

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application of South Seas)	DOCKET NO. 910858-SU
Utility Company for amendment of)	ORDER NO. 25242
Certificate No. 268-S in Lee County.)	ISSUED: 10/22/91
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The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD, Chairman
SUSAN F. CLARK
J. TERRY DEASON
BETTY EASLEY

ORDER AMENDING CERTIFICATE TO INCLUDE
ADDITIONAL TERRITORY AND CLOSING DOCKET

BY THE COMMISSION:

Background

On August 13, 1991, South Seas Utility Company (South Seas or Utility) filed an application with this Commission for amendment of Certificate 268-S to include additional territory in Lee County. South Seas provides wastewater service to 57 customers. Water service is provided to the area by the Island Water Association.

South Seas has been providing service to one customer in the requested area for the past five years. However, we will not institute show cause proceedings against South Seas for serving outside of its service area since, upon discovering the error, South Seas filed an application to amend its certificate to include the territory.

Application

Except as discussed previously, the application is in compliance with Section 367.045, Florida Statutes, and other pertinent statutes and administrative rules. With its application, South Seas submitted a filing fee in the amount of \$150, as prescribed by Rule 25-30.020, Florida Administrative Code. The Utility also provided evidence that it owns the land upon which its facilities are located, as required by Rule 25-30.036(1)(d), Florida Administrative Code.

South Seas provided adequate service territory and system maps and a territory description, pursuant to Rule 25-30.036(1)(e), (f) and (i), Florida Administrative Code. The territory which the

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Utility has requested to serve is described in Attachment A of this Order, which by reference is incorporated herein.

In addition, South Seas provided proof of compliance with the noticing provisions of Rule 25-30.030, Florida Administrative Code, including notice to the customers in the additional territory. No objections to the application have been received and the time for filing such has expired.

In addition to the customer it is currently serving in the requested territory, South Seas has received requests for service from two property owners in the area. One property owner has a failing septic tank and drain field system. Another has a septic tank and drain field system that is undersized for expansion plans. At buildout, the Utility will serve approximately 22 equivalent residential connections (ERC) in the area.

South Seas has been in operation since 1975. Envirotech Operating Systems has been operating the plant efficiently for South Seas since 1977. Further, from information submitted with the application, it appears that South Seas has the financial ability to provide service to the additional territory.

We contacted the Department of Environmental Regulation (DER) regarding the status of the Utility. According to DER, there are no enforcement actions or corrective orders against South Seas.

Therefore, we find that it is in the public interest to amend Certificate No. 268-S, held by South Seas, to include the territory described in Attachment A of this Order, which by reference is incorporated herein. The Utility has returned Certificate No. 268-S to the Commission for entry reflecting the additional territory. South Seas has also filed revised tariff sheets, which reflect the amendment.

Rates and Charges

South Seas' rates are the result of a pass-through rate adjustment effective September 29, 1990. The Utility's service availability charge was established by Order No. 22094, issued on October 26, 1989, in Docket No. 881518-SU. South Seas shall charge the customers in the territory added herein the rates and charges approved in its tariff until authorized to change by the Commission.

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It is, therefore,

ORDERED by the Florida Public Service Commission that Certificate No. 268-S, held by South Seas Utility Company, c/o Mariner Services Corporation, 13391 McGregor Boulevard, Ft. Myers, Florida 33919, 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 South Seas Utility Company shall continue to charge the customers in the area added herein the rates and charges approved in its tariff until authorized to change by the Commission. It is further

ORDERED that Docket No. 910858-SU is hereby closed.

By ORDER of the Florida Public Service Commission, this 22nd
day of OCTOBER, 1991.

STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

ALC

by: Kay Flynn
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

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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

SOUTH SEAS UTILITY COMPANY

TERRITORY DESCRIPTION

The following described lands located in a portion of Section 26, Township 45 South, Range 21 East, Lee County, Florida:

Section 26

From the Northwest corner of said Section run South 08° 29' 50" West along the West line of said section for 3,250 feet, more or less, to an intersection with the Northeast right-of-way line of a public road being 30 feet wide; thence run South 16° 50' 00" East along said Northeasterly right-of-way line for 775 feet, more or less, to an intersection with the Southerly right-of-way line of Captiva Drive S.W. (formerly Binder Avenue); thence run South 77° 10' 20" East along said line for 122.78 feet, more or less, to the Point of Beginning. From said Point of Beginning continue South 77° 10' 20" East along the Southerly right-of-way line for 200 feet, more or less, to a jog in said Southerly right-of-way line; thence run South 12° 49' 40" West along said jog for 2.10 feet, more or less, to the Southerly line of Captiva Drive S.W. (formerly Binder Avenue); thence run South 71° 18' 20" East along said line for 718.03 feet, more or less; thence run South 02° 55' 20" West for 183.30 feet, more or less; thence run South 18° 41' 20" West for 5.00 feet; thence run North 71° 18' 20" West for 951.36 feet, more or less; thence run North 18° 41' 40" East for 3.89 feet, more or less, thence run North 12° 49' 40" East for 160 feet, more or less, to the Point of Beginning.

Bearings hereinabove mentioned are assumed, based on the West line of said Section 26, Township 45 South, Range 21 East to bear South 08° 29' 50" West.