

ORIGINAL
FILE COPY

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In the matter of Ortega Utility)
Company Notice of Application)
for an Extension of Service Area)
dated April 28, 1997.)
)
)
)
)

Docket No. 970523-WS

**MOTION FOR LEAVE TO FILE
RESPONSE OUT OF TIME**

The City of Jacksonville respectfully requests leave to file the attached response and request for hearing regarding Ortega Utility Company's Notice of Application for extension of Water and Wastewater service Area, a copy of which is also attached hereto. In support of this motion the City of Jacksonville states:

1. Ortega Utility Company's Notice dated April 28, 1997 was mailed to the Jacksonville City Council and received in time to be placed on the May 13 City Council agenda under miscellaneous correspondence. Seeing the Council agenda, the

Public Utilities Department drafted a timely response and faxed the draft response to a City attorney on May 19. The undersigned City attorney to whom the draft response was sent had just left for an extended vacation and was not made aware of the Notice and proposed response until late in the day on June 4.

2. Counsel is informed that the subject application was actually filed with the Florida Public Service Commission on or about May 2.

ACK _____
AFA _____
APP _____
CAF _____
CMU _____
CTR _____
EAG _____
LEG / _____
LIN _____
OPR _____
RCH _____
SEC _____
WAS _____
OTH _____

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FPSC-RECORDS/REPORTING


3. Counsel called the owner/operator of Ortega Utility Company on this date and was informed that Ortega Utility Company will oppose this motion.

4. The City of Jacksonville asserts that applicant Ortega Utility Company will suffer no prejudice if this motion is granted and a hearing is held by the Florida Public Service Commission to consider the merits.

WHEREFORE, the City of Jacksonville requests leave to file its response and request for hearing on the ground of excusable neglect.

Respectfully submitted,

FRED D. FRANKLIN, JR.
GENERAL COUNSEL



BRUCE PAGE
ASSISTANT GENERAL COUNSEL
Florida Bar No. 651389
220 East Bay Street-600 City Hall
Jacksonville, FL 32202
(904) 630-1837
ATTORNEYS FOR CITY OF
JACKSONVILLE

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy hereof has been furnished to Ortega Utility Company, 905 North Street, Jacksonville, Florida 32211, by U.S. mail, this 5th day of June, 1997.



Attorney



FRED D. FRANKLIN, JR.
GENERAL COUNSEL

BRUCE D. PAGE
ASSISTANT GENERAL COUNSEL

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(904) 630-1637

June 5, 1997

Blanco Bayo, Director
Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

**RE: Notice of Application for an Extension of Service Area
filed by Ortega Utility Company dated April 28, 1997
Re: Water Certificate No. 223-W and Wastewater Certificate No. 167-S**

Dear Director Bayo:

The City of Jacksonville objects to Ortega Utility Company's application to add territory to their service area. The City of Jacksonville specifically objects to the addition of Properties 2 and 3 described in the Ortega Utility Company Notice dated April 28, 1997. Property 1 is addressed in FPSC Order 18400 issued November 8, 1987 in Docket No. 861355-WS.

The City of Jacksonville also requests a hearing pursuant to §120.57, Fla. Stat.

Cordially,

BRUCE PAGE
Assistant General Counsel

BP:MRB

c: Ortega Utility Company

NOTICE OF APPLICATION FOR AN EXTENSION OF SERVICE AREA

LEGAL NOTICE

Notice is hereby given on APRIL 28, 1997, pursuant to Section 367.045, Florida Statutes, of the application of ORTEGA UTILITY COMPANY to amend its Water Certificate No. 223-W and Wastewater Certificate No. 167-S to ADD territory in DUVAL County, Florida as follows:

PROPERTY 1

PARCEL 1: A PORTION OF THE SOUTHEAST 1/4 OF SECTION 19 TOGETHER WITH A PORTION OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 30, TOWNSHIP 03 SOUTH, RANGE 26 EAST AS SHOWN ON THE PLAT OF JACKSONVILLE HEIGHTS, AS RECORDED IN PLAT BOOK 5, PAGE 93 OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE CORNER COMMON TO SECTIONS 19, 20, 29 AND 30, SAID TOWNSHIP AND RANGE; THENCE NORTH $03^{\circ} 51'35''$ EAST, ALONG THE EAST LINE OF SAID SOUTHEAST 1/4 OF SECTION 19, A DISTANCE OF 1337.11 FEET TO A POINT SITUATE IN THE SOUTHERLY TERMINUS OF SEABOARD AVENUE (A 60 FOOT RIGHT OF WAY AS NOW ESTABLISHED); THENCE SOUTH $89^{\circ}39'12''$ WEST ALONG THE SOUTH LINE OF BLOCK 4, EISENHOWER ACRES, AS RECORDED IN PLAT BOOK 22, PAGE 10 OF SAID PUBLIC RECORDS, 1320 FEET MORE OR LESS, TO THE CENTERLINE OF AN EXISTING CREEK; THENCE SOUTHEASTERLY AND SOUTHERLY ALONG SAID CENTERLINE AND FOLLOWING THE MEANDERINGS THEREOF, 3000 FEET, MORE OR LESS, THE SOUTH LINE OF SAID NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 30; THENCE ALONG THE SOUTH LINE OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 30; SOUTH $89^{\circ}25'14''$ EAST A DISTANCE OF 100 FEET, MORE OR LESS, TO THE SOUTHEAST CORNER OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4; THENCE ALONG THE EAST LINE OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 30 TO THE POINT OF BEGINNING, CONTAINING 29.32 ACRES, MORE OR LESS.

PROPERTY 2

PARCEL 1: A PORTION OF SECTION 29, TOWNSHIP 03 SOUTH, RANGE 26 EAST AS SHOWN ON THE PLAT OF JACKSONVILLE HEIGHTS, AS RECORDED IN PLAT BOOK 5, PAGE 93 OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE CORNER COMMON TO SECTIONS 19, 20, 29 AND 30, SAID TOWNSHIP AND RANGE; THENCE SOUTH $89^{\circ}28'42''$ EAST, ALONG THE NORTH LINE OF SAID SECTION 29, A DISTANCE OF 2642.33 FEET TO THE NORTHEAST CORNER OF SAID NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 29; THENCE SOUTH $00^{\circ}23'18''$ WEST, ALONG THE EAST LINE OF SAID NORTHEAST 1/4 OF THE NORTHWEST 1/4, A DISTANCE OF 1321.59 FEET TO THE SOUTHEAST CORNER THEREOF; THENCE SOUTH $89^{\circ}34'10''$ WEST, ALONG THE SOUTH LINE OF SAID NORTHEAST 1/4 OF THE NORTHWEST 1/4, A DISTANCE OF 2643.72 FEET TO THE SOUTHWEST CORNER OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 29, BEING THE WEST LINE OF SAID SECTION; THENCE ALONG THE WEST LINE OF SECTION 29 TO THE POINT OF BEGINNING, CONTAINING 78.68 ACRES, MORE OR LESS.

PARCEL 2: A PORTION OF TRACTS 7 AND 8, BLOCK 3, SECTION 20, TOWNSHIP 03 SOUTH, RANGE 26 EAST, AS SHOWN ON THE PLAT OF JACKSONVILLE HEIGHTS, AS RECORDED IN PLAT BOOK 5, PAGE 93 OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 20; THENCE NORTH 3°51'35" WEST, ALONG THE WEST LINE OF SAID SECTION 20, A DISTANCE OF 789.04 FEET; THENCE SOUTHEASTERLY ALONG THE WESTERLY RIGHT OF WAY LINE OF THE WESTERLY LINE OF THAT CERTAIN 40 FOOT RIGHT OF WAY RECORDED IN DEED BOOK 1691, PAGE 15 OF SAID CURRENT PUBLIC RECORDS, 861.43 FEET TO A POINT SITUATE IN THE SOUTH LINE OF SAID SECTION 20; THENCE NORTH 89°20'42" WEST, ALONG SAID SOUTH LINE OF SECTION 20, A DISTANCE OF 398.17 FEET TO THE POINT OF BEGINNING, CONTAINING 3.5 ACRES, MORE OR LESS.

PROPERTY 3

PARCEL 1: A PORTION OF SECTION 29, TOWNSHIP 03 SOUTH, RANGE 26 EAST LYING SOUTHEASTERLY OF THE ORTEGA RIVER, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT OF REFERENCE, COMMENCE AT THE CORNER OF SECTIONS 28, 29, 32 AND 33 OF SAID TOWNSHIP AND RANGE, THENCE NORTH 89°42'30" WEST ALONG THE SOUTH LINE OF SAID SECTION 29, 661.70 FEET TO THE POINT OF BEGINNING; THENCE ALONG SAID SOUTH LINE OF SECTION 29, NORTH 89°42'30" WEST TO THE HIGH WATER LINE OF THE ORTEGA RIVER (MCGIRTS CREEK) A DISTANCE OF 4594, MORE OR LESS, TO REFERENCE POINT "A"; RETURNING TO THE POINT OF BEGINNING, THENCE NORTH 00°10'00" EAST 1332.15 FEET; THENCE SOUTH 89°42'30" EAST 661.70 FEET; THENCE NORTH 00°18'00" EAST 444.05 FEET; THENCE NORTH 89°42'30" WEST 661.70 FEET TO THE EAST LINE OF SECTION 29; THENCE NORTH 00°18'00" EAST 222.02 FEET; THENCE SOUTH 89°42'30" EAST 661.70 FEET TO THE EAST LINE OF SECTION 29; THENCE ALONG SAID EAST LINE OF SECTION 29, NORTH 00°18'00" EAST, 3350 FEET, MORE OR LESS, TO THE HIGH WATER LINE OF THE ORTEGA RIVER (MCGIRTS CREEK); THENCE MEANDER TO THE SOUTHWEST ALONG THE HIGH WATER LINE OF THE ORTEGA RIVER (MCGIRTS CREEK) 6600 FEET, MORE OR LESS, TO REFERENCE POINT "A" AND TO CLOSE, CONTAINING 333 ACRES, MORE OR LESS.

Any objection to the said application must be made in writing within thirty (30) days from this date to the Director, Division of Records and Reporting, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850. A copy of said objection should be mailed to the applicant whose address is:

ORTEGA UTILITY COMPANY
905 NORTH STREET
JACKSONVILLE, FLORIDA 32211