

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application of Marion Utilities, ) DOCKET NO. 910495-WU  
Inc. for amendment of Certificate No. ) ORDER NO. 24653  
347-W in Marion County, Florida. ) ISSUED: 6/11/91  
\_\_\_\_\_)

ORDER AMENDING CERTIFICATE TO INCLUDE  
ADDITIONAL TERRITORY AND CLOSING DOCKET

BY THE COMMISSION:

Background

On April 19, 1991, Marion Utilities, Inc. (Marion or Utility) filed an application with this Commission to amend Certificate No. 347-W to include additional territory in Marion County, Florida. In its application, Marion requested to extend its territory to serve the Colebrook Subdivision (Colebrook), which is a 39 home subdivision. Colebrook is located adjacent to the Windgate Subdivision, which is served by Marion.

Marion has 20 separate systems throughout Marion County. One of the systems is the Windgate system, Windgate Utilities, which was transferred to Marion by Order No. 23944 in January 1991. Since the Windgate system has sufficient capacity to serve the additional territory, Marion intends to extend the lines from the Windgate system to Colebrook.

Application

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 \$150, 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 Marion 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

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general circulation in Marion 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 notice of application have been received and the time for filing such has expired.

Since Marion has been in operation under our jurisdiction since 1980, 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. From the information filed with the application, it appears that Marion has the financial ability to serve the additional territory. Therefore, we find that it is in the public interest to amend Certificate No. 347-W to include the territory described in Attachment A of this Order, which by reference is incorporated herein. Marion has returned Certificate No. 347-W to the Commission for entry reflecting the additional territory. Marion has also filed tariff sheets reflecting the amendment.

#### Rates and Charges

As discussed previously, Windgate Utilities was transferred to Marion by Order No. 23944 in January 1991. That Order directed Marion to continue charging the rates and charges approved in Windgate's tariff. Since service will be provided to the additional territory by the Windgate system, we find it appropriate to require Marion to charge the customers in the new territory Windgate's rates and charges, as approved in Marion's tariff, until authorized to change by the Commission.

It is, therefore,

ORDERED by the Florida Public Service Commission that Certificate No. 347-W, held by Marion Utilities, Inc., 710 NE 30th Avenue, Ocala, Florida 32670, 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 for the Windgate system in Marion Utilities, Inc.'s tariff. It is further

ORDERED that Docket No. 910495-WU is hereby closed.

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By ORDER of the Florida Public Service Commission, this 11th  
day of JUNE, 1991.



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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.

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ATTACHMENT A

LEGAL DESCRIPTION FOR COLEBROOK SUBDIVISION

Township 14 South, Range 22 East, Section 32

LEGAL DESCRIPTION

COMMENCE AT THE SE CORNER OF THE SE 1/4 OF THE SW 1/4 OF SECTION 32, TOWNSHIP 14 SOUTH, RANGE 22 EAST, MARION COUNTY, FLORIDA, THENCE N.00°38'28"E. ALONG THE EAST BOUNDARY OF SAID SE 1/4 OF SW 1/4 A DISTANCE OF 30.00 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF N.E. 35TH STREET, THENCE N.89°27'56"W. ALONG SAID NORTH RIGHT-OF-WAY LINE 40 FEET TO THE POINT OF BEGINNING, THENCE CONTINUE N.89°27'56"W. ALONG SAID NORTH RIGHT-OF-WAY LINE 669.29 FEET; THENCE N.00°38'48"E. 650.00 FEET, THENCE N.28°15'43"W. 734.96 FEET TO THE S.E. CORNER OF THE WEST 259.90 FEET OF THE NE 1/4 OF THE SW 1/4 OF SAID SECTION 32, THENCE S.89°28'03"E. ALONG THE NORTH BOUNDARY OF SAID SE 1/4 OF SW 1/4 A DISTANCE OF 495.07 FEET, THENCE S.00°38'28"W. 239.16 FEET, THENCE S.89°28'03"E. 529.00 FEET, THENCE S.00°38'28"W. ALONG A LINE PARALLEL TO AND 40 FEET FROM THE AFORESAID EAST BOUNDARY OF SE 1/4 OF SW 1/4 A DISTANCE OF 1054.95 FEET TO THE POINT OF BEGINNING.

CONTAINING 19.60 ACRES, MORE OR LESS.