave Easterly and having as its elements a radius of 380.00 feet and a central angle 41° 42' 47" (Chord bearing and distance of S 20° 42' 49" W, 270.59 feet); Thence along said Right of Way Line and the arc of said curve 276.65 feet to the Point of Tangency; Thence S 00° 08' 35" W, along said Right of Way Line 41.93 feet; Thence departing said Right of Way Line N 48° 25' 48" W, 374.24 feet; Thence S 41° 34' 12" W, 50 feet; Thence N 48° 25' 48" W, 250.00 feet to the aforementioned Southeasterly Right of Way Line of State road 200; Thence N 41° 34' 12" E, along said Right of Way Line 550.00 feet to the P.O.B.; containing 7.43 Acres more or less.