

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for ) DOCKET NO. 940132-WU  
amendment of Certificate No. ) ORDER NO. PSC-94-1506-S-WU  
512-W for additional territory ) ISSUED: December 8, 1994  
in Lake County by LAKE HILLS )  
UTILITIES, INC. )  
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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 APPROVING STIPULATION

BY THE COMMISSION:

Lake Hills Utilities, Inc. (Lake Hills or Utility) is a Class C water utility in Lake County. On February 3, 1994, Lake Hills filed for an amendment of its service territory in order to provide water service to a developer project, pursuant to Section 367.071, Florida Statutes. On February 24, 1994, the City of Clermont (City) timely filed a written objection to Lake Hills application. The City's objection stated that the proposed territory to be amended lies within the City's adopted service territory. The City wants to provide the developer wastewater service.

On October 12, 1994, Lake Hills and the City filed a Motion to Approve Stipulation, accompanied with the Stipulation. The Stipulation states that if the City installs a wastewater collection system in the proposed area by June 28, 1995, the utility will withdraw its application to amend its certificate. If the system is not installed by the above date, then the utility shall revive its application with the Commission without an objection from the City.

The purpose of this requested territory expansion by Lake Hills is to provide water service to a developer's project. Lake Hills has an existing transmission main running along side the project. Mak Development Company (the developer) has also been negotiating with the City of Clermont to provide wastewater service to the property, rather than install septic tanks.

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Our staff contacted the utility and learned that Lake Hills will provide water service to the development whether or not the City can provide wastewater service. If the City does provide wastewater service, Lake Hills may provide bulk water service via the City. If the City does not provide wastewater service, Lake Hills may provide individually metered water service to the development. In either case, Lake Hills is willing to defer its application for territory for nine months to allow the City and the developer time to resolve the provision of wastewater service. Overall platting for the development will change dependent on whether it has septic tanks or wastewater service. Therefore, the developer can not install any lines until that issue is resolved. Since there are presently no customers in the requested territory, no harm exists with the nine-month delay. Therefore, the Stipulation is hereby approved.

This docket shall remain open to monitor whether the City has installed the wastewater collection system by June 28, 1995. If the City installs the wastewater collection lines, then the docket shall be closed administratively. If the City has not installed a wastewater collection system by June 28, 1995, the docket shall remain open until the Commission processes the Lake Hills amendment application.

Based on the foregoing, it is, therefore,

ORDERED by the Florida Public Service Commission that the Stipulation filed by Lake Hills Utilities, Inc. and the City of Clermont shall be approved. It is further

ORDERED that this Docket shall remain open.

By ORDER of the Florida Public Service Commission, this 8th day of December, 1994.

  
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BLANCA S. BAYÓ, Director  
Division of Records and Reporting

( S E A L )

MSN

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 this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.038(2), Florida Administrative Code, if issued by a Prehearing Officer; (2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or (3) 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 wastewater utility. A motion for reconsideration shall be filed with the Director, Division of Records and Reporting, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.