

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for) DOCKET NO. 920334-WS
amendment of Certificates Nos.) ORDER NO. PSC-92-0688-FOF-WS
72-W and 64-S in Lee County by) ISSUED: 07/21/92
GULF UTILITY COMPANY)
_____)

ORDER AMENDING CERTIFICATES TO INCLUDE
ADDITIONAL TERRITORY AND
CLOSING DOCKET

BY THE COMMISSION:

On April 10, 1992, Gulf Utility (GUC or utility) filed an application with this Commission which requested an amendment to its water and wastewater certificates in Lee County. The utility also published notice of its intent to expand its water and wastewater service area and amend Certificate No. 72-W and No. 64-S on April 10, 1992. The utility has stated that this amendment is needed in order to serve the proposed tenth state university to be built in Lee County, with its first phase to be completed by 1997. GUC will be the only provider of water and wastewater service to the area. The proposed territory is located along Interstate 95 in Lee County. Service will be provided by the extension of existing transmission and distribution lines.

The application is in compliance with the governing statute, Section 367.045, Florida Statutes, and other pertinent statutes and rules. In particular, the application contains:

- A) The utility submitted the correct filing fee of \$1,800 required pursuant to Rule 25-30.020, Florida Administrative Code.
- B) GUC provided adequate service territory and systems maps as required by Rule 25-30.036(1)(e), (f), and (i), Florida Administrative Code.
- C) Proof of ownership of the facilities and the land upon which the facilities are located was also provided in the form of a recorded warranty deed, pursuant to Rule 25-30.036(1)(d), Florida Administrative Code.
- D) An affidavit was submitted which states that the utility has tariffs and annual reports on

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file with this Commission, consistent with Section 367.045(2)(d), Florida Statutes.

- E) Finally, the utility provided evidence of compliance with the notice provisions as stated in Rule 25-30.030, Florida Administrative Code. The utility re-noticed due to an error in the territorial description of the initial notice. The re-noticing occurred April 24, May 1 and 8, 1992, in the Fort Myers News-Press. No objections were filed regarding this matter.

GUC is a Class A utility company subject to this Commission's regulation. The 1991 annual report for GUC indicates that the consolidated annual operating revenue for the intrastate system is \$2,144,866, and the utility has a net operating income of \$143,129. GUC has demonstrated the technical and financial ability to provide its customers with quality service in Lee County. The proposed new university will have no substantial effect on the utility's financial status.

Based on the foregoing, we find that it is in the public interest to grant GUC's request to amend Certificates Nos. 72-W and 64-S to include the territory in Lee County as described in Attachments A and B respectively.

RATES AND CHARGES

GUC's existing rates and charges for its water system were approved in Order No. 24735 in Docket No. 900718-WU. The rates became effective on August 24, 1991. The utility's existing rates and charges for its wastewater system were effective for service pursuant to a price index rate adjustment on December 10, 1991. GUC shall charge the customers in the additional territory the rates and charges approved in its tariff until other rates and charges are approved by this Commission.

It is, therefore,

ORDERED by the Florida Public Service Commission that Certificates Nos. 72-W and 64-S, held by Gulf Utility Company, 18513 Bartow Boulevard, Ft. Myers, Florida 33912, are hereby

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amended to include the territory described in Attachments A and B of this Order, which by reference are incorporated herein. It is further

ORDERED that the customers in the territory added herein shall be charged the rates and charges approved in Gulf Utility Company's tariff. It is further

ORDERED that Docket No. 920334-WS is hereby closed.

By ORDER of the Florida Public Service Commission this 21st day of July, 1992.

STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

LK

by: Kay Jenson
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 Civil Procedure. The notice of appeal must be in the form specified in Rule 9.900 (a), Florida Rules of Appellate Procedure.

WATER TERRITORY

Township 46 South; Range 25 East, Lee County, Florida

Section 10

The South half (S $\frac{1}{2}$) of the North half (N $\frac{1}{2}$) and the South half (S $\frac{1}{2}$) of said Section 10, lying East of the Westerly right of way of State Road No. 93 (Interstate Highway 75);

Section 11

The South half (S $\frac{1}{2}$) of the North half (N $\frac{1}{2}$) of the West half (W $\frac{1}{2}$) and the South half (S $\frac{1}{2}$) of the West half (W $\frac{1}{2}$) of said Section 11;

Section 13

All of said Section 13;

Section 14

All of said Section 14, lying East of the Westerly right of way of State Road No. 93 (Interstate Highway 75);

Section 15

All of said Section 15, lying East of the Westerly right of way of State Road No. 93 (Interstate Highway 75);

Section 23

All of said Section 23, lying East of the Westerly right of way of State Road No. 93 (Interstate Highway 75);

Section 24

All of said Section 24.

WASTEWATER TERRITORY

Township 46 South, Range 25 East, Lee County, Florida

Section 10

All of said Section 10, lying East of the Westerly right of way of State Road No. 93 (Interstate Highway 75) and lying South of Alico Road;

Section 11

The West half (W $\frac{1}{2}$) of said Section 11, lying South of Alico Road;

Section 13

All of said Section 13;

Section 14

All of said Section 14, lying East of the Westerly right of way of State Road No. 93 (Interstate Highway 75);

Section 15

All of said Section 15, lying East of the Westerly right of way of State Road No. 93 (Interstate Highway 75);

Section 23

All of said Section 23, lying East of the Westerly right of way of State Road No. 93 (Interstate Highway 75);

Section 24

All of said Section 24.