

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application of) DOCKET NO. 920367-SU
Fairmount Utilities The 2nd,) ORDER NO. PSC-92-1186-FOF-SU
Inc. for Amendment of) ISSUED: 10/19/92
Certificate No. 357-S in)
Highlands County, Florida.)
_____)

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 AMENDING CERTIFICATE TO INCLUDE
ADDITIONAL TERRITORY AND CLOSING DOCKET

BY THE COMMISSION:

Background

On April 24, 1992, Fairmount Utilities the 2nd, Inc. (FUI or Utility) filed an application with this Commission for amendment of Certificate No. 357-S to serve additional territory in Highlands County. FUI currently serves 400 wastewater customers. Of the 400 customers, two are commercial customers located within the requested territory. The combined design capacity of the two commercial customers is estimated at 21 equivalent residential connections (ERCs). No additional wastewater treatment or collection system is needed to serve the area.

The previous owner of the Utility began serving the two commercial customers several years before the system was transferred to FUI. Although FUI continued to serve the customers after acquiring the system, it filed an application for amendment of Certificate No. 357-S upon discovering that the area was not within its certificated territory. We will not, therefore, initiate show cause proceedings against FUI for serving outside of its service area without prior approval, since service began prior to FUI acquiring the system. Also, FUI filed the application for

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amendment of its certificate upon discovering the discrepancy in its service area.

Application

Except as discussed previously, the application is in compliance with Section 367.045, Florida Statutes, and other pertinent statutes and administrative rules. In particular the application contains a filing fee in the amount of \$150.00, as prescribed by Rule 25-30.020, Florida Administrative Code. FUI provided a Warranty Deed as evidence that it owns the land upon which its facilities are located, as required by Rule 25-30.036 (1)(d), Florida Administrative Code.

Adequate service territory and system maps and a territory description have been provided, pursuant to Rule 25-30.036(1)(e) (f), and (i), Florida Administrative Code. The additional territory in Highlands County is described in Attachment A of this Order, which by reference is incorporated herein.

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

Since FUI has been providing quality wastewater service to its customers since it came under our jurisdiction in 1991, it appears that it has the technical ability to provide service in the requested territory. Also, from information filed with the application, it appears that FUI has the financial resources to serve the area.

Based on the foregoing, we find that it is in the public interest to amend Certificate No. 357-S to include the territory described in Attachment A of this Order. FUI has returned Certificate No. 357-S to the Commission for entry reflecting the additional territory. It has also filed revised tariff sheets for entry reflecting the amendment.

Rates and Charges

FUI's rates and charges became effective on November 1, 1991, pursuant to Order No. 25217, issued in Docket No. 910518-SU. The Utility shall charge the customers in the territory added herein

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the rates and charges approved in its tariff until authorized to change by the Commission.

It is, therefore,

ORDERED by the Florida Public Service Commission that Certificate No. 357-S, held by Fairmount Utilities the 2nd, Inc., 3625 Valarie Boulevard, Post Office Box 548, Sebring, Florida 33871-0548, is hereby amended to include the territory described in Attachment A of this Order. It is further

ORDERED that Fairmount Utilities the 2nd, Inc. shall charge the customers in the territory added herein the rates and charges approved in its tariff until authorized to change by the Commission. It is further

ORDERED that Docket No. 920367-SU is hereby closed.

By ORDER of the Florida Public Service Commission this 19th day of October, 1992.



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

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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.

ATTACHMENT A

FAIRMOUNT UTILITIES THE 2ND, INC.

Territory Description

The following described lands located in portions of Section 14, Township 34 South, Range 28 East, Highlands County, Florida:

Commence at the Southwest corner of Section 14, Township 34 South, Range 28 East, as shown on said plat; thence run North 88°01'43" East and along the South line of said Section a distance of 941.98 feet to a point on the Westerly right-of-way of U.S. Highway No. 27; thence North 18°02'00" West and along the said right-of-way line a distance of 1829.96 feet to the most Easterly corner of Lot 3 and for Point of Beginning; thence continue North 18°02'00" West a distance of 243.00 feet to the center line of Vanderbilt Road (now vacated); thence South 71°58'00" West and along said center line a distance of 240.00 feet to the center line of a vacated alley; thence South 18°02'00" East and along said center line for a distance of 353.00 feet; thence North 71°58'00" East a distance of 240.00 feet to a point on the Westerly right-of-way line of U.S. Highway 27; thence North 18°01'00" West and along said right-of-way line a distance of 110.00 feet to Point of Beginning.