

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application of North ) DOCKET NO. 920037-SU  
Fort Myers Utility, Inc. for )  
amendment of Certificate No. ) ORDER NO. PSC-92-0537-FOF-SU  
247-S in Lee County, Florida. )  
ISSUED: 06/22/92

ORDER AMENDING CERTIFICATE TO INCLUDE  
ADDITIONAL TERRITORY AND CLOSING DOCKET

BY THE COMMISSION:

On January 9, 1992, North Fort Myers Utility, Inc. (North Fort Myers or Utility) filed an application with this Commission to amend Certificate No. 247-S to include additional territory in Lee County, Florida. The Utility proposes to serve the Del Tura Shopping Center. The developer of the area will install a force main, which will extend to the Utility's existing force main. The extension will be donated to North Fort Myers by the developer. The shopping center will be served by North Ft. Myers' existing treatment system.

The application is in compliance with Section 367.045, Florida Statutes, and other pertinent statutes and provisions of the Florida Administrative Code. 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 Lee County is described in Attachment A of this Order.
3. Proof of compliance with the noticing requirements of Rule 25-30.030, Florida Administrative Code. No objections to the notice of application have been received and the time for filing such has expired.
4. Evidence, in the form of a warranty deed, that the Utility owns the land upon which its facilities are

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located, as required by Rule 25-30.036, Florida Administrative Code.

North Fort Myers is in an area designated by the South Florida Water Management District as a critical use area. The Utility currently disposes of a portion of its effluent to a golf course.

Since North Fort Myers has been in operation under our jurisdiction since 1977, 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. Also, from information filed with the application, it appears that North Fort Myers has the financial ability to serve the area. Therefore, we find that it is in the public interest to amend Certificate No. 247-S to include the territory described in Attachment A of this Order, which by reference is incorporated herein. North Fort Myers has filed revised tariff sheets and has returned Certificate No. 247-S to the Commission for entry reflecting the additional territory.

The rates applicable to the shopping center are those designed for general service customers. The rates became effective October 25, 1991, pursuant to a price index rate adjustment. Also, North Fort Myers shall assess a system capacity charge of \$635.00 per equivalent residential connection (ERC) to offset the demand placed on the system due to the addition of the shopping center.

It is, therefore,

ORDERED by the Florida Public Service Commission that Certificate No. 247-S, held by North Fort Myers Utility, Inc., Post Office Box 2547, Fort Myers, Florida 33902, is hereby amended to include the territory described in Attachment A of this Order, which by reference is incorporated herein. The Utility is directed to return Certificate No. 247-S to this Commission within 30 days of the date of this Order for appropriate entry. 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 North Fort Myers shall file revised tariff sheets reflecting the additional territory within 30 days of the date of this Order. It is further

ORDERED that Docket No. 920037-SU is hereby closed.

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By ORDER of the Florida Public Service Commission, this 22nd  
day of June, 1992.

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STEVE TRIBBLE, Director  
Division of Records and Reporting

( S E A L )

ALC

by: Kay Jeyan  
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

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NORTH FORT MYERS UTILITY, INC.

Territory Description

A parcel of land in Section 16, Township 43 South, Range 24 East, Lee County, Florida, more particularly described as follows:

Commence at the Northwest corner of Section 15, Township 43 South, Range 24 East; thence North  $89^{\circ}43'02''$  East along the North line of the Northwest  $1/4$  of said Section 15 for 169.20 feet; thence South  $00^{\circ}16'58''$  East for 500.00 feet to an intersection with the center line of a roadway easement 60.00 feet in width; thence along the center line of said roadway easement for the following described four (4) courses; (1) South  $89^{\circ}43'02''$  West for 660.32 feet to the Point of Curvature of a circular curve concave to the Southeast; (2) thence Westerly, Southwesterly and Southeasterly along the arc of said curve having for its elements a radius of 100.00 feet and a central angle of  $115^{\circ}50'12''$  for 202.17 feet to the Point of Tangency; (3) thence South  $26^{\circ}07'10''$  East for 343.55 feet; (4) thence South  $89^{\circ}33'51''$  West for 562.87 feet to the Point of Beginning of the herein described parcel of land; thence continue South  $89^{\circ}33'51''$  West along said center line for 768.70 feet to an intersection with the Easterly right-of-way line of U.S. 41 (S.R. 45); thence North  $26^{\circ}07'10''$  West along said Easterly right-of-way line for 395.96 feet; thence North  $89^{\circ}33'51''$  East for 940.31 feet; thence South  $00^{\circ}26'10''$  East for 356.84 feet to the Point of Beginning. Said parcel of land situate lying and being in Lee County, Florida. Containing 7 acres more or less;

AND

A parcel of land situated in the North  $1/2$  of the North  $1/2$  lying East of U.S. 41 in Section 16, Township 43 South, Range 24 East, Lee County, Florida, being more particularly described as follows:

Commencing at the North  $1/4$  corner of said Section 16, being a round concrete monument; thence North  $89^{\circ}33'50''$  East (basis for bearing is U.S. 41 Right-of-Way Map, Section 12010-2511, dated September 8, 1972) along the North line of said Section 16, a distance of 555.72 feet, to a point on the Eastern right-of-way of said Highway 41, said point being the Point of Beginning of the

herein described parcel; thence continue North  $89^{\circ}33'50''$  East along said North line of said Section 16 a distance of 875.38 feet; thence South  $00^{\circ}26'10''$  East, leaving the North line of said Section 16, a distance of 594.79 feet; thence South  $89^{\circ}33'50''$  West, parallel to the North line of said Section 16, a distance of 589.34 feet to a Point on the Easterly right-of-way of U.S. 41; thence North  $26^{\circ}07'10''$  West, along said Easterly right-of-way of U.S. 41, a distance of 660.00 feet to the Point of Beginning. The above parcel contains 10 net acres more or less.

AND

A parcel of land in Sections 15 and 16, Township 43 South, Range 24 East, Lee County, Florida, more particularly described as follows:

Begin at the Northwest corner of Section 15, Township 43 South, Range 24 East; thence North  $89^{\circ}43'02''$  East along the North line of the Northwest  $1/4$  of said Section 15 for 169.20 feet; thence South  $00^{\circ}16'58''$  East for 500.00 feet to an intersection with the center line of a roadway easement 60.00 feet in width; thence along the center line of said roadway easement for the following described four (4) courses: (1) South  $89^{\circ}43'02''$  West for the 660.32 feet to the Point of Curvature of a circular curve concave to the Southeast; (2) thence Westerly, Southwesterly and Southeasterly along the arc of said curve having for its elements a radius of 100 feet and a central angle of  $115^{\circ}50'12''$  for 202.17 feet to the point of Tangency; (3) thence South  $26^{\circ}07'10''$  East for 343.55 feet; (4) thence South  $89^{\circ}33'51''$  West for 562.87 feet; thence North  $00^{\circ}26'10''$  West for 356.84 feet; thence South  $89^{\circ}33'51''$  West for 350.97 feet; thence North  $00^{\circ}26'10''$  West for 594.79 feet to an intersection with the North line of the aforementioned Section 16; thence North  $89^{\circ}33'51''$  East along said North line for 1347.78 feet to the Point of Beginning. Said parcel of land situate lying and being in Lee County, Florida. Containing 23.00 acres more or less.