

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application of Aquarina Develop-) DOCKET NO. 900167-WS
ments, Inc. for amendment of Certificates))
Nos. 517-W and 450-S in Brevard County,) ORDER NO. 23059
Florida.))
_____) ISSUED: 6-11-90

ORDER AMENDING CERTIFICATES TO INCLUDE
ADDITIONAL TERRITORY AND CLOSING DOCKET

BY THE COMMISSION:

On March 2, 1990, Aquarina Developments, Inc. (Aquarina or Utility) filed an application with this Commission to amend Certificates Nos. 517-W and 450-S to include additional territory in Brevard County, Florida. The application is in compliance with Section 367.045, Florida Statutes, and other statutes and administrative rules concerning an application for amendment of certificate. In particular, the notarized application contains:

- 1) A filing fee in the amount of \$300, as prescribed by Rule 25-30.020, Florida Administrative Code.
- 2) Adequate service territory and system maps and a territory description, as prescribed by Rule 25-30.035, Florida Administrative Code. The additional territory in Brevard County is described in Attachment A of this Order.
- 3) Proof of notice of application to all interested governmental and regulatory agencies and all utilities within a four-mile radius of the territory, and proof of advertisement in a newspaper of general circulation in the county, 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, Florida Administrative Code.

No objections to the notice of application have been received and the time for filing such has expired.

Since its inception in 1985, Aquarina has been providing service without charge to The Aquarina Development. In 1987 Aquarina was determined to be jurisdictional based upon its

DOCUMENT NUMBER-DATE

05086 JUN 11 1990

FSC-RECORDS/REPORTING

ORDER NO. 23059
DOCKET NO. 900167-WS
Page 2

bulk rate water and wastewater service to The Hammocks, a neighboring development. Order No. 22075, issued in Docket No. 880595-WS, granted Aquarina certificates as well as bulk rates to serve The Hammocks.

The Utility now desires to charge the customers within The Aquarina Development for water and sewer service. Therefore, it filed an application for amendment of its certificates to include the territory described in Attachment A. Aquarina has also filed for a staff-assisted rate case, Docket No. 900168-WS, in order to establish rates for the development.

Since Aquarina has been in operation under our jurisdiction for five years, we believe that the Utility has proven its ability to provide service to the additional territory. Further, since the plant and lines were installed at the start of the development, no additional capital expenditures are needed to include the additional territory. Therefore, we find that it is in the public interest to amend Certificates Nos. 517-W and 450-S to include the territory described in Attachment A to this Order, which by reference is incorporated herein.

It is, therefore,

ORDERED by the Florida Public Service Commission that Certificates Nos. 517-W and 450-S, held by Aquarina Developments, Inc., 388 Aquarina Boulevard, Melbourne Beach, Florida 32951, are hereby amended to include the territory described in Attachment A of this Order. The Utility is directed to return Certificates Nos. 517-W and 450-S to this Commission within 30 days of the date of this Order for appropriate entry. It is further

ORDERED that Aquarina shall not charge the customers for service in the territory added herein until appropriate rates are established by the Commission in Docket No. 900168-WS. It is further

ORDERED that Aquarina shall file revised tariff sheets incorporating the additional territory into its tariff within 30 days of the date of this Order. It is further

ORDERED that Docket No. 900167-WS is hereby closed.

ORDER NO. 23059
DOCKET NO. 900167-WS
Page 3

By ORDER of the Florida Public Service Commission,
this 11th day of JUNE, 1990.

STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

ALC

by: Kay Helton
Chief, Bureau of Records

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

AQUARINA DEVELOPMENTS, INC..

Aquarina Planned Unit Development - Government Lot 4 and 5, Section 25, Township 29 South, Range 38 East, Brevard County, Florida, less the right of way for State Road A1A; and Government Lot 1, Section 35, Township 29 South, Range 38 East, Brevard County, Florida; and Government Lots 1, 2, and 3, Section 36, Township 29 South, Range 38 East, Brevard County, Florida, less the right of way for State Road A1A, the South 50.00 feet of said Government Lots 1, 2 and 3 lying West of State Road A1A, and that portion of said government Lot 1 parallel with and adjacent to the existing West right of way line of State Road A1A to a depth of 20.00 feet. (196.9 acres +)

Also described as;

In Township 29 South, Range 38 East, Section 25, 35, and 36 in Brevard County.

From the NW corner of Section 36 Township 29 South, Range 38 East, Brevard County also known as the point of beginning, run due North along the west line of the Southwest quarter of Section 25 a distance of 1600 feet more or less. From said point run due East along the North line of government lots 4 and 5 less the right of way for State Road A1A a distance of 3300 feet more or less to a point located on the West Bank of the Atlantic Ocean. From said point run Southeasterly along the bank of the Atlantic Ocean a distance of 4,000 feet more or less to a point being the Southeast corner of government lot 1. From said point run due West along the South line of government lot 1, 2, and 3 less the right of way for State Road A1A a distance of 4,500 feet more or less to a point on the East Bank of the Indian River. From said point run Northwesterly parallel with the East Bank of the Indian River to a point located on the North line of Section 35, Township 29 South, Range 38 East in Brevard County. From said point run due East along the North line of Section 35 a distance of 400 feet more or less to the Point of Beginning.