

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application of Century Group,) DOCKET NO. 880994-SU
Inc. for a sewer certificate in Lee) ORDER NO. 21516
County.) ISSUED: 7-7-89
)

The following Commissioners participated in the disposition of this matter:

MICHAEL MCK. WILSON, Chairman
THOMAS M. BEARD
JOHN T. HERNDON

ORDER GRANTING CERTIFICATES

BY THE COMMISSION:

Background

A sewer utility has been in operation since the early 1980's providing service to Pine Island Cove Mobile Home Park (Pine Island). In 1985, Century Realty Funds, Inc. (CRF) purchased the remaining unsold lots of this mobile home subdivision, as well as all the common facilities. CRF then converted the lots it purchased to a rental mobile home park.

In Docket No. 870865-WS, initiated by a customer complaint, the Commission sought to determine the exempt or nonexempt status of Pine Island, as well as five other utilities owned by CRF. In Order No. 18727, issued January 25, 1988, the Commission found Pine Island to be nonexempt, and required CRF to apply for a sewer certificate for the utility. Century Group, Inc. (Century Group) has since split off from CRF and now owns the sewer plant serving Pine Island. On July 26, 1988, Century Group filed its application for a sewer certificate to provide sewer service to Pine Island.

Application

Century Group's application is in compliance with Section 367.041, Florida Statutes, and Rule 25-30.035, Florida Administrative Code. The application included adequate territory and system maps, and a legal description of the territory to be served, which is attached to this Order as Attachment "A". The service territory is fully developed at

DOCUMENT NUMBER-DATE

06642 JUL -7 1989

FPSC-RECORDS/REPORTING

DOCKET NO. 880994-SU
ORDER NO. 21516
PAGE 2

325 lots. Century Group has submitted the filing fee required by Section 367.141, Florida Statutes, and provided proof of ownership of the land upon which the sewer plant is located.

Noticing requirements have been met in accordance with Rule 25-30.030, Florida Administrative Code. No objections were received and the period for filing such objections has expired.

The Department of Environmental Regulation (DER) has informed our staff that DER is currently working with the utility to remedy a problem with the sewer plant's effluent disposal and treatment capacity.

A review of the financial condition of Century Group indicates that the company has the financial ability to continue operating the utility. The fact that Century Group (formerly CRF) operated the utility since 1985, and that DER and Commission staff will be working with the company on its plant capacity problem, indicates that the company has the ability to continue operating the utility. Upon consideration, we find that it is in the public interest to grant Century Group sewer Certificate No. 453-S.

Rates

Century Group presently charges the Pine Island lot renters a \$10.00 per month flat rate for sewer service. The utility does not charge for service availability, miscellaneous service, or customer deposits. We find the utility's rates to be reasonable, and hereby approve continuation of such rates.

Annual Report And Regulatory Assessment Fees for 1988

The sewer plant serving Pine Island has been in operation for several years without a certificate. As previously stated, in Order No. 18727, issued January 25, 1988, the Commission found this utility to be subject to Commission regulation and required it to file an application for a sewer certificate. In order to bring the utility into compliance with Chapter 367, Florida Statutes, and Commission rules, we find it appropriate to require Century Group to file a 1988 Annual Report and pay regulatory assessment fees for 1988 within 45 days from the date of this Order.

DOCKET NO. 880994-SU
ORDER NO. 21516
PAGE 3

Refund for Overpayment of Filing Fee

The capacity of the sewer system serving Pine Island is 652 persons. Accordingly, \$150 is the correct filing fee under Section 367.141(1), Florida Statutes. Century Group paid this fee with its initial application. On May 4, 1989, it sent another \$150 check. Therefore, we find it appropriate to refund to Century Group \$150, representing an overpayment of its filing fee.

Based upon the foregoing, it is therefore,

ORDERED by the Florida Public Service Commission that sewer Certificate No. 453-S is hereby granted to Century Group, Inc., 259 Bartow Air Base, Bldg. 121, Bartow, Florida 33830, to serve Pine Island Mobile Home Park, the territory of which is described in Attachment "A", appended to this Order. It is further

ORDERED that Century Group shall continue to charge the present rates for sewer service of \$10.00 per month for each rental mobile home lot, and no charge for service availability, miscellaneous service, or customer deposits. It is further

ORDERED that, within 45 days from the date of this Order, Century Group shall file a 1988 Annual Report and pay regulatory assessment fees for 1988. It is further

ORDERED that Century Group shall be refunded \$150, representing an overpayment of its filing fee. It is further

ORDERED that this docket shall be closed.

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


STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

DCS

DOCKET NO. 880994-SU
ORDER NO. 21516
PAGE 4

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.

ATTACHMENT "A"

DESCRIPTION FOR CENTURY GROUP, INC.

LEE COUNTY

SERVICE TERRITORY DESCRIPTION (PINE ISLAND COVE MOBILE HOME PARK)

Township 45 South, Range 22 East

In Sections 9 and 10

Flamingo Bay

Beginning at the Southeast corner of Section 10; run North 89°02'10" E for 728.13 feet; thence run N 00°26'09" W for 2037.07 feet; thence run N 50°20'26" E for 558.86 feet, thence run N 89°42'06" E for 653.51 feet to a point of curvature of a circular curve, concave to the Northeast and having a radius of 453.92 feet, an arc distance of 192.13 feet, and a cord bearing N 77°34'31" E for 190.70 feet; thence run N 65°27'02" E for 64.98 feet to a point of curvature of a circular curve, concave to the Southeast and having a radius of 25 feet, an arc distance of 39.28 feet, and a cord bearing S 69°32'36" E for 35.36 feet; thence run North 24°32'13" W for 380.00 feet, thence run S 65°27'02" W for 90.00 feet; thence run N 24°32'13" W for 60.00 feet; thence run S 65°27'02" W for 1300.00 feet; thence run S 24°32'58" E for 60.00 feet; thence run S 65°27'02" W for 1250.00 feet; thence run S 65°27'02" W for 416.50 feet; thence run S 24°32'58" E for 208.52 feet; thence run S 18°38'42" E for 1289.20 feet, thence run N 89°59'49" W for 221.19 feet; thence run S 00°00'11" W for 129.56 feet more or less; thence run S 89°59'49" E for 585.65 feet more or less to the point of beginning.