

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application of A. P. Utilities,) DOCKET NO. 910116-WU
Inc. for amendment of Certificate No.) ORDER NO. 25062
380-W in Marion County.) ISSUED: 9/13/91
_____)

The following Commissioners participated in the disposition of this matter:

SUSAN F. CLARK
J. TERRY DEASON
BETTY EASLEY

ORDER AMENDING CERTIFICATE TO
INCLUDE ADDITIONAL TERRITORY

BY THE COMMISSION:

On February 6, 1991, A. P. Utilities, Inc. (A. P. or Utility) filed an application with this Commission for amendment of Certificate No. 380-W to include additional territory in Marion County. A. P. has been serving the area since January of 1989. The Utility currently serves 683 customers, 76 of which reside in the additional territory.

Aqua Pure, A. P. Utilities, Inc. (A. P.) and Marico Properties, Inc. (Marico) were purchased by Philip Woods from Michael Blake on November 30, 1990. The Commission Staff became aware of the transfer in November, 1990. At that time, Mr. Woods was advised of the need to file applications for approval of the transfers. He was also advised of the need to file applications for amendment of Certificate No. 380-W to include all of the territory currently served by the Utility.

On February 6, 1991, Mr. Woods filed five applications. Two of the applications requested approval of the amendment of A. P. and Aqua Pure's certificated territory to include territory the systems are currently serving. Two applications requested approval of the transfers of Aqua Pure and Marico to A. P. The other application, which requested approval of the transfer of majority organizational control of A. P. from Mr. Blake to Mr. Woods, was approved by the Commission on August 6, 1991.

According to Mr. Woods, A. P. began serving the territory requested in this application when it purchased an existing water system from the developer, Mr. William Krum. Mr. Krum was in financial trouble and could not maintain the system in compliance with the standards required by the Department of Environmental Regulation. A. P., under the ownership of Michael Blake, bought

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the 49th Street Village system and Stonegate and brought them into compliance. Later, A. P. extended its lines to serve the Country Road Development. At the time of the extension, A. P. did not file an application with the Commission requesting approval of the amendment of Certificate No. 380-W to include the additional territory.

We will not initiate a show cause proceeding against the Utility for serving outside of its territory since the present owner, Mr. Woods, filed the application for approval of the amendment upon being advised of the violation.

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 \$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 (1)(e), (f) and (i), Florida Administrative Code.
3. Proof of compliance with the noticing requirements of Rule 25-30.030, Florida Administrative Code, including notice to the customers in the territory added herein. No objections to the application have been filed and the time for filing such has expired.
4. Evidence that the Utility owns the land upon which its facilities are located as required by Rule 25-30.036, Florida Administrative Code.

Mr. Woods is a Registered Professional Engineer and has 20 years' experience in developing water systems in Alabama, Florida and several foreign countries. He is in the process of obtaining a certified operators license. In the meantime, he has contracted with Enviro-Masters to operate A. P. Enviro-Masters operates several water and wastewater systems in Marion and Citrus Counties. In addition, according to the Department of Environmental

Regulation, there are no outstanding notices of violation against A. P.

A. P. purchased 49th Street and Stonegate for \$25,000. Later the Utility was paid \$16,500 to install the majority of the lines to the Country Roads Development. An original cost study was performed because of the Utility's lack of records. The systems, when built, cost approximately \$75,641 and the estimated cost of the land is \$7,000. Since the 3 developments, 49th Street Village, Stonegate and County Roads, are growing rapidly, there is a need for service in the territory. At build-out, the Utility will serve approximately 104 residential customers in the 3 developments.

Based on the above information, we find that it is in the public interest to amend Certificate No. 380-W to include the territory described in Attachment A of this Order, which by reference is incorporated herein. A. P. has returned the Certificate to the Commission for entry reflecting the additional territory. The Utility has also filed revised tariff sheets reflecting the amendment.

Rates and Charges

The rates and charges currently approved in A. P.'s tariff are as follows:

Rates for All Customers

<u>Base Facility Charge*</u> (No Gallons Included)	<u>Amount</u>
5/8" x 3/4"	\$ 5.67
3/4"	\$ 8.52
1"	\$ 14.19
1-1/2"	\$ 28.37
2"	\$ 45.38
3"	\$ 90.77
4"	\$ 141.82
6"	\$ 283.65
<u>Gallonage Charge</u> Per 1,000 Gallons	\$ 1.06

Charges

<u>System Capacity Charge</u>	<u>Amount</u>
Residential - Per Connection	\$ 125
<u>Meter Installation Fee</u>	<u>Amount</u>
5/8" x 3/4"	\$ 125
Over 5/8A x 3/4"	Actual Cost
<u>Customer Connection (Tap-in) Charge</u>	<u>Amount</u>
All Sizes	Included in Above Charges

A. P. is directed to charge the customers in the additional territory the rates and charges set forth above until authorized to change by this Commission.

It is, therefore,

ORDERED by the Florida Public Service Commission that Certificate No. 380-W, held by A. P. Utilities, Inc., 1705 S. E. Fort King Street, Ocala, Florida 32671, 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 A. P. 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 further

ORDERED that Docket No. 910116-WU is hereby closed.

By ORDER of the Florida Public Service Commission, this 13th day of SEPTEMBER, 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

A. P. UTILITIES, INC.

TERRITORY DESCRIPTION

THE SUBDIVISIONS OF 49TH STREET VILLAGE,

STONEGATE AND COUNTRY ROADS

The following described lands located in portions of Sections 27 and 34, Township 14 South, Range 22 East, Marion County, Florida:

Section 27

The South 1/2 of the SW 1/4 of the SW 1/4

Section 34

The North 1/4 of the NW 1/4
The SW 1/4 of the NE 1/4 of the NW 1/4