

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application of Spruce Creek) DOCKET NO. 910746-SU
South Utilities, Inc. for a wastewater) ORDER NO. 25157
certificate in Marion County.) ISSUED: 10/03/91
_____)

The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD, Chairman
SUSAN F. CLARK
J. TERRY DEASON
MICHAEL MCK. WILSON

ORDER GRANTING CERTIFICATE

BY THE COMMISSION:

Background

On July 2, 1991, Spruce Creek South Utilities, Inc. (Spruce Creek or Utility) filed an application with this Commission for a certificate to provide wastewater service in Marion County. The application, as filed, was deficient. The deficiencies were corrected as of August 13, 1991, and that date has been established as the official filing date.

Spruce Creek holds Certificate No. 511-W and provides water service to the general area in which it proposes to provide wastewater service. The Utility will eventually provide water and wastewater service to approximately 1,000 residential customers, a small commercial development and a golf course facility. Since Spruce Creek already has a water certificate, this order only addresses the issuance of the wastewater certificate.

The territory in which Spruce Creek seeks to provide wastewater service is a small rectangular-shaped area in Marion County, just north of the border of Sumter County. The area is located along Highway 27/441, south of Lake Weir. Currently, the 600 residences located in the territory are on septic tanks. Spruce Creek intends to connect as many of the remaining sites as possible and any new construction in the area to the central wastewater treatment system.

DOCUMENT NUMBER-DATE

09794 OCT-3 1991

FPSC-RECORDS/REPORTING

Application

The application is in compliance with Section 367.045, Florida Statutes, and other pertinent statutes and administrative rules. With its application, Spruce Creek submitted a filing fee in the amount of \$900, as required by Rule 25-30.020, Florida Administrative Code. The Utility also provided evidence that it owns the land upon which its facilities are located, in accordance with Rule 25-30.033(1)(j), Florida Administrative Code.

Spruce Creek provided proof of compliance with the notice provisions of Rule 25-30.030, Florida Administrative Code. No objections to the application have been received and the time for filing such has expired.

In addition, the Utility provided service territory and system maps and a territory description, pursuant to Rule 25-30.033(1)(l), (m) and (n), Florida Administrative Code. The territory the Utility proposes to serve is described in Attachment A of this Order, which by reference is incorporated herein.

As stated previously, Spruce Creek has a water system which serves the general area. The Utility employs qualified personnel in its water system with both water and wastewater experience and will continue to employ such personnel in the wastewater system. The construction of the wastewater system is being funded by the developer, Spruce Creek Development Company of Ocala, and the principal owners of the Utility. From a review of the information filed with the application, it appears that Spruce Creek has the financial ability to serve the territory.

Based on the foregoing, we find that it is in the public interest to grant Spruce Creek Certificate No. 467-S to serve the territory described in Attachment A of this Order. Since this Order only addresses the issuance of the Wastewater Certificate, Docket No. 910746-SU shall remain open for determination of the appropriate rates, charges, fees, and AFUDC.

It is, therefore,

ORDERED by the Florida Public Service Commission that Spruce Creek South Utilities, Inc, 17585 S. E. 102nd Avenue, Summerfield, Florida 32691, is hereby granted Certificate No. 467-S to provide wastewater service to the territory described in Attachment A of

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this Order, which by reference is incorporated herein. It is further

ORDERED that Docket No. 910746-SU shall remain open for determination of appropriate rates, charges, fees and AFUDC.

By ORDER of the Florida Public Service Commission, this 3rd day of OCTOBER, 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

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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

SPRUCE CREEK SOUTH UTILITIES, INC.

TERRITORY DESCRIPTION

The following described lands located in portions of Section(s) 34 and 35, Township 17 South, Range 23 East, Marion County, Florida:

THAT PORTION OF THE NORTHEAST 1/4 OF SECTION 35, TOWNSHIP 17 SOUTH, RANGE 23 EAST LYING WEST OF U.S. HIGHWAY 441/27.

MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF THE NORTHEAST 1/4 OF SECTION 35, TOWNSHIP 17 SOUTH, RANGE 23 EAST; THENCE NORTH 00 39'42" WEST A DISTANCE OF 2144.24 FEET TO THE WEST RIGHT-OF-WAY LINE OF U.S. HIGHWAY 441/27; THENCE ALONG THE WEST RIGHT-OF-WAY LINE OF SAID HIGHWAY SOUTH 42 10'39" EAST A DISTANCE OF 2879.08 FEET; THENCE SOUTH 89 41'04" WEST 1908.36 FEET TO THE POINT OF BEGINNING.

ALL BEING AND LYING IN MARION COUNTY, FLORIDA AND CONTAINING 47.04 ACRES MORE OR LESS.

CUMMENCE AT THE SOUTH 1/4 CORNER OF SECTION 35, TOWNSHIP 17 SOUTH, RANGE 23 EAST; THENCE NORTH 89°33'33" EAST A DISTANCE OF 243.65 FEET TO THE POINT OF BEGINNING, SAID P.O.B. BEING THE P.C. OF A CURVE CONCAVE WESTERLY HAVING A CENTRAL ANGLE OF 160°29'58", A RADIUS OF 50.00 FEET; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 140.06 FEET TO THE P.R.C. OF A CURVE CONCAVE NORTHEASTERLY HAVING A CENTRAL ANGLE OF 70°31'44", A RADIUS OF 25.00 FEET; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 30.77 FEET TO THE P.T. OF SAID CURVE; THENCE NORTH 00°18'36" WEST A DISTANCE OF 108.25 FEET TO THE P.C. OF A CURVE CONCAVE SOUTHEASTERLY HAVING A CENTRAL ANGLE OF 73°06'31", A RADIUS OF 25.00 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 31.30 FEET TO THE P.R.C. OF A CURVE CONCAVE NORTHWESTERLY HAVING A CENTRAL ANGLE OF 24°58'34", A RADIUS OF 205.00 FEET; THENCE EASTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 89.36 FEET TO THE P.R.C. OF A CURVE CONCAVE SOUTHERLY HAVING A CENTRAL ANGLE OF 90°00'00", A RADIUS OF 25.00 FEET; THENCE EASTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 39.27 FEET TO THE P.T. OF SAID CURVE; THENCE NORTH 47°43'21" EAST A DISTANCE OF 50.00 FEET; THENCE NORTH 42°10'39" WEST A DISTANCE OF 557.43 FEET TO THE P.C. OF A CURVE CONCAVE NORTHEASTERLY HAVING A CENTRAL ANGLE OF 13°33'35", A RADIUS OF 155.00 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 53.18 FEET TO THE P.C.C. OF A CURVE CONCAVE EASTERLY HAVING A CENTRAL ANGLE OF 78°42'36", A RADIUS OF 25.00 FEET; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 34.34 FEET TO THE P.R.C. OF A CURVE CONCAVE NORTHWESTERLY HAVING A CENTRAL ANGLE OF 08°22'11", A RADIUS OF 205.00 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 23.35 FEET TO THE P.T. OF SAID CURVE; THENCE NORTH 47°43'21" EAST A DISTANCE OF 132.94 FEET TO THE P.C. OF A CURVE CONCAVE SOUTHERLY HAVING A CENTRAL ANGLE OF 90°00'00", A RADIUS OF 25.00 FEET; THENCE EASTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 39.27 FEET TO THE P.T. OF SAID CURVE; THENCE NORTH 47°43'21" EAST A DISTANCE OF 50.00 FEET; THENCE NORTH 42°10'39" WEST A DISTANCE OF 106.15 FEET TO THE P.C. OF A CURVE CONCAVE EASTERLY HAVING A CENTRAL ANGLE OF 41°52'03", A RADIUS OF 155.00 FEET; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 113.26 FEET TO THE P.C.C. OF A CURVE CONCAVE SOUTHEASTERLY HAVING A CENTRAL ANGLE OF 90°00'00", A RADIUS OF 25.00 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 39.27 FEET TO THE P.T. OF SAID CURVE; THENCE NORTH 83°41'24" EAST A DISTANCE OF 931.30 FEET; THENCE NORTH 00°18'36" WEST A DISTANCE OF 50.00 FEET TO THE P.C. OF A CURVE CONCAVE NORTHEASTERLY HAVING A CENTRAL ANGLE OF 76°58'46", A RADIUS OF 25.00 FEET; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 33.59 FEET TO THE P.R.C. OF A CURVE CONCAVE WESTERLY HAVING A CENTRAL ANGLE OF 28°50'49", A RADIUS OF 205.00 FEET; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 103.21 FEET TO THE P.T. OF SAID CURVE; THENCE NORTH 83°41'24" EAST A DISTANCE OF 1644.37 FEET TO THE P.C. OF A CURVE CONCAVE WESTERLY HAVING A CENTRAL ANGLE OF 50°17'26", A RADIUS OF 205.00 FEET; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 179.94 FEET TO THE P.R.C. OF A CURVE CONCAVE EASTERLY HAVING A CENTRAL ANGLE OF 50°17'26", A RADIUS OF 155.00 FEET; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 136.05 FEET TO THE P.T. OF SAID CURVE; THENCE SOUTH 42°10'39" EAST A DISTANCE OF 1384.02 FEET; THENCE SOUTH 89°44'19" WEST A DISTANCE OF 1004.72 FEET TO THE SOUTHEAST CORNER OF SECTION 35, TOWNSHIP 17 SOUTH, RANGE 23 EAST; THENCE SOUTH 89°33'33" EAST A DISTANCE OF 2398.41 FEET TO THE POINT OF BEGINNING.

ALL BEING AND LYING IN MARION COUNTY, FLORIDA, CONTAINING 84.29 ACRES MORE OR LESS.

FOR THE POINT OF BEGINNING BEGIN AT THE SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF SECTION 34, TOWNSHIP 17 SOUTH, RANGE 23 EAST; THENCE NORTH 00°31'03" WEST A DISTANCE OF 2647.07 FEET TO THE NORTHWEST CORNER OF THE SOUTHEAST 1/4 OF SAID SECTION 34; THENCE SOUTH 89°38'14" WEST A DISTANCE OF 661.53 FEET; THENCE NORTH 00°28'24" WEST A DISTANCE OF 1328.11 FEET; THENCE NORTH 89°37'43" EAST A DISTANCE OF 661.86 FEET; THENCE NORTH 89°35'15" EAST A DISTANCE OF 2645.34 FEET; THENCE SOUTH 00°41'05" EAST A DISTANCE OF 593.94 FEET; THENCE SOUTH 89°35'15" WEST A DISTANCE OF 625.00 FEET; THENCE SOUTH 00°41'05" EAST A DISTANCE OF 450.00 FEET; THENCE NORTH 89°35'15" EAST A DISTANCE OF 625.00 FEET; THENCE SOUTH 00°41'05" EAST A DISTANCE OF 287.10 FEET TO THE NORTHEAST CORNER OF SOUTHEAST 1/4 OF SAID SECTION 34; THENCE NORTH 89°41'44" EAST A DISTANCE OF 763.00 FEET; THENCE SOUTH 00°18'36" EAST A DISTANCE OF 154.79 FEET; THENCE SOUTH 45°37'59" EAST A DISTANCE OF 188.42 FEET; THENCE SOUTH 44°27'01" WEST A DISTANCE OF 677.79 FEET TO A POINT ON A CURVE CONCAVE SOUTHERLY HAVING A CENTRAL ANGLE OF 44°45'30", A RADIUS OF 839.75 FEET; THENCE WESTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 655.99 FEET TO THE P.T. OF SAID CURVE; THENCE SOUTH 49°47'34" WEST A DISTANCE OF 213.19 FEET; THENCE NORTH 40°12'26" WEST A DISTANCE OF 112.00 FEET; THENCE SOUTH 49°47'34" WEST A DISTANCE OF 60.00 FEET TO THE P.C. OF A CURVE CONCAVE NORTHERLY HAVING A CENTRAL ANGLE OF 39°53'50", A RADIUS OF 348.00 FEET; THENCE WESTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 242.33 FEET TO THE P.T. OF SAID CURVE; THENCE SOUTH 89°41'24" WEST A DISTANCE OF 881.56 FEET; THENCE SOUTH 00°18'36" EAST A DISTANCE OF 112.00 FEET; THENCE SOUTH 89°41'24" WEST A DISTANCE OF 82.72 FEET TO THE P.C. OF A CURVE CONCAVE NORTHERLY HAVING A CENTRAL ANGLE OF 42 50'00", A RADIUS OF 25.00 FEET; THENCE WESTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 18.69 FEET TO THE P.R.C. OF A CURVE CONCAVE EASTERLY HAVING A CENTRAL ANGLE OF 222°50'00", A RADIUS OF 50.00 FEET; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 194.46 FEET TO THE P.T. OF SAID CURVE; THENCE NORTH 89°41'24" EAST A DISTANCE OF 355.35 FEET; THENCE SOUTH 00°18'36" EAST A DISTANCE OF 660.00 FEET; THENCE NORTH 89°41'24" EAST A DISTANCE OF 660.00 FEET; THENCE NORTH 00°18'36" WEST A DISTANCE OF 660.00 FEET; THENCE NORTH 89°41'24" EAST A DISTANCE OF 560.00 FEET; THENCE SOUTH 14°11'24" WEST A DISTANCE OF 670.00 FEET; THENCE SOUTH 05°48'36" EAST A DISTANCE OF 678.24 FEET; THENCE SOUTH 89°39'02" WEST A DISTANCE OF 2403.58 FEET TO THE POINT OF BEGINNING.

ALL BEING AND LYING IN MARION COUNTY, FLORIDA, CONTAINING 241.58 ACRES MORE OR LESS.