

## BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request by PALM COAST UTILITY	)	DOCKET NO. 891201-WS
CORPORATION for approval to delete	)	ORDER NO. 22296
territory from Certificates Nos. 344-W	)	ISSUED: 12-11-89
and 302-S in Flagler County.	)	
	)	

The following Commissioners participated in the disposition of this matter:

MICHAEL McK. WILSON, CHAIRMAN  
 THOMAS M. BEARD  
 BETTY EASLEY  
 JOHN T. HERNDON

ORDER APPROVING DELETION OF TERRITORY

BY THE COMMISSION:

Palm Coast Utility Corporation (Palm Coast or utility) is a Class "A" water and sewer utility serving approximately five thousand (5,000) customers in Flagler County. The utility is a wholly-owned subsidiary of ITT Corporation.

On October 17, 1989, Palm Coast filed an application to delete a portion of its water and sewer certificated territory. Specifically, the utility requested that a two thousand (2,000) acre parcel of land known as the Hammock Dunes Development District (District) in Flagler County be deleted from its certificated territory. The District is an independent taxing district which was established in October, 1985 pursuant to Chapter 190, Florida Statutes. The District provides the major infrastructure services, including water and sewer treatment services, to its residents.

We previously decided, through Order No. 18503, issued December 7, 1987, that the District is not subject to our jurisdiction. By Order No. 21606, issued July 26, 1989, we approved a developer agreement between Palm Coast and the District, the terms of which provided that upon our approval of such agreement, the utility would apply to the Commission to

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delete the District from the utility's certificated territory. Thus, the utility's application is consistent with our previous decisions recognizing the District's status as a nonregulated entity. Additionally, our review of the utility's application and related documents shows that the utility has satisfied all statutory filing and noticing requirements for the deletion of service territory. Finally, no objections to the utility's notice were filed with the Commission and the time for filing such objections has expired.

Upon due consideration of the foregoing, we find that Palm Coast Utility Corporation's request to delete the Hammock Dunes Community Development District from its current water and sewer certificates is in the public interest and is hereby approved. The legal description of the deleted territory is as shown on Attachment I hereto which is incorporated herein by reference.

It is, therefore,

ORDERED by the Florida Public Service Commission that Palm Coast Utility Corporation's application to delete a portion of its water and sewer certificated territory is hereby approved as shown in the body to this Order. It is further

ORDERED that the territory described in Attachment I hereto is hereby deleted from Palm Coast Utility Corporation's Certificates Nos. 344-W and 302-S. It is further

ORDERED that Palm Coast Utility Corporation shall timely return its Certificates Nos. 344-W and 302-S to the Commission for proper entry. It is further

ORDERED that this docket shall be closed.

By ORDER of the Florida Public Service Commission  
this 11th day of DECEMBER, 1989.

  
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STEVE TRIBBLE, Director  
Division of Records and Reporting

( S E A L )

JRF

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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 Appellate 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 1

A parcel of land lying within Township 10 South, Range 31 East, Sections 20, 21, 28, 29, 33 and 40, and Township 11 South, Range 31 East, Sections 3, 4, 9, 10, 15, 22, 23, 37 and 38. East of the Intracoastal Waterway; and

A portion of Township 11 South, Range 31 East, Sections 38 and 46. West of the Intracoastal Waterway.