

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for) DOCKET NO. 960380-WS
amendment of Certificates Nos.) ORDER NO. PSC-96-0958-FOF-WS
511-W and 467-S in Marion County) ISSUED: July 24, 1996
by Spruce Creek South Utilities,)
Inc.)
_____)

ORDER AMENDING CERTIFICATES TO INCLUDE
ADDITIONAL TERRITORY AND CLOSING DOCKET

BY THE COMMISSION:

On March 26, 1996, Spruce Creek South Utilities, Inc. (Spruce Creek or Utility) filed an application with this Commission to amend Certificate Nos. 511-W and 467-S to include additional territory in Marion County, Florida. The application is in compliance with Section 367.045, Florida Statutes, and other pertinent statutes and provisions of the Florida Administrative Code. In particular, the application contains a filing fee in the amount of \$2,000.00, as prescribed by Rule 25-30.020, Florida Administrative Code. In addition, Spruce Creek provided evidence of an agreement, in the form of a 99 year lease, which provides for the continued use of the land upon which its facilities are located, as required by Rule 25-30.036, Florida Administrative Code.

Adequate service territory and system maps and a territory description have been provided, as prescribed by Rule 25-30.036, Florida Administrative Code. The additional territory which Spruce Creek is requesting to serve in Marion County is described as:

That portion of Section 4, Township 17 South, Range 20 East, Marion County, Florida, lying East of State Road No. 200, Except the east 50 feet thereof;

and

That portion of Section 9, Township 17 South, Range 20 East, Marion County, Florida, lying East of State Road No. 200, less and except the east 50 feet of the North 1,520 feet thereof;

and

The Northeast 1/4 of the Northeast 1/4 and Northeast 1/4 of the Northwest 1/4 of Section 16, Township 17 South, Range 20 East, Marion County, Florida, less and except that portion conveyed in the right-of-way deeds recorded in Official Records Book 1273 at Page 1293 and Official Records Book 798 at Page 32 of the Public Records of Marion County, Florida.

DOCUMENT NUMBER-DATE

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Containing 416.01 acres, more or less.

Spruce Creek has provided proof of compliance with the noticing requirements of Rule 25-30.030, Florida Administrative Code. No objections to the notice of application have been received and the time for filing such has expired.

Since Spruce Creek has been in operation under our jurisdiction since March 24, 1989, and has been providing satisfactory service to its customers, we believe that the Utility has demonstrated its ability to provide service to the additional territory. From the information filed with the application, it appears that Spruce Creek has the financial ability to serve the requested area. Therefore, we find that it is in the public interest to amend Certificate Nos. 511-W and 467-S to include the territory described in the body of this Order. Spruce Creek has returned the Certificates to this Commission for entry reflecting the additional territory. The Utility has also filed revised tariff sheets reflecting the amendment.

Spruce Creek's existing rates and charges became effective on March 24, 1989, pursuant to Order No. 20933. Spruce Creek shall charge the customers in the territory added herein the rates and charges approved in its tariff until authorized to change by this Commission in a subsequent proceeding.

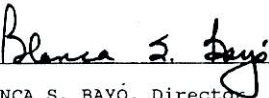
It is, therefore,

ORDERED by the Florida Public Service Commission that Certificates Nos. 511-W and 467-S, held by Spruce Creek South Utilities, Inc., are hereby amended to include the territory described in the body of this Order. It is further

ORDERED that Spruce Creek shall charge the customers in the territory added herein the rates and charges approved in its tariff until authorized to change by this Commission. It is further

ORDERED that Docket No. 960380-WS is hereby closed.

By ORDER of the Florida Public Service Commission, this 24th day of July, 1996.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

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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, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, 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 and/or wastewater 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.