

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application of CHC 2, LTD.)
for water and sewer certificates in)
Marion County.)
_____)

DOCKET NO. 880935-WS
ORDER NO. 21827
ISSUED: 9-5-89

The following Commissioners participated in the disposition of this matter:

MICHAEL McK. WILSON, Chairman
THOMAS M. BEARD
JOHN T. HERNDON
GERALD L. GUNTER

ORDER GRANTING CERTIFICATES, REQUIRING
CHC 2, LTD. TO FILE 1988 ANNUAL REPORT AND
PAY REGULATORY ASSESSMENT FEES

BY THE COMMISSION:

Background

During an informal investigation, the Commission found several utilities which provide service to mobile home parks owned and operated by Century Realty Funds, Inc. (CRF) or its affiliates. The owners were advised that they were subject to the jurisdiction of the Commission and, therefore, would have to apply for certificates to operate the utility systems. At that time, CRF filed a request for a formal determination of the exempt status of the six mobile home parks. By Order No. 18727, issued in Docket No. 870865-WS on January 25, 1988, the Commission found the six mobile home parks to be jurisdictional because, in each case, service is provided for specific compensation.

One of the utilities, CHC 2, Ltd. (CHC 2 or Utility), a Florida Limited Partnership, has been providing service to 160 lots in the Saddlebrook Club Mobile Home Park since 1985. Upon determination by the Commission of CHC 2's non-exempt status, CHC 2 filed an application with this Commission on July 11, 1988, for water and sewer certificates to provide service in Marion County.

DOCUMENT NUMBER-DATE

03867 SEP-5 1989

FEE RECORDS/REPORTING

Although CHC 2 has been in violation of Section 367.031, Florida Statutes, which requires all utilities subject to the Commission's jurisdiction to possess a current certificate, CHC 2 filed its application upon learning it was subject to the Commission's jurisdiction. Therefore, we will not initiate show cause proceedings against CHC 2.

Application

The application is in compliance with Section 367.041, Florida Statutes, and Rule 25-30.035, Florida Administrative Code. CHC 2 has paid the proper filing fee and provided proof of ownership of the land upon which the treatment facilities are located. Adequate territory and system maps have been filed, and a territory description is attached (Attachment A.) Noticing requirements have been met in accordance with Rule 25-30.030, Florida Administrative Code, and no objections to the application have been filed with the Commission.

We have reviewed the financial statements of the Utility and find it to have adequate resources for the continued operation of the Utility. Further, the Department of Environmental Regulation (DER) advises that there are no outstanding citations or violations for this Utility. Based on the above, we find that it is in the public interest to grant CHC 2 Certificates Nos. 516-W and 448-S to provide service to the territory described in Attachment A.

Rates and Charges

The rates currently in effect for the Utility are as follows:

Water

Residential and General Service

0 - 5,000 Gallons	\$6.00 Minimum Charge
Over 5,000 Gallons	\$1.00 per 1,000 Gallons

Sewer

Residential and General Service

Flat rate per Month	\$8.00
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Customers are billed on a monthly basis. The Utility collects no customer deposit nor miscellaneous service charges. Tap-in fees of \$325, each for water and sewer service, are collected from new connections.

We find the above rates and charges to be reasonable and they are, therefore, approved. The Utility has submitted tariffs, which reflect these rates and charges.

Regulatory Assessment Fees

As stated previously, Order No. 18727, issued in Docket No. 870865-WS, found CHC 2 to be subject to the jurisdiction of this Commission and directed the Utility to file an application for certificates. Since this decision was made in 1988, we find it appropriate to require the Utility to file a 1988 Annual Report and pay regulatory assessment fees for that year. Therefore, CHC 2, Ltd. is directed to file its annual report and pay regulatory assessment fees within 45 days from the date of this Order. CHC 2 will be subject to a penalty if it fails to pay the required fee by the due date.

It is, therefore,

ORDERED by the Florida Public Service Commission that CHC 2, Ltd., 4935 Southfork Drive, Post Office Box 5252, Lakeland, Florida 33803, is hereby granted Certificates Nos. 516-W and 448-S to provide service in the territory described in Attachment A of this Order, which by this reference is incorporated herein. It is further

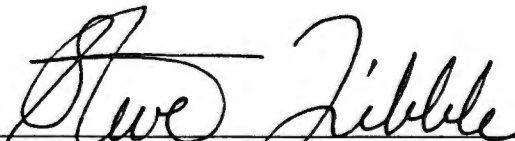
ORDERED that CHC 2, Ltd. shall charge the rates and charges set forth in the body of this Order. It is further

ORDERED that CHC 2, Ltd. shall file a 1988 Annual Report and pay 1988 regulatory assessment fees within 45 days of the date of this Order. It is further

ORDERED that Docket No. 880935-WS is hereby closed.

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By ORDER of the Florida Public Service Commission,
this 5th day of September, 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.

ATTACHMENT A

CHC2, LTD.
MARION COUNTY, FLORIDA
SERVICE TERRITORY DESCRIPTION

Township 16 South, Range 21 East, In Section 4

SADDLEBROOK CLUB MOBILE HOME PARK

PARCEL I (Phase 1)

Commence at the center of said Section 4, Township 16 South, Range 21 East, thence N. 89°56'18" E. along the South line of the NE $\frac{1}{4}$ of said Section 4, 503.09 feet; thence S. 41°33'45" W. 1165.33 feet; thence S. 48°26'15" E., 250.00 feet to a point intersecting the Northwesterly right of way line of State Road S-200 (100 foot right of way); thence S. 41°33'45" W. along said right of way line 60.00 feet for the Point of Beginning; thence N. 48°26'15" W. 250.00 feet; thence S. 41°33'45" W. 210.00 feet; thence S. 48°26'15" E. 20.00 feet; thence S. 41°33'45" W. 310.00 feet; thence S. 48°26'15" E. 230.00 feet to a point intersecting the Northerly right of way line of State Road S-200 (100 foot right of way); thence N. 41°33'45" E. along said right of way line 520.00 feet to the Point of Beginning.

PARCEL II (Wastewater Treatment Plant)

Commence at the center of said Section 4, thence N. 89°56'18" E. along the South line of the NE $\frac{1}{4}$ of said Section 4, 503.09 feet; thence S. 41°33'45" W. 415.33 feet for the Point of Beginning; thence continue S. 41°33'45" W. 250.00 feet; thence S. 48°26'15" E. 250.00 feet to a point intersecting the Northwesterly right of way line of State Road S-200 (100 foot right of way); thence N. 41°33'45" E. along said right of way line 250.00 feet; thence N. 48°26'15" W. 250.00 feet to the Point of Beginning. All being in Section 4, Township 16 South, Range 21 East.

PARCEL III (Phase 3)

Commence at the center of said Section 4, Township 16 South, Range 21 East; thence N. 89°56'18" E. along the South line of the NE $\frac{1}{4}$ of said Section 4, 503.09 feet; thence S. 41°33'45" W. 165.33 feet for the Point of Beginning; thence continue S. 41°33'45" W. 250.00 feet; thence S. 48°26'15" E. 250.00 feet to a point intersecting the Northwesterly right of way line of State Road S-200 (100 foot right of way); thence N. 41°33'45" E. along said right of way line 250.00 feet; thence N. 48°26'15" W. 250.00 feet to the Point of Beginning.

PARCEL IV (Phase 2)

Commence at the center of said Section 4, Township 16 South, Range 21 East; thence N. 89°56'18" E. along the South line of the NE $\frac{1}{4}$ of said Section 4, 503.09 feet for the Point of Beginning; thence S. 41°33'45" W. 165.33 feet; thence S. 48°26'15" E. 250.00 feet to a point intersecting the Northwesterly right of way line of State Road S-200 (100 foot right of way); thence N. 41°33'45" E. along said right of way line 387.48 feet to the aforesaid South line of the NE $\frac{1}{4}$ of Section 4; thence S. 89°56'18" W. along said South line 334.44 feet, more or less to the Point of Beginning.

Commence at the center of Section 4, Township 16 South, Range 21 East, Marion County, Florida, thence N. 89°56'18" E. along the South line of the NE $\frac{1}{4}$ of said Section 4, 503.09 feet, thence S. 41°33'45" W. 825.33 feet, thence N. 48°26'15" W. 790.00 feet for the Point of Beginning; thence continue N. 48°26'15" W. 4.44 feet to a point-of-curvature of a curve concave Southwesterly having a radius of 690.00 feet, a central angle of 16°48'43", a chord bearing of N. 56°50'36" W. and a chord distance of 201.74 feet; thence Northwesterly along said curve an arc distance of 202.46 feet; thence departing said curve N. 24°45'02" E. 100.00 feet to a point on a curve concave Southwesterly having a radius of 790.0 feet, a central angle of 16°48'43" a chord bearing of S. 56°50'36" E. and a chord distance of 230.97 feet; thence Southeasterly along said curve an arc distance of 231.80 feet to a point-of-tangency; thence S. 48°26'15" E. 4.44 feet; thence S. 41°33'45" W. 100.00 feet to the Point of Beginning.