

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Application for amendment of Certificates 387-W and 331-S to add territory in Martin County by Indiantown Company, Inc.	DOCKET NO. 040497-WS ORDER NO. PSC-04-0967-FOF-WS ISSUED: October 5, 2004
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The following Commissioners participated in the disposition of this matter:

BRAULIO L. BAEZ, Chairman
J. TERRY DEASON
RUDOLPH "RUDY" BRADLEY
CHARLES M. DAVIDSON

ORDER AMENDING CERTIFICATE NOS. 387-W AND 331-S
TO INCLUDE ADDITIONAL TERRITORY IN MARTIN COUNTY

BY THE COMMISSION:

Indiantown Company, Inc. (Indiantown) is a Class B water and wastewater utility company serving 1779 metered water customers and 1707 wastewater customers in Martin County. The 2003 annual report on file with this Commission lists operating revenues of \$1,503,831, with a net operating loss of \$262,675. The utility's service area lies in the South Florida Water Management District and is in a critical water supply problem area.

Indiantown filed an application on May 25, 2004, to amend its water and wastewater certificates, pursuant to Section 367.045, Florida Statutes, and Rule 25-30.036, Florida Administrative Code. Martin County protested the notice given. Indiantown discussed the protest with the county, provided a second notice, and amended its application on July 8, 2004. Martin County did not protest the territory that was renoticed. The application is in compliance with the governing statute, Section 367.045, Florida Statutes, and other pertinent statutes and administrative rules concerning an application for amendment of certificate.

Adequate service territory maps and a territory description have been provided as prescribed by Rule 25-30.036(3)(e) and (i), Florida Administrative Code. The utility has received inquiries for service in the territory requested, and development is expected to be single family and multi-family dwellings. There are no outstanding notices of violation or consent orders with the Department of Environmental Protection. Future construction of facilities that may be necessary, depending upon development density, will be funded approximately 75 percent by developers and 25 percent by Indiantown. A description of the territory is appended to this Order as Attachment A.

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FPSC-COMMISSION CLERK

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The application contained proof of compliance with the noticing provisions set forth in Rule 25-30.030, Florida Administrative Code. One objection was filed by Martin County, and after discussion with the utility and Commission staff, the utility renoticed the territory, modifying the original notice to include Primary Urban Service District parcels, and to exclude territory in the Secondary Urban Service District. Martin County did not protest the territory that was renoticed. The Department of Community Affairs (DCA) has identified no growth management concerns with the proposed expansion of the utility.

Indiantown has been serving the local community for over 50 years. The owner of the company also owns the telephone, refuse, and related companies, as well as the local bank. We are satisfied that the utility company is sufficiently embedded so as to have the financial and technical ability to provide service to the area requested.

Rule 25-30.036(3)(d), Florida Administrative Code, requires the utility to own the land where the treatment facilities are located, or to have an agreement, such as a long term lease, to have continuous access to the land. Although Indiantown has been providing service for more than 50 years, the land ownership is not clear. As a result, Indiantown is required, within sixty days from the date of this Order, to provide proof of compliance with this rule for the water and wastewater facilities.

Based upon the above information, we find that it is in the public interest that the utility's application be granted and the land area described in Attachment A be added to the water and wastewater certificated territory of Indiantown. Indiantown shall charge the customers in the territory added herein the rates and charges contained in its tariffs until authorized to change by this Commission in a subsequent proceeding. Indiantown shall provide proof of compliance with Rule 25-30.036(3)(d), Florida Administrative Code, within sixty days of the date of this Order.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Indiantown Company, Inc.'s Application for Amendment of Certificate Nos. 387-W and 331-S is hereby granted. It is further

ORDERED that Attachment A to this Order is incorporated herein by reference. It is further

ORDERED that Indiantown Company, Inc. shall charge the customers in the territory added herein the rates and charges contained in its tariffs until authorized to change by this Commission in a subsequent proceeding. It is further

ORDERED that Indiantown Company, Inc. shall provide proof of compliance with Rule 25-30.036(3)(d), Florida Administrative Code, within sixty days of the date of this Order. It is further

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ORDERED that this docket shall remain open pending receipt of the utility's proof of compliance with Rule 25-30.036(3)(d), Florida Administrative Code. Once this information is provided and it is satisfactory to Commission staff, this docket can be closed administratively.

By ORDER of the Florida Public Service Commission this 5th day of October, 2004.



BLANCA S. BAYO, Director
Division of the Commission Clerk
and Administrative Services

(S E A L)

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), 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 the Commission Clerk and Administrative Services, 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 the Commission Clerk and Administrative Services 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.

AMENDMENT TO WATER AND WASTEWATER SERVICE TERRITORY FOR
INDIANTOWN COMPANY, INC. IN MARTIN COUNTY

Parcel 1

In Section 26, Township 39 South, Range 38 East, commence at the Northwest corner of said Section 26, thence south along the west line of said Section 26 to the intersection with the westerly projection of the north line of Tract 56, Block B according to the Plat of Indiantown Farms as recorded in Plat Book 1, page 80 Public Records, Martin County, Florida, and the Point of Beginning; thence east along the north line of Tracts 56 and 11 and the easterly projection thereof to the east line of the west one-half of said Section 26; thence south along said east line to the intersection with the easterly projection of the south line of said Tract 11; thence west along the south lines of said Tracts 11 and 56 and the westerly projections thence to the west line of the aforesaid Section 26; thence north along said west line to the Point of Beginning.

Parcel 2

Begin at the Northwest corner of Section 31, Township 39 South, Range 39 East, in the centerline of County Road 609 (SW Allapattah Road); thence east along the north line of said Section 31 to the northeast corner of said Section 31; thence south along the east line of said Section 31 to the intersection with the south line of the North half of the South half of said Section 31; thence west along said south line to the intersection with the west line of said Section 31 and the centerline of said County Road 609; thence north along said west line and centerline to the Northwest corner of said Section 31 and the Point of Beginning.

Parcel 3

Begin at the Northeast corner of Section 32, Township 39 South, Range 39 East; thence south along the east line of said Section 32 a distance of 1656 feet; thence northwest to the intersection with the north line of said Section 32 at a point 1880 feet west of the Northeast corner of said Section 32; thence east along said north line to the Northeast corner of said Section 32 and the Point of Beginning.

Parcel 4

Begin at the Southwest corner of Section 32, Township 39 South, Range 39 East; thence north along the west line of said Section 32 to the intersection with the north line of the Southwest one quarter (SW 1/4) of said Section 32; thence east along said north line to the intersection with the east line of said Southwest one quarter (SW 1/4) of Section 32; thence south along said east line

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ATTACHMENT A
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to the intersection with the south line of said Section 32; thence west along said south line to the Southwest corner of said Section 32 and the Point of Beginning.

Parcel 5

Being a parcel of land lying in Sections 8 and 9, Township 40 South, Range 39 East, Martin County, Florida, being more particularly described as follows:

Being bounded on the northwest by the southerly right-of-way line of State Road 76 and being bounded on the northeast and southeast by the westerly and northwesterly right-of-way line of SW Indiantown Avenue and being bounded on the southwest by the easterly right of way line of State Road 710.