

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Objection to notice by ST.)	DOCKET NO. 890972-WS
JOHNS NORTH UTILITY CORPORATION of)	ORDER NO. 22942
intent to apply for amendment of)	ISSUED: 5-16-90
certificates Nos. 451-W and 396-S in)	
St. Johns County)	
)	

The following Commissioners participated in the disposition of this matter:

MICHAEL MCK. WILSON, Chairman
 BETTY EASLEY
 GERALD L. GUNTER

ORDER APPROVING SETTLEMENT

On July 18, 1989, St. Johns North Utility Corporation (St. Johns) served notice of its intent to apply for amendments to Certificates Nos. 475-W and 411-S in St. Johns County. Also on July 18, 1989, General Waterworks Corporation gave notice of its intent to transfer the assets and certificates of St. Johns to Jacksonville Suburban Utilities Corporation (JSUC).

On July 24, 1989, St. Joe Utilities Company (St. Joe) filed an objection to St. Johns' notice of intent to apply for amendments to its certificates. As a result of St. Joe's objection, this case was set for a hearing before the Division of Administrative Hearing (DOAH).

During the pendency of this proceeding, by Order No. 22342, issued December 26, 1989, we approved the transfer of the assets and certificates of St. Johns to JSUC. Also during this time, St. Joe and St. Johns/JSUC came to an agreement to settle their differences.

On January 11, 1990, St. Joe and St. Johns/JSUC filed a joint motion requesting that DOAH relinquish jurisdiction to this Commission. Also on January 11, 1990, St. Joe and St. Johns/JSUC filed the proposed stipulation and a request for approval of the proposed stipulation with this Commission. The proposed stipulation is appended hereto as Attachment 1. On March 5, 1990, DOAH returned jurisdiction over this matter to this Commission.

DOCUMENT NUMBER-DATE

04286 MAY 16 1990

FPC-RECORDS/REPORTING

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The essence of the proposed settlement is that St. Johns/JSUC shall act to have deleted from St. Johns' certificated service area any territory located in St. Joe's certificated service area, as described in Exhibit A to the stipulation, that may be added to St. Johns' service area as a result of its application to amend. St. Joe will accordingly withdraw its objection in this docket and shall not object to St. Johns or JSUC serving the territory described in Exhibit C for a period of three years beginning on the date that a final order disposing of the application is issued.

We believe that the proposed stipulation is a reasonable disposition of the parties' differences. It is, therefore, approved. This docket shall remain open, however, in order to process St. Johns' application.

Based upon the foregoing, it is

ORDERED by the Florida Public Service Commission that the proposed settlement between St. Joe Utilities Company and St. Johns North Utility Corporation/Jacksonville Suburban Utility Corporation is hereby approved. It is further

ORDERED that Docket No. 890972-WS shall remain open for the processing of St. Johns North Utility Corporation's application for amendment.

By ORDER of the Florida Public Service Commission
this 16th day of MAY, 1990.



STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

RJP

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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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STATE OF FLORIDA
 FLORIDA PUBLIC SERVICE COMMISSION

In re: Objection by)
 St. Joe Utilities Company)
 to notice by St. Johns)
 North Utility Corp. of)
 intent to apply for)
 amendment of Certificates)
 451-W and 396-S in)
 St. Johns County)

Docket No. 890972-WS

PROPOSED STIPULATION

ST. JOE UTILITIES COMPANY (St. Joe), ST. JOHNS NORTH UTILITY CORP. (St. Johns North), and JACKSONVILLE SUBURBAN UTILITIES CORPORATION (Jacksonville Suburban), by and through their undersigned counsel or other representative, enter into the following proposed stipulation:

1. It is the intention of the parties hereto that no territory located in the currently certificated service area of St. Joe shall be added to or included in the certificated service area of St. Johns North pursuant to the Application by St. Johns North for Amendment of Water and Sewer Certificates to Add Territory to a Utility's Certificated Service Area in St. Johns County, Florida, filed in Docket No. 890972-WS of the Florida Public Service Commission (the "Application").

2. The currently certificated service area of St. Joe is set forth on Exhibit "A" attached hereto and by this reference made a part hereof.

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3. The currently certificated service area of St. Johns North is set forth on Exhibit "B" attached hereto and by this reference made a part hereof.

4. In the Application, St. Johns North seeks to amend its certificated service area so as to add the territory described on Exhibit "C" attached hereto and by this reference made a part hereof.

5. St. Johns North and its successor in interest, Jacksonville Suburban, shall act to have deleted from the certificated service area of St. Johns North any territory located in the currently certificated service area of St. Joe, as described on Exhibit "A", that may be included in the service area of St. Johns North by the Florida Public Service Commission (the "Commission") pursuant to the Application.

6. Based on the foregoing assurances, and upon Commission approval of this Proposed Stipulation, St. Joe shall withdraw its Objection to Notice of St. Johns North to Amend Its Certificate in St. Johns County, filed in Docket No. 890972-WS of the Commission and currently pending in DOAH Case No. 89-006243.

7. Based on the foregoing assurances, and upon Commission approval of this Proposed Stipulation, St. Joe shall not object to St. Johns North or Jacksonville Suburban serving the territory described on Exhibit "C" for a period of three (3) years commencing on the date that the Commission enters a final order disposing of the Application.

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8. In the event the Commission fails to approve this Proposed Stipulation in its entirety and without modification, the Proposed Stipulation will be deemed withdrawn, and the parties will jointly request that this proceeding be scheduled for hearing, without prejudice to either party.

ST. JOE UTILITIES COMPANY

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JACKSONVILLE SUBURBAN UTILITIES
CORPORATION

By: James L. Ade
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ST. JOHNS NORTH UTILITY CORP.

By: C. E. Bohannon
C. E. BOHANNON
Its President

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APPENDIX A

St. Joe Utilities Company Service
Territory Description, St. Johns County

All of Section 29, Township 5 South, Range 27 East, south of
St. Johns County Road Number 11 (Bombing Range Road).

All of Section 44, Township 5 South, Range 26 East, south of
St. Johns County Road Number 11 (Bombing Range Road) less and
except the following:

A parcel north of the following described line:
Commence at the intersection of the south right of way
line of St. Johns County Road Number 11 (Bombing Range
Road) and the northwest corner of lot 54 Greenbrier
Section One; thence South 35 degrees, 01 minutes, 40
seconds, West 1,280 feet; thence South 49 degrees, 04
minutes, 46 seconds, West 1,126 feet; thence South 53
degrees, 05 minutes, 27 seconds, West 1,232 feet;
thence South 52 degrees, 53 minutes, 05 seconds, West
2,795 feet; thence North 88 degrees, 41 minutes, 33
seconds, West 810 feet to the east bank of the St.
Johns River.

All of Section 42, Township 6 South, Range 27 East.

Exhibit A

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That certain land lying in Township 5 South, Range 27 East, Sections 5, 38 and 42, St. Johns County, Florida, and Township 4 South, Range 27 East, Section 57, St. Johns County, Florida, being more particularly described as follows:

Cunningham Creek Subdivision and Cunningham Creek II

Begin at the intersection of the easterly right-of-way line of State Road 13, Section 42, and the southerly right-of-way line of Cunningham Estates Road, thence South 86°11'00" East, 356.55 Feet, thence North 81°20'00" East, 193.29 Feet, thence South 03°49'00" West, 849.71 Feet to the Southwest corner of the Cunningham Creek Subdivision, as recorded in Map Book 15, pages 76 to 79; thence North 81°20'00" East, 2,480 Feet to the Southeast corner of said Cunningham Creek Subdivision and the Southwest corner of Cunningham Creek II, as recorded in Map Book 17, page 64; thence North 81°20'00" East, 1370 Feet to the Southeast corner of said Cunningham Creek II, thence North 3°49'00" East ±1,535 Feet to the southerly bank of Cunningham Creek, thence westerly along the southerly bank of said Cunningham Creek ±3,930 Feet to the Northwest corner of said Cunningham Creek Subdivision, as recorded in Map Book 15, pages 76 to 79; thence South 03°49'00" West ±895 Feet to the northerly right-of-way line of Cunningham Estates Road; thence South 81°20'00" West, 200.00 Feet; thence North 86°11'00" West, 350 Feet to the easterly right-of-way line of State Road 13; thence South 03°49'00" West along said right-of-way 60 Feet to the Point of Beginning.

Fruit Cove Woods Unit II

As a point of reference, start at the intersection of the easterly right-of-way line of State Road 13, Section 42, and the southerly right-of-way line of Cunningham Estates Road; thence South 86°11'00" East, 356.55 Feet; thence North 81°20'00" East, 193.29 Feet; thence South 03°49'00" West, 849.71 Feet to the Southwest corner of Cunningham Creek Subdivision, as recorded in Map Book 15, pages 76 to 79; thence South 03°49'00" West, ±115 Feet to the Northwest corner of Fruit Cove Woods Unit II as recorded in Map Book 15, pages 88 and 89, as the POINT OF BEGINNING; thence South 03°49'00" West, 402.89 Feet; thence North 86°11' West, 250.0 Feet; thence South 03°49' West, ±455 Feet to the Southwest Corner of said Fruit Cove Woods Unit II; thence South 86°11' East, 295.0 Feet; thence North 03°49' East, 177.0 Feet; thence South 86°11' East, 542.0 Feet; thence North 03° 49' East; ±48 Feet; South 86°11' East, 311.0 Feet; thence North 03°49' East, 70.85 Feet; thence North 81°20' East, 425.0 Feet; thence North 8°40' West, ±62.5 Feet; thence North 69°43' East, 174.93 Feet, thence North 81°20' East, 948.65 Feet; thence North 83°49' East, 210.2 Feet, thence South 08°40' East, 107.48 Feet, thence South 84°17' East, ±440 Feet to the southeast corner of said Fruit Cove Woods Unit II; thence North 08°40' West, 872.35 Feet to the Northeast corner of said Fruit Cove Woods Unit II; thence South 81°20' West, 2937.71 Feet to the Point of Beginning.

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LEGAL DESCRIPTION OF REQUESTED ADDITION
 TO CERTIFICATED SERVICE AREA

The following described lands located in 'St. Johns County, Florida:

All of the land lying in Section 57 of Township 4 South, Range 27 East, St. Johns County, Florida, all of the land in Sections 38 and 42 of Township 5 South, Range 27 East, St. Johns County, Florida, lying east of the centerline of State Road 13, all of the land lying in Sections 5 and 8 of Township 5 South, Range 27 East, St. Johns County, Florida, and all of the land in Section 39 of Township 5 South, Range 27 East, St. Johns County, Florida, lying north of the centerline of St. Johns County Road Number 11 (Bombing Range Road).

LESS AND EXCEPT THE FOLLOWING DESCRIBED LANDS:

- (1) The SE¹/₄ of the NE¹/₄ and the NE¹/₄ of the SE¹/₄ lying within Township 5 South, Range 27 East, Section 5, St. Johns County, Florida.
- (2) That Portion of Township 5 South, Range 27 East, Section 38, St. Johns County, Florida, lying West of State Road 13, and North of Mill Creek.
- (3) That Portion of Township 4 South, Range 27 East, Section 57, St. Johns County, Florida, lying West of State Road 13.
- (4) The southeasterlymost 1/4 of the Southeast 1/4 of Section 5, Township 5 South, Range 27 East, St. Johns County, Florida.
- (5) All of Section 39, Township 5 South, Range 27 East, St. Johns County, Florida, lying Westerly of State Road 13 and Northeasterly of Mill Creek.

Exhibit C