

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application of Steeplechase)	DOCKET NO. 890145-WS
Utility Company, Inc. for water and)	ORDER NO. 21063
sewer certificates in Marion County.)	ISSUED: 4-18-89

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 CERTIFICATE

BY THE COMMISSION:

Background

On January 24, 1989, Steeplechase Utility Company, Inc. (Steeplechase or Utility) filed an application with this Commission for certificates to provide water and sewer service in Marion County, Florida. In order to secure construction permits from the Department of Environmental Regulation (DER), Steeplechase has requested this Commission to issue the certificates prior to establishing initial rates. It has been the policy of this Commission to expedite the issuance of certificates in circumstances such as these.

Application

The application is in compliance with Section 367.041, Florida Statutes. In particular, the application contains:

1. A check in the amount of \$300 which, upon calculation, equates to the correct filing fee as prescribed by Section 367.141, Florida Statutes.
2. Adequate territory maps 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 Marion County and more particularly described in Attachment A attached hereto.
3. A ninety-nine year lease for the land on which the utility's facilities will be located as required by Rule 25-30.035(3)(f), Florida Administrative Code.
4. Financial statements of those providing the principal funding to the utility.

In order to establish initial rates and charges, additional cost data is required which will be furnished by Steeplechase. The Utility shall not charge for water and sewer service prior to this Commission's establishment and approval of appropriate rates and charges for the Utility.

Although Steeplechase provided proof of noticing pursuant to Rule 25-30.030, Florida Administrative Code, the Utility failed to file its application within 180 days of the notice as required by Rule 25-30.030(2)(c), Florida Administrative Code.

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The application was filed one month late. Steeplechase stated the delay was due to changes in development plans and utility management during the time period between the noticing and filing of the application.

On March 6, 1989, Steeplechase filed a Motion for Waiver of Rule 25-30.030(2)(c), Florida Administrative Code. We find that the Utility's delay in filing the application is not unreasonable. Further, since no protests were received to Steeplechase's original notice and since all interested parties were noticed and re-noticing would cause a hardship to the developer and the Utility due to the resultant delay in obtaining construction permits, we find it appropriate to approve Steeplechase's request for rule waiver.

Steeplechase Utility Company, Inc., a Florida corporation, is a developer-owned utility. The developer, the Shultz Corporation, is headquartered in Amarillo, Texas. We have reviewed the financial statements of the Shultz Corporation and find it has the financial ability to operate the Utility during the initial years of operation. Therefore, we find that it is in the public interest to grant Steeplechase Utility Company, Inc. Certificates Nos. 515-W and 447-S.

It is, therefore,

ORDERED by the Florida Public Service Commission that Certificates Nos. 515-W and 447-S are hereby granted to Steeplechase Utility Company, Inc., c/o The Shultz Corporation, Post Office Box 2768, Amarillo, Texas 79104. It is further

ORDERED that Steeplechase is authorized to provide water and sewer service to the territory described in Attachment A of this Order. It is further

ORDERED that Steeplechase shall not charge for service prior to the approval of appropriate rates and charges by this Commission. It is further

ORDERED that this docket shall remain open pending determination of the Utility's rates and charges.

By ORDER of the Florida Public Service Commission,
 this 18th day of APRIL, 1989.


 STEVE TRIBBLE, 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 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

LEGAL DESCRIPTION OF TERRITORY TO BE SERVED BY
STEEPLECHASE UTILITY COMPANY, INC.

A part of Sections 35 and 36, Township 17 South, Range 23 East,
Marion County, Florida described as follows:

Begin at Southeast corner of the Northeast 1/4 of the Southwest 1/4 of Section 36, Township 17 South, Range 23 East, Marion County, Florida, from said Point of Beginning run Westerly along the South line of the Northeast 1/4 of the Southwest 1/4 and the Westerly extension thereof to a point that is 400.00 feet Northeasterly of, by perpendicular measurement, the Northeasterly line of the Right of Way of U.S. Highway No. 441-27; thence Southwesterly along a line that is perpendicular to said Right of Way a distance of 400.00 feet to said Right of Way; thence Northwesterly along the Northeasterly line of the Right of Way of U.S. Highway No. 441-27 a distance of 2150.00 feet; thence Northeasterly along a line that is perpendicular to said Right of Way to intersect the South line of the North 1980 feet (120 rods) of the Northwest 1/4 of Section 36, Township 17 South, Range 23 East, Marion County, Florida; thence Easterly along the South line of the North 1980 feet (120 rods) of the Northwest 1/4 of said Section 36 to the East line of the Northwest 1/4 of said Section 36; thence Northerly along the East line of the Northwest 1/4 of said Section 36 a distance of 1500 feet; thence Easterly and parallel with the North line of the Northeast 1/4 of said Section 36, a distance of 400 feet; thence Southerly and parallel with the East line of the Northwest 1/4 of Section 36, a distance of 500 feet; thence Westerly and parallel with the North line of the Northeast 1/4 of Section 36, a distance of 300 feet; thence Southerly and parallel with the East line of the Northwest 1/4 of Section 36, a distance of 1100 feet; thence Westerly parallel with the North line of the Northeast 1/4 of said Section 36 a distance of 100 feet to the East line of the West 1/2 of said Section 36; thence Southerly along the East line of the West 1/2 of said Section 36 to the Point of Beginning.