

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application of Springs) DOCKET NO. 901005-SU
Environmental Systems, Inc. for amendment)
of Certificate No. 375-S in Lee County,) ORDER NO. 24548
Florida.)
_____) ISSUED: 5/20/91

ORDER AMENDING CERTIFICATE TO INCLUDE
ADDITIONAL TERRITORY AND CLOSING DOCKET

BY THE COMMISSION:

On December 24, 1990, Springs Environmental Systems, Inc. (SES or Utility) filed an application with this Commission to amend Certificate No. 375-S to include additional territory in Lee County, Florida. The territory includes a 21 acre site, which is surrounded by SES' service area. The area includes a school, which needs service immediately since its existing package plant is failing and it is under notice of violation from the Department of Environmental Regulation (DER). The territory also includes a 5.5 acre site, which is not expected to be developed for at least five years.

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 \$900, 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 25-30.036, Florida Administrative Code. The additional territory in Lee County is described in Attachment A of this Order.
3. Proof of notice to interested governmental and regulatory agencies and utilities within a four-mile radius of the territory, and proof of advertisement in a newspaper of general circulation in Lee County, as prescribed by Rule 25-30.030, Florida Administrative Code.
4. Evidence that the Utility owns the land upon which its facilities are located, as required by Rule 25-30.036, Florida Administrative Code.

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

DOCUMENT NUMBER-DATE

04980 MAY 20 1991

FPSC-RECORDS/REPORTING

In its application, SES stated that the amendment of its service area will have no impact on its existing rates and charges and the low flows will be incidental to the overall capital structure of the Utility. The Lee County School Board will modify an existing pump station, and extend a small force main to connect to SES' facilities, at the expense of the School Board. The developer of the 5.5 acres will extend the collection lines to serve its area at the time of development. From our review of the information, it appears that the amendment will result in only a minor impact on the capital structure. The customers in the territory added herein will be charged the rates and charges currently approved in SES' tariff.

Since SES has been in operation under our jurisdiction since 1985, and has been providing satisfactory service to its customers, we believe that the Utility has demonstrated its ability to provide service to the additional territory. Although the Utility is operating at a loss, the losses are paid through an intercompany note between SES and Bonita Bay Properties, Inc., a related company that is developing part of the certificated service area. Bonita Bay will continue to provide financial support to SES as long as it is necessary. In addition, according to DER, there are no outstanding citations or corrective orders against the Utility.

Based on the foregoing, it appears that SES has the technical and financial ability to provide service to the additional territory. Therefore, we find that it is in the public interest to amend Certificate No. 375-S to include the territory described in Attachment A of this Order, which by reference is incorporated herein. SES has returned Certificate No. 375-S to the Commission for entry reflecting the amendment, and has filed tariff sheets reflecting the additional territory.

It is, therefore,

ORDERED by the Florida Public Service Commission that Certificate No. 375-S, held by Springs Environmental Systems, Inc., 3451 Bonita Bay Boulevard, S.W., Suite 202, Bonita Springs, Florida 33923, is hereby amended to include the territory described in Attachment A of this Order. It is further

ORDERED that the customers in the territory added herein shall be charged the rates and charges approved in the Utility's tariff. It is further

ORDERED that Docket No. 901005-SU is hereby closed.

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By ORDER of the Florida Public Service Commission, this 20th
day of MAY, 1991.

STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

ALC

by: Kay Hegan
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

Springs Environmental Systems, Inc.

TERRITORY DESCRIPTION

The following described lands located in portions of Sections 21 and 22, Township 47 South, Range 25 East, Lee County, Florida:

Section 21

All that part of Section 21, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows;
Commencing at the northeast corner of said Section 21;
thence along the north line of said Section 21, South 89°-16'-45" West 550.97 feet;
thence leaving said north line of Section 21 South 20°-54'-14" East 2704.06 feet;
thence South 88°-52'-14" West 375.78 feet to a point on the east line of said Section 21;
thence along said east line of Section 21, South 0°-51'-39" East 52.20 feet to the POINT OF BEGINNING of the parcel herein described;
thence continuing along said east line of Section 21, South 0°-51'-39" East 1193.24 feet;
thence northwesterly 108.95 feet along the arc of a non-tangential circular curve concave to the northeast, having a radius of 350.00 feet, through a central angle of 17°-50'-09" and being subtended by a chord which bears North 27°-17'-50" West 108.51 feet;
thence North 18°-22'-46" West 212.18 feet;
thence northwesterly 697.70 feet along the arc of a tangential circular curve concave to the southwest, having a radius of 650.00 feet, through a central angle of 61°-30'-00" and being subtended by a chord which bears North 49°-07'-46" West 664.68 feet;
thence North 79°-52'-46" West 138.42 feet;
thence northwesterly 128.28 feet along the arc of a tangential circular curve concave to the northeast, having a radius of 350.00 feet, through a central angle of 21°-00'-00" and being subtended by a chord which bears North 69°-22'-46" West 127.56 feet;
thence North 58°-52'-46" West 290.13 feet;
thence North 0°-07'-14" East 271.62 feet;
thence North 88°-52'-14" East 1086.29 feet;
thence South 19°-52'-46" East 55.13 feet to said east line of Section 21 and the Point of Beginning of the parcel herein described;
subject to easements and restrictions of record;
containing 14.86 acres more or less;
bearings are based on Florida State Plane Coordinate System West Zone, as the north line of the northeast 1/4 of Section 21, being North 89°-16'-45" East.

Section 22

All that part of Section 22, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows;
Commencing at the northwest corner of said Section 22;
thence along the north line of Section 21, Township 47 South, Range 25 East, South 89°-16'-45" West 550.97 feet;
thence leaving said north line of Section 21 South 20°-54'-14" East 2704.06 feet;
thence South 88°-52'-14" West 393.76 feet;
thence South 19°-52'-46" East 55.13 feet to a point on the west line of said Section 22 and the POINT OF BEGINNING of the parcel herein described;
thence leaving said west line of Section 22, continuing South 19°-52'-46" East 642.20 feet;
thence South 19°-52'-46" East 472.67 feet;
thence South 24°-52'-14" West 335.00 feet;
thence North 60°-52'-46" West 123.89 feet;
thence northwesterly 150.67 feet along the arc of a tangential circular curve concave to the northeast, having a radius of 350.00 feet, through a central angle of 24°-39'-51" and being subtended by a chord which bears North 48°-32'-50" West 149.50 feet to a point on said curve and a point on the west line of said Section 22;
thence leaving said curve along said west line of Section 22, North 0°-51'-39" West 1193.24 feet to the Point of Beginning of the parcel herein described;
subject to easements and restrictions of record;
containing 6.07 acres more or less;
bearings are based on Florida State Plan Coordinate System West Zone, as the north line of the northeast 1/4 of Section 21, being North 89°-16'-45" East.