

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for amendment of) DOCKET NO. 900311-WU
Certificate No. 427-W in Marion County) ORDER NO. 24435
by Windstream Utilities Company.) ISSUED: 4/25/91
_____)

The following Commissioners participated in the disposition of this matter:

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

ORDER AMENDING CERTIFICATE TO INCLUDE
ADDITIONAL TERRITORY AND CLOSING DOCKET

BY THE COMMISSION:

Background

On April 24, 1990, Windstream Utilities Company (Windstream or Utility) filed an application with this Commission for amendment of Certificate No. 427-W to include additional territory in Marion County. Windstream holds Certificates Nos. 427-W and 532-W, and provides water service to 75 customers in Marion and Citrus Counties. Wastewater service is provided by septic tanks.

Just prior to October 1, 1989, Windstream began serving approximately 25 customers in the territory it seeks to amend to its service area. According to Windstream, it was not aware that it needed Commission approval prior to extending its service area. We are not penalizing Windstream for serving outside of its certificated territory since the Utility filed the application upon being advised that it needed to do so.

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:

1. A filing fee in the amount of \$900, as prescribed by Rule 25-30.020, Florida Administrative Code.

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2. Evidence that the Utility owns the land upon which its facilities are located, in accordance with Rule 25-30.035 (3)(f), Florida Administrative Code.
3. Adequate service territory and system maps and a territory description, as prescribed by Rule 25-30.035 (3)(h) and (i), Florida Administrative Code. The territory is described in Attachment A of this Order.
4. Proof of notice in accordance with Rule 25-30.030, Florida Administrative Code.

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

Windstream is financing the extension with a promissory note. According to the promissory note, Windstream will pay \$167,835.23 for the water treatment plant and distribution system in the Majestic Oaks' development. During the first 10 years, Windstream will pay monthly installments of \$300, multiplied by the number of water customer connections added to the system in the development. During the next 5 years, the Utility will pay off the balance in monthly installments.

The amount of all payments during the first 10 years is contingent upon the receipt of service availability charges and other fees and charges required for connection to the water system. The Utility pays the developer only if customers connect. According to Windstream's tariff, the Utility collects a system capacity charge of \$515 and a meter installation fee of \$100. Since the Utility has secured a note at a reasonable interest rate upon which it pays no interest during the first five years, the expansion should have no impact on the quality of service to the customers in the certificated territory. The service availability charges will offset the cost of the expansion.

We contacted the Department of Environmental Regulation and learned that there are no outstanding notices of violation against the Utility. Windstream has been under the jurisdiction of this Commission since 1984, and has demonstrated that it has the technical and financial ability to provide service to the territory. Therefore, we find that amendment of Certificate No. 427-W to include the territory described in Attachment A of this

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Order, is in the public interest and it is approved. Windstream has returned Certificate No. 427-W to this Commission for entry reflecting the territory added herein. The Utility has also filed revised tariff sheets reflecting the territory.

Rates and Charges

Windstream's approved rates for Marion County became effective on January 26, 1990. The Utility's service availability charges were established in the original certificate proceeding and were effective on September 10, 1984, in accordance with Order No. 13639. Windstream shall charge the customers in the additional territory the rates and charges approved in its tariff until authorized to change by this Commission in a subsequent proceeding.

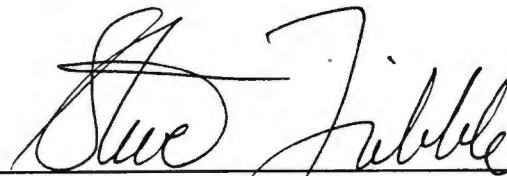
It is, therefore,

ORDERED by the Florida Public Service Commission that Certificate No. 247-W, held by Windstream Utilities Company, Post Office Box 4201, Ocala, Florida 32678, 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 Windstream shall charge the customers in the territory added herein the rates and charges approved in its tariff until authorized to change by the Commission. It is further

ORDERED that Docket No. 900311-WU is hereby closed.

By ORDER of the Florida Public Service Commission, this 25th
day of APRIL, 1991.



STEVE TRIBBLE, Director
Division of Records and Reporting

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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.

ATTACHMENT A

WINDSTREAM UTILITIES COMPANY

TERRITORY DESCRIPTION IN MARION COUNTY

MAJESTIC OAKS SUBDIVISION

TOWNSHIP 16 SOUTH, RANGE 21 EAST

IN SECTION 16

Begin at the NW corner of the NE $\frac{1}{4}$ of Section 16, Township 16 South, Range 21 East, Marion County, Florida, thence S.89°57'53"E along the North boundary of said NE $\frac{1}{4}$ a distance of 660.91 feet to the NE corner of the West $\frac{1}{2}$ of the NW $\frac{1}{4}$ of the aforesaid NE $\frac{1}{4}$ of Section 16, thence S00°27'46"W 3948.21 feet, thence S89°31'28"E 360.45 feet, thence S00°28'32"W 25.00 feet to the Point of Curvature of a Curve Concave Westerly having a Radius of 25.00 feet and a Central Angle of 42°50'00" thence Southerly along said Curve an Arc distance of 18.69 feet to the Point of Reverse Curvature of a Cul-De-Sac Concave Northerly having a Radius of 50.00 feet and a Central Angle of 265°40'01", thence Southerly, Easterly, and Northerly along said Cul-De-Sac an Arc distance of 231.84 feet to the Point of Reverse Curvature of a Curve Concave Easterly having a Radius of 25.00 feet and a Central Angle of 42°50'01", thence Northerly along said Curve an Arc distance of 18.69 feet to the Point of Tangency of Said Curve, thence N00°28'32"E 25.00 feet, thence S89°31'28"E 240.16 feet, thence S00°28'31"W 1350.81 feet to the SE corner of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of aforesaid Section 16, thence N89°38'09"W along the South boundary of said SW $\frac{1}{4}$ of SE $\frac{1}{4}$ a distance of 1320.61 feet to the SE corner of the SW $\frac{1}{4}$ of said Section 16, thence N89°42'23"W along the South Boundary of said SW $\frac{1}{4}$ of Section 16 a distance of 2641.94 feet to the SW corner of said Section 16, thence N00°26'43"E along the West boundary of the aforesaid SW $\frac{1}{4}$ of Section 16 a distance of 1321.32 feet to the NW corner of the SW $\frac{1}{4}$ of said SW $\frac{1}{4}$ of Section 16, thence S89°59'04"W 40.00 feet, thence N00°26'43"E 1321.84 feet, thence N00°25'52"E 1321.58 feet, thence S89°43'37"E 40.00 feet to the NW corner of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of aforesaid Section 16, thence S00°25'52"W along the West boundary of said SW $\frac{1}{4}$ of NW $\frac{1}{4}$ a distance of 1321.54 feet to the NW corner of the aforesaid SW $\frac{1}{4}$ of Section 16, thence S00°26'43"W 660.84 feet to the NW corner of the South $\frac{1}{2}$ of the NW $\frac{1}{4}$ of said SW $\frac{1}{4}$ of Section 16, thence S89°47'48"E along the North boundary of said South $\frac{1}{2}$ of NW $\frac{1}{4}$ of SW $\frac{1}{4}$ a distance of 1321.17 feet to the NE corner of the aforesaid South $\frac{1}{2}$ of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 16, thence N00°27'01"E along the West boundary of the NE $\frac{1}{4}$ of said SW $\frac{1}{4}$ a distance of 661.54 feet to the NW corner of said NE $\frac{1}{4}$ of SW $\frac{1}{4}$, thence N00°26'37"E along the West boundary of the East $\frac{1}{2}$ of the aforesaid NW $\frac{1}{4}$ of Section 16 a distance of 2644.80 feet to the NW corner of the East $\frac{1}{2}$ of said NW $\frac{1}{4}$, thence S89°57'48"E along the North boundary of said NW $\frac{1}{4}$ a distance of 1321.84 feet to the Point of Beginning. The North 25.00 feet thereof subject to Road Right-of-Way. LESS AND EXCEPT: The West 700.00 feet of the East $\frac{1}{2}$ of the NW $\frac{1}{4}$ of said Section 16, and the West 700.00 feet of the North $\frac{1}{2}$ of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Section 16, containing 270.61 acres, more or less.