

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application of Lake Hills)	DOCKET NO. 881473-WU
Utilities, Inc. for a water certificate)	ORDER NO. 20859
in Lake County.)	ISSUED: 3-7-89

The following Commissioners participated in the disposition of this matter:

MICHAEL MCK. WILSON, Chairman
 THOMAS M. BEARD
 BETTY EASLEY
 GERALD L. GUNTER
 JOHN T. HERNDON

ORDER GRANTING WATER CERTIFICATE

BY THE COMMISSION:

Background

On November 14, 1988, this Commission received an application from Lake Hills Utilities, Inc. (Lake Hills or Utility), for a certificate to provide water service to approximately 312 acres of land in Lake County to be developed by an affiliated corporation.

In its application, Lake Hills requested issuance of the certificates prior to the final determination of rates and charges. This request was made to enable the Utility to obtain construction permits required by the Department of Environmental Regulation (DER).

Application

The application is in compliance with Section 367.041, Florida Statutes, and Rule 25-30.035, Florida Administrative Code, concerning applications for certificates. In particular, the application contains:

1. A check in the amount of \$900.00, which, upon calculation, equates to the correct filing fee as prescribed by Section 367.141, Florida Statutes.
2. Adequate maps (territory and system) and proper territory description of the area proposed to be served as required by Rule 25-30.035(h)(1) and (i), Florida Administrative Code. Said territory to be served is described as being in Lake County and more particularly described in Attachment A attached hereto.
3. Proof of notice to all interested governmental and regulatory agencies, and all utilities within a four mile radius of the territory to be served, as well as proof of advertisement in a newspaper of general circulation in the county as prescribed in Rule 25-30.030, Florida Administrative Code. No objections have been filed and the time period for filing such has expired.
4. Evidence that the Utility owns the land on which the utility's facilities will be located as required by Rule 25-30.035(3)(f), Florida Administrative Code.

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5. Financial statements of the applicant and those providing the principal funding to the Utility.

Lake Hills' shareholders and directors own Sanlando Utilities Corporation. Sanlando is a regulated utility which has been providing water and sewer service to residents of Seminole County, Florida, for eighteen years. Further, a review of the balance sheet and other financial statements of the Greater Construction Corporation, the Utility's major financial backer, indicates that there are sufficient funds available to the Utility during the initial years of operation.

Based on the foregoing, we find that it is in the public interest to grant Lake Hills Water Certificate No. 512-W.

Rates and Charges

Lake Hills has provided sufficient information to determine rates and charges for the utility. After we have completed our analysis of the data submitted, appropriate rates and charges will be set for this Utility in a subsequent proceeding. The Utility cannot charge for water service prior to the final establishment of authorized rates and charges by this Commission.

It is, therefore,

ORDERED by the Florida Public Service Commission that Lake Hills Utilities, Inc., 1105 Kensington Park Drive, Altamonte Springs, Florida 32714, is hereby granted Water Certificate No. 512-W, to provide water service to the territory described in Exhibit A, is hereby granted. It is further

ORDERED that this docket shall remain open to establish rates and charges for the Utility.

By ORDER of the Florida Public Service Commission,
this 7th day of MARCH, 1989.

STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

ALC

by: Kay J. Lyon
Chief, Bureau of Records

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.

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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 A

LAKE HILLS UTILITIES, INC.

A tract of land being a portion of SECTION 27, TOWNSHIP 22 SOUTH, RANGE 26 EAST, Lake County, Florida, being more particularly described as follows: Commence at the Northeast corner of Section 27; thence North 88°48'21" West along the North Line of Section 27 for a distance of 1272.09 feet to the Point of Beginning; thence South 00°34'10" West along a line 34.15 feet East of and parallel to the West line of the Northeast 1/4 of the Northeast 1/4 of Section 27 a distance of 1154.16 feet, more or less to a point on the North right of way of State Road No. 50; thence West along the North right of way of State Road No. 50 for a distance of 600.03 feet; thence North 00°34'10" East along a line 565.85 feet West of and parallel to the West line of the Northeast 1/4 of the Northeast 1/4 of Section 27 for a distance of 1155.74 feet, more or less to a point on the North line of the Northeast 1/4 of Section 27; thence South 88°48'21" East along the North line of the Northeast 1/4 of Section 27, for a distance of 600.04 feet, more or less, to the Point of Beginning.

AND

SE 1/4 of NE 1/4 and the N 1/2 of the SE 1/4 of section 22, Township 22, Range 26, Lake County, Florida.

AND

SW 1/4 of NE 1/4 of Section 22, Township 22, Range 26, Lake County, Florida.

AND

All that part of the SW 1/4 of the SW 1/4 of the SE 1/4 of Section 15, Township 22 South, Range 26 East; and all that part of the N 1/2 of the NE 1/4 of Section 22, Township 22 South, Range 26 East lying South of the Right of Way of existing highway being also described as East Clermont Subdivision, according to plat thereof recorded in Plat Book 6, Page 73, Public Records of Lake County, Florida.

AND

SW 1/4 of SE 1/4 lying East of the existing Railroad Right of Way and the SE 1/4 of SE 1/4, all in Section 22, Township 22, Range 26, Lake County, Florida.