

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for) DOCKET NO. 930758-WS
amendment of Certificates Nos.) ORDER NO. PSC-94-1182-FOF-WS
46-W and 47-S in Hernando County) ISSUED: September 27, 1994
by SOUTHERN STATES UTILITIES,)
INC.)
_____)

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON, Chairman
SUSAN F. CLARK
JOE GARCIA
JULIA L. JOHNSON
DIANE K. KIESLING

ORDER AMENDING CERTIFICATES AND CLOSING DOCKET

BY THE COMMISSION:

BACKGROUND

On July 28, 1993, Southern States Utilities, Inc. (SSU or utility) filed an application with this Commission to amend Certificates Nos. 46-W and 47-S to include additional territory, which it is already serving in Hernando County, Florida. Since SSU is already serving the area, it is in violation of Section 367.045(2), Florida Statutes, which requires a utility to obtain Commission approval prior to extending its service area.

Docket No. 921014-WS was opened to address areas which SSU serves outside of its certificated territory in violation of Section 367.045(2), Florida Statutes. Order No. PSC-93-0202-FOF-WS, issued February 9, 1993, in that Docket, approved a timetable for SSU to follow in filing applications for amendments to include the territory being served outside of its service area. SSU provided an explanation for its actions and the Commission determined that if the utility complied with the Order and followed the timetable for filing the amendment applications addressed in Docket No. 921014-WS, show cause proceedings would not be initiated.

On August 13, 1993, in response to SSU's notice of filing its amendment application, Weeki Wachee Woodlands Water Company (Weeki Wachee) filed an objection stating that SSU's amendment application

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infringed on its certificated service area, which is located in Hernando County. Weeki Wachee's objection included Section 15, Township 23 South, Range 17 East, which it believed encroached on its water rights. We suggested to the parties that they meet and work out an amicable solution before we scheduled the case for hearing. On July 14, 1994, Weeki Wachee officially withdrew its objection to SSU's amendment application.

Pursuant to Section 367.171(1), Florida Statutes, on April 5, 1994, Hernando County rescinded the Commission's jurisdiction. Section 367.171, Florida Statutes, however, states that the Commission has jurisdiction over all pending cases. The Commission is aware of a June 2, 1994, letter, sent by the Hernando County Utilities Director to SSU, in which he indicates that Hernando County plans to serve the territory included in SSU's application. We do not believe that this letter represents an official act by Hernando County to contravene the Commission's jurisdiction. However, we do believe that the June 2, 1994, letter indicates that Hernando County may need clarification about the Commission's pending matter jurisdiction. Pursuant to Section 367.171(5), Florida Statutes, by Order No. PSC-94-0719-FOF-WS, we stated that we retain jurisdiction in all pending dockets, including Docket No. 930758-WS, which is SSU's amendment application relating to the Timber Ridge territory. If Hernando County acts in an official capacity regarding this matter in a manner inconsistent with the Commission's jurisdiction, we will consider appropriate action to take against Hernando County.

APPLICATION

As stated earlier, on July 28, 1993, SSU submitted its amendment application to include those areas that it was already supplying. The amendment included the Spring Hill system in Hernando County. The amended territory is adjacent to SSU's existing territories in Hernando County. SSU serves approximately 150 water and 685 wastewater customers in the amended area.

SSU believes that its amendment is consistent with the proposed Hernando County Comprehensive Plan. The comprehensive plan, however, is still in the draft phase. SSU has stated that its service complies with the wastewater and stormwater management section in the draft, and moreover, the draft does not have a section that specifically addresses water. SSU's existing transmission and distribution lines provide service to part of its amended areas. SSU's amendment application contains approximately 3,200 acres for water and 2,600 acres for wastewater. SSU's current services customers within an area containing approximately 1,779 acres for water and 1,446 acres for wastewater. SSU plans to

construct new lines to service the remainder of the amended territory as new service arises. SSU will not build any additional water or wastewater facilities to serve the amended territory.

Except as discussed previously, SSU's application complies with Section 367.045, Florida Statutes, and other pertinent statutes and administrative rules. Pursuant to Rule 25-30.020, Florida Administrative Code, SSU submitted the correct filing fee. Pursuant to Rule 25-30.036(1)(d), Florida Administrative Code, SSU provided a warranty deed as evidence that it owns the land where its facilities are located.

Pursuant to Rule 25-30.036(1)(e), (f) and (i), Florida Administrative Code, SSU gave us system maps and an adequate description of its service territory. Pursuant to Section 367.045(2)(d), Florida Statutes, SSU submitted an affidavit consistent with its tariffs and annual reports previously filed with the Commission.

Pursuant to Rule 25-30.030, Florida Administrative Code, SSU complied with the noticing provisions. Except for Weeki Wachee's objection, we have not received any other objection to SSU's amendment application, and the objection period has expired.

SSU provides good water and wastewater service. SSU possesses the managerial skills and financial resources to adequately service its amended service areas. SSU's application will not affect its financial status because it already serves portions of the amended service areas. SSU has no outstanding violations with the Department of Environmental Protection. SSU filed revised tariff sheets incorporating the additional territory into its tariff and submitted Certificates Nos. 46-W and 47-S reflecting the additional territory. Based on the foregoing, we find it appropriate to amend Certificates Nos. 46-W and 47-S in Hernando County.

RATES AND CHARGES

SSU's last approved water and wastewater rates for Hernando County became effective December 12, 1993, pursuant to an index and pass-through adjustment. SSU's amendment will not have any significant impact on its existing rates and charges since they will remain unchanged. SSU shall charge the customers in the territory added herein these rates and charges until authorized to change. Since this docket requires no further action, it shall be closed.

Based on the foregoing, it is, therefore,

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ORDERED by the Florida Public Service Commission that Certificates Nos. 46-W and 47-S, held by Southern States Utilities, Inc., 1000 Color Place, Apopka, Florida 32703, are hereby amended to reflect the territory described in the attachment of this Order, which by reference is incorporated herein. It is further

ORDERED that Southern States Utilities, Inc., shall charge the customers in the territory added herein the rates and charges contained in Southern States Utilities, Inc.'s Hernando County tariff, which has been filed with the Commission. It is further

ORDERED that this docket is hereby closed.

By ORDER of the Florida Public Service Commission, this 27th day of September, 1994.

BLANCA S. BAYO, Director
Division of Records and Reporting

by: Kay Flynn
Chief, Bureau of Records

(S E A L)

ELS

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.

WATER TERRITORY

TOWNSHIP 22 SOUTH, RANGE 17 EAST, HERNANDO COUNTY, FLORIDA.

Section 36

All that portion of the Southeast 1/4 of said Section 36,
lying Southeast of the right-of-way of State Road 50.

TOWNSHIP 23 SOUTH, RANGE 17 EAST, HERNANDO COUNTY, FLORIDA.

Section 1

All of said Section 1, less and except that portion,
lying Northwest of the right-of-way of State Road 50.

Section 2

All that portion of the South 1/4 of said Section 2,
lying East of the right-of-way of State Road 50.

Sections 11, 12 and 13

All of said Sections 11, 12 and 13.

Section 14

The East 1/2 of said Section 14

and

the Southeast 1/4 of the Northwest 1/4 of said Section 14

and

the Southwest 1/4 of said Section 14.

Section 15

The East 1,500 feet of the North 370 feet of the
Southeast 1/4 of said Section 15

and

the East 350 feet of the South 790 feet of the North
1,150 feet of the Southeast 1/4 of said Section 15.

Section 22

The Southeast 1/4 of the Southeast 1/4 of the Southeast
1/4 of said Section 22.

Sections 23, 24, 25, 26, 27, 28 and 29

All of said Sections 23, 24, 25, 26, 27, 28 and 29.

WATER TERRITORY

Section 30

The South 1/4 of said Section 30.

Sections 31

All of said Section 31; less and except that portion of the South 1/4, lying West of U.S. 19.

Sections 32, 33, 34, 35 and 36

All of said Sections 32, 33, 34, 35 and 36.

TOWNSHIP 22 SOUTH, RANGE 13 EAST, HERNANDO COUNTY, FLORIDA.

Section 33

All of that portion of said Section 33, lying West of the Florida Power Corporation easement less and except the South 3/4 of the West 340 feet.

AND

Less and except the North 595 feet of the East 1,050 feet, more or less, of the Northwest 1/4 of said Section 33

AND

Less and except the North 595 feet of the East 1/2 of said Section 33

AND

less and except the North 1/4 of the West 1,650 feet more or less, of said Section 33.

WATER TERRITORY

TOWNSHIP 23 SOUTH, RANGE 18 EAST, HERNANDO COUNTY, FLORIDA.

Section 4

All that portion of said Section 4, lying West of the Florida Power Corporation Easement.

Section 5

The South 3/4 of said Section 5.

Section 6

The South 3/4 of said Section 6.

Sections 7 and 8

All of said Sections 7 and 8.

Section 9

All that portion of said Section 9, lying West of the Florida Power Corporation Easement.

Section 15

The South 1/2 of said Section 15; less and except the East 1,340 feet.

Section 16

The South 1/4 of said Section 16.

Section 17

All of said Section 17, less and except that portion of the Northeast 1/4, lying East of the Florida Power Corporation Easement.

Sections 18, 19, 20 and 21

All of said Sections 18, 19, 20 and 21.

Section 22

All of said Section 22, less and except the East 1,360 feet.

Section 27, 28, 29, 30, 31, 32, 33 and 34

All of said Sections 27, 28, 29, 30, 31, 32, 33 and 34.

WASTEWATER TERRITORY

TOWNSHIP 23 SOUTH, RANGE 17 EAST, HERNANDO COUNTY, FLORIDA.

Section 1

All that portion of the South 1/2 of the Northwest 1/4 of the Southwest 1/4 of said Section 1, lying West of the right-of-way of Deltona Boulevard and East of the right-of-way of Freeport Drive

AND

All that portion of the North 1/2 of the Southwest 1/4 of the Southwest 1/4 of said Section 1, lying West of the right-of-way of Deltona Boulevard and East of the right-of-way of Freeport Drive.

Section 2

All that portion of the West 2,370 feet, more or less, of the South 1/4 of said Section 2, lying East of the right-of-way of U.S. 19

AND

All that portion of the South 1/4 of said Section 2, lying South of a line running parallel to, and 200 feet North of the Centerline of Northcliff Boulevard.

Section 11

All that portion of said Section 11, lying South of a line running parallel to and 200 feet North, of the Centerline of Northcliff Boulevard said portion also lying above the water's edge and North and East of Lake Century and Lake Crescent.

Section 12

All that portion of said Section 12, lying South of a line running parallel to, and 180 feet North, of the Centerline of Northcliff Boulevard.

Section 13

The West 1/4 of said Section 13.

WASTEWATER TERRITORY

Section 14

The East 1/2 of said Section 14, less and except the West 700 feet of the South 1,900 feet

AND

The South 1/2 of the Southeast 1/4 of the Northwest 1/4 of said Section 14.

Section 15

The East 1,500 feet of the North 370 feet of the Southeast 1/4 of said Section 15

AND

The East 350 feet of the South 790 feet of the North 1,150 feet of the Southeast 1/4 of said Section 15.

Section 26

All that portion of the West 500 feet of the North 1,600 feet of the South 1/2 of said Section 26, lying South of the right-of-way of Spring Hill Drive and lying above the water's edge and West of Galgallo Waterway (a body of water connecting Greenbrier Lake and Autumn Lake).

Section 27

All that portion of the South 1/2 of said Section 27, lying above the water's edge and North of Galgallo Waterway and Greenbrier Lake, less and except that portion of the East 1,300 feet lying North of the right-of-way of Spring Hill Drive and East of a line running parallel to and 150 feet West of, the Centerline of Deltona Boulevard

AND

The West 3/4 of the North 1/2 of said Section 27.

Section 28

The East 1/2 of the Northeast 1/4 of said Section 28

AND

The South 1/2 of said Section 28

AND

WASTEWATER TERRITORY

The West 860 feet, more or less, of the South 500 feet of the Northwest 1/4 of said Section 28.

Section 29

All that portion of said Section 29, lying South of a line running parallel to, and 350 feet North of the centerline of Spring Hill Drive, and East of the right-of-way of U.S. 19

AND

All that portion of said Section 29, lying East of a line running parallel to and 440 feet West of the centerline of U.S. 19 and South of a line running parallel to and 400 feet South of the right-of-way of S.R. 595.

Section 30

All that portion of the Southeast 1/4 of said Section 30, lying East of a line running parallel to, and 440 feet West of the centerline of U.S. 19.

Section 31

All that portion of the North 1/2 of said Section 31, lying East of a line running parallel to, and 900 feet West of the centerline of U.S. 19

AND

All that portion of the South 1/2 of said Section 31, lying East of a line running parallel to, and 600 feet West of the centerline of U.S. 19.

Section 32

All that portion of the Northeast 1/4 of said Section 32 lying above the water's edge and North of Hunters Lake

AND

All that portion of the West 1/2 of said Section 32, lying above the water's edge and West of Hunters Lake, Planter Lake and Barnell Waterway (a body of water connecting Hunters Lake and Planter Lake).

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ATTACHMENT B

WASTEWATER TERRITORY

Section 33

All that portion of the Northwest 1/4 of said Section 33, lying above the water's edge and North of Hunters Lake and Sunbird Waterway

AND

The Northeast 1/4 of said Section 33.

Section 34

The West 2,050 feet of the Northwest 1/4 of said Section 34.

TOWNSHIP 23 SOUTH, RANGE 18 EAST, HERNANDO COUNTY, FLORIDA.

Section 4

The South 1/2 of the Southwest 1/4 of said Section 4

AND

The West 1/2 of the Northwest 1/4 of the Southwest 1/4 of said Section 4

AND

The South 1/2 of the Southeast 1/4 of the Northwest 1/4 of the Southwest 1/4 of said Section 4

AND

The South 200 feet of the West 1/4 of the Northeast 1/4 of the Southwest 1/4 of said Section 4

AND

The South 60 feet of the East 3/4 of the Northeast 1/4 of the Southwest 1/4 of said Section 4.

Section 5

All that portion of the East 1/2 of the Southeast 1/4 of said Section 5, lying East of a line running parallel to, and 350 feet West of the centerline of Mariner Boulevard.

WASTEWATER TERRITORY

Section 7

All that portion of the South 1/4 of said Section 7 lying West of a line running parallel to, and 500 feet East of the Centerline of Mariner Boulevard, less and except the East 500 feet.

Section 8

All that portion of the Northeast 1/4 of said Section 8 lying East of a line running parallel to, and 300 feet West of the centerline of Mariner Boulevard and North of the right-of-way of Norvell Road.

Section 9

All that portion of the Northwest 1/4 of said Section 9 lying West of the Florida Power Corporation easement.

Section 18

The Northwest 1/4 of said Section 18

AND

The North 800 feet of the Southwest 1/4 of said Section 18

AND

All that portion of the South 1/2 of said Section 18 lying East of a line running parallel to and 160 feet West of the centerline of Mariner Boulevard and West of a line running parallel to and 1,060 feet East of the centerline of Mariner Boulevard

AND

All that portion of the South 1/2 of the Northeast 1/4 of said Section 18, lying West of a line running parallel to, and 1,060 feet East of the centerline of Mariner Boulevard

AND

All that portion of the North 1/2 of the Northeast 1/4 of said Section 18, lying West of a line running parallel to and 600 feet East of the Centerline of Mariner Boulevard.

Section 19

WASTEWATER TERRITORY

All that portion of the North 3/4 of said Section 19, lying East of a line running parallel to and 150 feet West of the Centerline of Mariner Boulevard and West of a line running parallel to and 1,000 feet East of the Centerline of Mariner Boulevard

AND

All that portion of the South 1/4 of said Section 19, lying East of a line running parallel to and 400 feet West of the centerline of Mariner Boulevard and West of a line running parallel to and 1,000 feet East of the centerline of Mariner Boulevard.

Section 30

The North 1/2 of the Northeast 1/4 of said Section 30, less and except the North 200 feet of the West 400 feet and less and except the East 400 feet of the South 500 feet and less and except the West 300 feet of the South 300 feet

AND

All that portion of the South 1/2 of the Northeast 1/4 of said Section 30, lying East of a line running parallel to and 150 feet West of the centerline of Mariner Boulevard, and West of a line running parallel to and 180 feet East of the centerline of Mariner Boulevard

AND

All that portion of the Northwest 1/4 of said Section 30, lying East of the centerline of Linden Drive also, lying South of a line running parallel to and 400 feet North of the centerline of Spring Hill Drive and North of a line running parallel to and 240 feet South of the centerline of Spring Hill Drive

AND

The South 1/2 of said Section 30.

Section 31

All of said Section 31.

Section 32

The West 3/4 of the North 1/2 of the Northwest 1/4 of said Section 32. - 13 -