

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Objection to notice by ST.)	DOCKET NO. 890972-WS
JOHNS NORTH UTILITY CORPORATION of)	ORDER NO. 23068
intent to apply for amendment of)	ISSUED: 6-12-90
Certificates Nos. 451-W and 411-S in)	
St. Johns County)	
)	

ORDER AMENDING CERTIFICATES NOS. 475-W AND 411-S
TO INCLUDE ADDITIONAL TERRITORY

BY THE COMMISSION:

Background

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. On March 5, 1990, DOAH returned jurisdiction over this matter to this Commission. We approved the proposed stipulation by Order No. 22942, issued May 16, 1990.

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Application For Amendment

St. Johns filed its application for amendment on September 25, 1989. Its application is in compliance with Section 367.041, Florida Statutes, and Rules 25-30.020 through 25-30.045, Florida Administrative Code. In particular, St. Johns' notarized application contains:

- 1) A filing fee in the amount of \$300 which, upon calculation, equates to the correct filing fee as prescribed by Rule 25-30.020, Florida Administrative Code;
- 2) Adequate service territory and system maps and a territorial description, as prescribed by Rule 25-30.035, Florida Administrative Code. The territorial description is appended hereto as Attachment A;
- 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 St. Johns County, as prescribed by Rule 25-30.030, Florida Administrative Code; and
- 4) Evidence that St. Johns owns the land upon which its facilities are located, as required by Rule 25-30.035, Florida Administrative Code.

As discussed above, St. Johns is now owned by JSUC. JSUC owns and operates a number of water and wastewater systems in Duval County, and appears to have the requisite financial ability and technical expertise. In addition, there appears to be a need for service in the requested territory, as manifested by the amount of development occurring therein. Accordingly, we find that it is in the public interest to amend Certificates Nos. 475-W and 411-S to include the territory described in Attachment A to this Order which is, by reference, incorporated herein.

It is, therefore,

ORDERED by the Florida Public Service Commission that Certificates Nos. 475-W and 411-S are hereby amended to include the territory described in Attachment A of this Order. It is further

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ORDERED that Jacksonville Suburban Utility Corporation shall return Certificates Nos. 475-W and 411-S to this Commission within 30 days of the date of this Order so that we may make the appropriate entry to reflect the territory added. It is further

ORDERED that Jacksonville Suburban Utility Corporation shall charge only those rates authorized by its approved tariff in the territory added herein. It is further

ORDERED that Docket No. 890972-WS be and is hereby closed.

By ORDER of the Florida Public Service Commission
this 12th day of JUNE, 1990.


STEVE TRIBBLE Director
Division of Records and Reporting

(S E A L)

RJP

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

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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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ATTACHMENT "A"

**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 SE^{1/4} of the NE^{1/4} and the NE^{1/4} of the SE^{1/4} lying within Township 5 South, Range 27 East, Section 5.
- (2) That Portion of Township 5 South, Range 27 East, Section 38, lying West of State Road 13, and North of Mill Creek.
- (3) That Portion of Township 4 South, Range 27 East, Section 57, 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.