

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application of General)
Development Utilities, Inc. for Amend-)
ment of Certificate No. 22-S in Brevard)
County.)
_____)
DOCKET NO. 891198-SU
ORDER NO. 22576
ISSUED: 2-19-90

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 AMENDMENT OF CERTIFICATE
AND CLOSING DOCKET

BY THE COMMISSION:

On October 16, 1989, General Development Utilities, Inc., (GDU or Utility) filed an application with this Commission to amend Certificate No. 22-S to allow its Port Malabar Division to serve additional territory in Brevard County. The application was filed pursuant to Section 367.041, Florida Statutes, since GDU may not be able to complete the installation the lines in the additional territory within one year, as required by Section 367.061.

The application is in compliance with Section 367.041, Florida Statutes, and other pertinent statutes and administrative Rules concerning applications for amendment of certificates. In particular, the notarized application contains:

1. A filing fee in the amount of \$150, as prescribed by Section 367.141, Florida Statutes.
2. Adequate territory description, pursuant to Rule 25-30.035(i), Florida Administrative Code. The territory to be served in Brevard County is described in Attachment A of this Order.

DOCUMENT NUMBER-DATE

01592 FEB 19 1990

REGISTRATION/REPORTING

3. Proof of notice as prescribed by Rule 25-30.030, Florida Administrative Code.
4. Evidence that the Utility owns the land upon which the Utility's facilities are located, as required by Rule 25-30.035(3)(f), Florida Administrative Code.

There have been no objections to the proposed amendment, and the time for filing such has expired.

GDU is wholly-owned by General Development Corporation. The Utility was issued Certificates Nos. 25-W and 22-S in Brevard County in 1971, when the Commission received jurisdiction in the County. Port Malabar serves approximately 10,917 water customers and approximately 5,677 sewer customers.

Upon review of the information submitted, we find that it is in the public interest to grant GDU's request for amendment of Certificate No. 22-S to serve the territory described in Attachment A of this Order. GDU shall charge the customers in the additional territory the rates and charges currently approved for the Port Malabar Division. Further, GDU is directed to file revised tariff sheets reflecting the additional territory.

It is, therefore,

ORDERED by the Florida Public Service Commission that the Certificate No. 22-S, held by General Development Utilities, Inc., 2601 South Bayshore Drive, Miami, Florida 33133-5461, is hereby amended to include the territory described in Attachment A of this Order. It is further

ORDERED that General Development Utilities, Inc. shall return Certificate No. 22 to this Commission within 20 days of the date of this Order for appropriate entry. It is further

ORDERED that General Development Utilities, Inc. shall charge the customers in the additional territory the rates and charges currently approved for its Port Malabar Division. It is further

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ORDERED that General Development Utilities, Inc. shall file revised tariff sheets reflecting the additional territory within 20 days of the date of this Order. It is further

ORDERED that Docket No. 891198-SU is hereby closed.

By ORDER of the Florida Public Service Commission,
this 19th day of FEBRUARY, 1990.



STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

ALC

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

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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

DESCRIPTION FOR GENERAL DEVELOPMENT UTILITIES, INC.

BREVARD COUNTY

SERVICE TERRITORY DESCRIPTION (PORT MALABAR DIVISION)

Township 28 South, Range 37 East

Section 30

Tract B, a Tract of land lying on the Northeast 1/4 of Land Section 30, fronting on Pepper Street and surrounded by Emerson Drive on the West, on the East by Pembroke Avenue and on the North by Narrangansett Street; Tract E, F, G, K, L and M, all fronting on Emerson Drive and lying on the South 1/2 of Land Section 30.