

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application of Creola,) DOCKET NO. 910933-SU
Inc. for a Wastewater Certifi-) ORDER NO. PSC-92-0956-FOF-SU
cate in Highlands County.) ISSUED: 09/09/92
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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
LUIS J. LAUREDO

ORDER GRANTING CERTIFICATE

BY THE COMMISSION:

Background

On April 16, 1992, Creola, Inc. (Creola) filed an application with this Commission for a certificate to provide wastewater service in Highlands County. Mr. David Hickman acquired title to the Utility on December 26, 1991. Prior to that time, Creola was known as Francis Mobile Estates.

Francis Mobile Estates has been in operation since 1968. We did not learn of its existence until July, 1991, when the owner, Mr. Stan Francis, requested information from the Commission Staff. Mr. Francis was advised that Francis Mobile Estates was subject to Commission jurisdiction and that he would have to file an application for a certificate to provide wastewater service.

On September 6, 1991, Mr. Francis filed an application, which contained deficiencies. Prior to correcting the deficiencies, Mr. Francis sold the utility to Mr. Hickman of Creola, Inc. As stated previously, Creola filed its application for a certificate on April 16, 1992.

Creola serves Francis Mobile Estates I and II, which is a mobile home community of approximately 683 lots. Creola also serves 6 commercial customers. Approximately 250 lots within Francis Mobile Estates I are rented; the remainder are owned by the

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residents. The lot rental includes wastewater service as a non-specific portion of the rent.

Although the utility has been in operation for some time without a certificate, we will not initiate show cause proceedings since Creola filed its application immediately upon being notified that it was subject to Commission regulation. Also, Creola has been very cooperative during the application process.

Application

Except as discussed previously, the application is in compliance with Section 367.045, Florida Statutes, and other pertinent statutes and administrative rules. The application contains a filing fee in the amount of \$150.00, pursuant to Rule 25-30.020, Florida Administrative Code.

Creola also provided evidence that it owns the land upon which its facilities are located, as required by Rule 25-30.034(1)(e), Florida Administrative Code. Adequate service territory and system maps have been provided, as prescribed by Rule 25-30.034(1)(h), (i) and (j), Florida Administrative Code. The territory served by Creola is described in Attachment A of this Order, which by reference is incorporated herein.

Creola has provided proof of compliance with the noticing provisions of Rule 25-30.030, Florida Administrative Code. On February 13, 1992, the Francis I. Mobile Home Owners Association filed an objection to the application. The Association withdrew its objection on March 6, 1992, based on the understanding that the new owner will make every effort to correct the problems referenced in the objection.

From information filed with the application, it appears that Creola has the financial ability to operate the utility. Since Mr. Hickman does not have any personal experience in wastewater utility operations, he has retained the services of Mr. Raymond Caldwell, an employee of Pugh Utility Service. Mr. Caldwell has over 20 years of experience in maintaining wastewater systems. Also, according to the Department of Environmental Regulation (DER), there are no outstanding notices of violation against the utility.

Based on the foregoing, we find that it is in the public interest to grant Creola, Inc. Certificate No. 473-S to serve the territory described in Attachment A of this Order.

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Rates and Charges

At our August 18, 1992, Agenda Conference, we deferred the establishment of rates and charges for Creola, Inc. Therefore, this docket shall remain open for the determination of the appropriate rates and charges.

It is, therefore,

ORDERED by the Florida Public Service Commission that Creola, Inc., Post Office Box 1346, Sebring, Florida 33871-1346, is hereby granted Certificate No. 473-S to serve the territory described in Attachment A of this Order. It is further

ORDERED that Docket No. 910933-SU shall remain open pending determination of the appropriate rates and charges.

By ORDER of the Florida Public Service Commission this 9th day of September, 1992.

STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

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by: Kary Hagan
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.

Creola, Inc.

TERRITORY DESCRIPTION

The following described lands located in portions of Sections 5, 32, Township 34, 35 South, Range 29 East, Highlands County, Florida:

NO. 1; Kendale Apartments

Lots 1 and 2, KENDALE SUBDIVISION, according to the plat thereof, recorded in Plat Book 13 at page 20 of the Public Records of Highlands County, Florida, being more particularly described as follows: Commence at the Northwest corner of Section 5, Township 35 South, Range 29 East, Highlands County, Florida; thence run S.1°12'00"W. along the West line of the aforesaid Section 5 for a distance of 180.00 feet to a point; thence run S.89°42'25"E. for a distance of 209.45 feet to the Point of Beginning; thence continue S.89°42'25"E. for a distance of 180.00 feet to a point; thence run S.1°12'00"W for a distance of 159.73 feet to a point; thence run N.89°42'11"W. for a distance of 179.98 feet to a point; thence run N.1°12'00"E. for a distance of 158.88 feet to the Point of Beginning.

NO. 2: Wendy's Restaurant

A portion of Lots 46, 48 and 50, Block 3, SUNSET BEACH SUBDIVISION as recorded in Plat Book 1 at pages 20 and 21 of the Public Records of Highlands County, Florida, being more particularly described as follows: Commence at the Southwest corner of Section 32, Township 34 South, Range 29 East, Highlands County, Florida; thence run East along the South line of said Section 32 for a distance of 982.79 feet to the Point of Beginning; thence run N.3°13'48"E. for a distance of 340.47 feet to a point; thence run N.82°13'48"E. for a distance of 5.00 feet to a point on a line common to Lots 46 and 48; thence run N.29°48'23"W. along the line common to Lots 46 and 48 for a distance of 104.78 feet to a point on the Southerly right-of-way line of U.S. Highway 27; thence in a Southeasterly direction along the arc of a curve to the right (said curve having for its elements a radius of 3087.12 feet, a central angle of 2°55'52") for a distance of 157.93 feet to a point; thence run S.25°31'08"E. for a distance of 157.82 feet to the most Easterly corner of said Lot 46, Block 3 of said SUNSET BEACH SUBDIVISION; thence run S.22°26'20"W. along the Southeasterly line of said Lots 46 and 48 for a distance of 292.60 feet to the Southeasterly corner of said Lot 50; thence run West along the South line of said Lot 50 and the South line of said Section 32 for a distance of 46.86 feet to the Point of Beginning.

NO. 3; Holiday Motel (ECONO INN)

That portion of Block 4, SUNSET BEACH SUBDIVISION, according to the plat thereof, recorded in Plat Book 1 at page 20 of the Public Records of Highlands County, Florida, described as follows: Commencing at the Northeast Corner of the Northwest 1/4 of Section 32, Township 34 South, Range 29 East; thence run S.88°12'W. along said South Section line a distance of 686.2 feet to the Point of Beginning, said point being the Southeast corner of said Block 4 of SUNSET BEACH SUBDIVISION; thence run N.0°41'05"W. for a distance of 148.1 feet to a point on the South boundary of the present right-of-way of U.S. Highway 27; thence run Northwesterly along the Southerly right-of-way line of U.S. Highway 27, along a circular curve to the left, having a radius of 3087.12 feet from a tangent line having a bearing of N.66°26'18"W. a distance of 250.00 feet to a point; thence run S.2°36'W. a distance of 123.28 feet to a point; thence run N.82°18'39"W. a distance of 196.24 feet to a point; thence run S.3°19'W. for a distance of 155.89 feet to a point on the South line of said Section 32; thence run N.88°12'E. along said South line of Section 32 for a distance of 448 feet to the Point of Beginning.

NO. 4: VILLAGE INN RESTAURANT

A portion of the Northeast 1/4 of the Northwest 1/4 of Section 5, Township 35 South, Range 29 East, Highlands County, Florida, being more particularly described as follows: Commence at the intersection of the North-South 1/4 section line of Section 5 and the Southerly right-of-way line of U.S. Highway 27; thence run Northwesterly along said right-of-way line, said line being on a circular curve to the left, having a radius of 3087.12 feet, through a central angle of $5^{\circ}45'22''$ for an arc distance of 310.14 feet to the Point of Beginning; thence continue in a Northwesterly direction along the arc of said circular curve having a radius of 3087.12 feet through a central angle of $2^{\circ}47'27''$ for an arc distance of 150.37 feet to a point on the Easterly right-of-way line of Sebring Drive; thence run $S.38^{\circ}15'50''W.$ along said Easterly right-of-way line of Sebring Drive for a distance of 350.00 feet to a point; thence run $S.56^{\circ}49'48''E.$ for a distance of 151.05 feet to a point; thence run $N.38^{\circ}09'04''E.$ for a distance of 350.00 feet to the Point of Beginning. Subject to a 15.00 foot Easement as recorded in O.R. Book 59 at pages 49 and 50 of the Public Records of Highlands County, Florida.

NO. 5: McDONALDS RESTAURANT

Commence at the intersection of the North-South 1/4 Section line of Section 5, Township 35 South, Range 29 East, Highlands County, Florida and the Southerly right-of-way line of U.S. Highway 27; thence run Northwesterly along said Southerly right-of-way line, said line being a curve to the left, having a radius of 3087.12 feet through a central angle of $2^{\circ}02'30''$ for an arc distance of 110 feet to the Point of Beginning; thence run $S.38^{\circ}09'04''W.$ radial to the last described curve for a distance of 220 feet; thence run $N.51^{\circ}50'56''W.$ for a distance of 24 feet to a point; thence run $S.38^{\circ}09'04''W.$ for a distance of 100 feet to a point; thence run $N.51^{\circ}50'56''W.$ for a distance of 176 feet to a point; thence run $N.38^{\circ}09'04''E.$ for a distance of 313.52 feet to a point on the Southerly right-of-way line of said U.S. Highway 27; thence run Southeasterly along the Southerly right-of-way line of said U.S. Highway 27, along a circular curve to the right having a radius of 3087.12 feet, a central angle of $3^{\circ}42'44''$ for an arc distance of 200 feet to the Point of Beginning. Subject to an easement as recorded in O.R. Book 287 at page 490 of the Public Records of Highlands County, Florida.

NO. 6: BURGER KING RESTAURANT

A portion of the Northeast $1/4$ of Section 5, Township 35 South, Range 29 East, Highlands County, Florida, being more particularly described as follows:
Commence at the Northwest corner of the Northeast $1/4$ of said Section 5; thence run $N.89^{\circ}18'00''E.$ along the North line of said Section 5 a distance of 25.30 feet to the Easterly right-of-way line of U.S. Highway 27, State Road NO. 25; thence run South and East along said Right-of-way line on the arc of a curve to the left concave on its Easterly side and having for its elements a radius of 1784.86 feet and a central angle of $7^{\circ}18'29''$ for a distance of 227.66 feet to the Point of Beginning; thence continue South and East along said right-of-way line on the arc of said curve a distance of 108.65 feet to a point of tangency; thence run $S.46^{\circ}56'00''E.$ still along said Easterly right-of-way line of U.S. Highway 27 a distance of 81.00 feet; thence run $N.43^{\circ}04'00''E.$ a distance of 289.94 feet; thence run $N.0^{\circ}42'00''W.$ a distance of 67.72 feet to the Southerly right-of-way line of DeSoto Road; thence run $S.89^{\circ}18'00''W.$ 33.0 feet South of and parallel with the North line of the aforesaid Section 5 a distance of 275.00 feet; thence run $S.0^{\circ}42'00''E.$ a distance of 19.10 feet; thence run West and South on the arc of a curve concave on its Southerly side and having for its elements a radius of 47.50 feet and a central angle of $49^{\circ}56'02''$ a distance of 41.40 feet to a point of tangency; thence run $S.39^{\circ}21'58''W.$ a distance of 49.25 feet; thence run $S.7^{\circ}07'41''E.$ a distance of 70.31 feet to the Point of Beginning.

NO. 7: FRANCIS NO.1 MOBILE ESTATES

GRAYCE'S MOBILE ESTATES, GRAYCE'S MOBILE ESTATES ADDITION NO. 1 and GRAYCE'S MOBILE ESTATES ADDITION NO. 2, according to the plats thereof, recorded in Plat Books 8 at page 91, 9 at page 4 and 9 at page 9, respectively, of the Public Records of Highlands County, Florida, AND, a portion of the Northwest 1/4 of Section 5, Township 35 South, Range 29 East, Highlands County, Florida, being more particularly described as follows: Commence at the Northeast corner of the Northwest 1/4 of the aforesaid Section 5; thence run S.89°45'55"W. along the North line of the Northwest 1/4 of said Section 5 for a distance of 686.20 feet to the Point of Beginning; thence continue S.89°45'55"W. along the last described course for a distance of 1291.10 feet to a point; thence run S.0°53'33"W. for a distance of 682.26 feet to a point; thence run S.89°40'55"E. for a distance of 329.75 feet to a point; thence run S.0°52'20"W. for a distance of 686.64 feet to a point; THENCE RUN N.89°05'45"W. for a distance of 956.94 feet to a point on the West right-of-way line of Sparta Road; thence run S.0°55'55"W. along said West right-of-way line of Sparta Road a distance of 199.66 feet to the intersection with the centerline of the Upper Jackson Creek Easement; thence run S.48°39'54"E. along said Easement centerline for a distance of 14.03 feet to a point of curvature; thence run Southeasterly along a circular curve to the left, having for its elements a radius of 521.67 feet, a central angle of 40°36'00" for an arc distance of 369.09 feet to the point of tangency; thence run S.89°15'54"E. still along the centerline of said Easement for a distance of 1173.64 feet to a point

NO. 8; Francis NO. 2 Mobile Estates

GRAYCE'S MOBILE ESTATES UNIT TWO, according to the Plat thereof, recorded in Plat Book 9 at page 46 of the Public Records of Highlands County, Florida; AND, a portion of the Southeast one-quarter of Section 32 Township 34 South, Range 29 East, Highlands County, Florida, being more particularly described as follows:

Commence at the Southeast corner of the aforesaid Section 32; thence run N.1°00'10"W. along the East line of said Section 32 for a distance of 25.00 feet to a point; thence run S.87°49'20"W for a distance of 40.01 feet to the Point of Beginning; thence continue S.87°49'20"W. for a distance of 2219.01 feet to a point; thence run N.2°10'40"W. for a distance of 630.00 feet to a point; thence run N.87°49'20"E. for a distance of 1337.03 feet to a point; thence run N.48°07'50"E. for a distance of 355.64 feet to a point; thence run N.87°49'20"E. for a distance of 645.83 feet to a point on the West right-of-way line of Highlands Avenue as shown on said plat of GRAYCE'S MOBILE ESTATES UNIT TWO; thence run S.1°00'10"E. along said right-of-way line for a distance of 840.19 feet to the Point of Beginning.

of curvature; thence run Southeasterly along a circular curve to the right, having for its elements a radius of 573.69 feet, a central angle of $65^{\circ}01'10''$ for an arc distance of 651.03 feet to a point on the South line of the North $1/2$ of the South $1/2$ of the Northwest $1/4$ of said Section 5; thence run $S.89^{\circ}13'25''E.$ along the South line of the North $1/2$ of the South $1/2$ of the Northwest $1/4$ of said Section 5 for a distance of 633.62 feet to the intersection with the East line of the Northwest $1/4$ of said Section 5; thence run $N.0^{\circ}53'29''E.$ along the East line of the Northwest $1/4$ of said Section 5 for a distance of 929.12 feet to a point; thence run $N.51^{\circ}51'00''W.$ for a distance of 620.70 feet to a point; thence run $N.38^{\circ}09'00''E.$ for a distance of 265.00 feet to a point; thence run $N.51^{\circ}51'00''W.$ for a distance of 200.00 feet to a point; thence run $N.38^{\circ}09'00''E.$ for a distance of 64.95 feet to a point; thence run $N.56^{\circ}40'48''W.$ for a distance of 151.05 feet to a point; thence run $N.38^{\circ}15'58''E.$ for a distance of 110.45 feet to a point; thence run $N.51^{\circ}44'02''W.$ for a distance of 213.62 feet to a point; thence run $N.0^{\circ}41'05''W.$ for a distance of 80.00 feet to the Point of Beginning.