

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application of C. S. Water) DOCKET NO. 900805-WU
Company, Inc. for amendment of)
Certificate No. 235-W in Pasco and) ORDER NO. 24374
Hillsborough Counties.)
_____) ISSUED: 4/17/91

The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD, Chairman
BETTY EASLEY
J. TERRY DEASON
GERALD L. GUNTER
MICHAEL MCK. WILSON

ORDER GRANTING AMENDMENT OF CERTIFICATE
TO INCLUDE ADDITIONAL TERRITORY AND CLOSING DOCKET

BY THE COMMISSION:

Background

On October 2, 1990, C. S. Water Company, Inc. (CSW or Utility) filed an application with this Commission for amendment of Water Certificate No. 235-W to include territory that is currently being served in Pasco and Hillsborough Counties, which is outside of its certificated service area. During a recent rate case (Docket No. 900238-WU), we became aware that the Utility has been serving approximately 30 connections in this area since 1986.

Upon being advised that it was serving outside of its territory, CSW filed an application for amendment of its certificate to include the additional territory. We will not penalize CSW for serving outside of its territory since it immediately filed its application upon learning that it was in violation of Section 367.045, Florida Statutes, which requires utilities to obtain approval prior to extending service.

Application

Except as discussed previously, the application is in compliance with Section 367.045, Florida Statutes, and other pertinent statutes and administrative rules. In particular, the application contains:

DOCUMENT NUMBER-DATE

900805 APR 17 1991

REGISTRATION/REPORTING

1. A filing fee in the amount of \$150, as prescribed by Rule 25-30.020, Florida Administrative Code.
2. Adequate territory and systems maps and a territory description, as prescribed by Rule 25-30.035(3)(h) and (i), Florida Administrative Code. The territory which CSW proposes to serve is described in Attachment A of this Order.
3. Evidence that the Utility owns the land upon which its facilities are located, as required by Rule 25-30.035(3)(f), Florida Administrative Code.
4. Proof of notice to interested governmental and regulatory agencies and utilities within a four-mile radius of the territory to be served, and proof of advertisement in a newspaper of general circulation in Pasco and Hillsborough Counties, as prescribed by Rule 25-30.030, Florida Administrative Code.

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

Although CSW is currently providing service to the requested territory, there has been no impact on the quality of service to the customers located within the certificated territory. Field inspections conducted during recent rate cases, indicate that CSW's water treatment plant and distribution system are operating properly. In addition, CSW is in compliance with the Department of Environmental Regulation's requirements.

The additional territory is adjacent to CSW's certificated territory; there are no other utilities in the area which could reasonably provide service. The lines have been installed and no additional financing is necessary.

It should be noted that a portion of the territory is located in Hillsborough County, which is not under Commission jurisdiction. However, Section 367.171(7), Florida Statutes, gives the Commission jurisdiction over utility systems whose service transverses county boundaries. We, therefore, have jurisdiction over that portion of the additional territory which CSW is serving in Hillsborough County.

ORDER NO. 24374
DOCKET NO. 900805-WU
Page 3

Based on the foregoing, we find that it is in the public interest to grant CSW's request to amend Certificate No. 235-W to include the territory in Pasco and Hillsborough Counties described in Attachment A of this Order. CSW has been unable to locate the original Certificate; therefore, we will reissue the Certificate reflecting the additional territory. CSW has filed tariff sheets reflecting the territory.

Rates and Charges

CSW's current rates and charges were approved in Order No. 23853, Docket No. 900238-WU. The rates became effective on March 1, 1991. CSW shall charge the customers in the additional territory the rates and charges approved in its tariff until authorized to change by this Commission.

It is, therefore,

ORDERED by the Florida Public Service Commission that Certificate No. 235-W, held by C. S. Water Company, Inc., 40 Ranch Road, Thonotosassa, Florida 33592, is hereby amended to include the territory described in Attachment A of this Order, which by reference is incorporated herein. It is further

ORDERED that the customers in the territory added herein shall be charged the rates and charges approved in the C. S. Water Company, Inc.'s tariff. It is further

ORDERED that Docket No. 900805-WU is hereby closed.

By ORDER of the Florida Public Service Commission, this 17th day of APRIL, 1991.



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 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.

ORDER NO. 24374
DOCKET NO. 900805-WU
Page 5

ATTACHMENT A

C. S. WATER COMPANY, INC.

In Township 26 South, Range 21 East, Pasco County, Florida

Section 35

The North 880 feet; and

The South 2120 feet of the West 3480 feet.

Section 36

The NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ and the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ and the
NW $\frac{1}{4}$ of the NE $\frac{1}{4}$; and

The West 2475 feet of the South 2120 feet in the SW $\frac{1}{4}$
of Section 36.

In Township 27 South, Range 21 East, Hillsborough County, Florida

The North $\frac{1}{2}$ of Section 2 and the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$
of Section 3.