

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for) DOCKET NO. 930418-SU
amendment of Certificate No. 47-) ORDER NO. PSC-93-0831-FOF-SU
S in Hernando County by) ISSUED: June 3, 1993
Southern States Utilities, Inc.)
_____)

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON, Chairman
THOMAS M. BEARD
SUSAN F. CLARK
JULIA L. JOHNSON
LUIS J. LAUREDO

FINAL ORDER AUTHORIZING INTERIM
EMERGENCY SERVICE TO CHECKERS RESTAURANT
IN HERNANDO COUNTY

BY THE COMMISSION:

On April 22, 1993, Southern States Utilities, Inc. (SSU or utility) filed an application to amend its Certificate No. 47-S in Hernando County and requested interim, emergency approval to provide wastewater service to a single connection at the Checkers Restaurant in Spring Hill, Florida. SSU stated in its application that the owner of the restaurant and the Department of Health and Rehabilitative Services (HRS) have requested this service to solve an immediate threat to the public's health, safety, and welfare. The restaurant is adjacent to the utility's existing service territory.

As filed, the utility's application is incomplete. However, the application does contain a February 12, 1993 letter from the Assistant Director of the Hernando County Utilities Department which states that the county has no objection to SSU's extending service to the Checkers Restaurant. In addition, the utility filed in support of its application, a letter dated March 9, 1993, from ADP & Associates, Inc., engineers for Checkers, requesting that service be provided as quickly as possible, and a letter dated March 16, 1993, from HRS stating that the Checkers Restaurant is using temporary measures to prevent additional sewage spills but that the situation remains a sanitary hazard. The HRS letter also indicates that the connection to a public sewer must be made within 45 days or HRS will consider ordering the business to close.

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SSU asserts that it is ready and able to serve the restaurant, that all necessary DER approvals were received on April 19, 1993, and that the construction necessary for connection should be complete by May 1, 1993. Pursuant to Order No. PSC-93-0202-FOF-WS, issued February 9, 1993, SSU is required to file a master amendment application for Hernando County on August 1, 1993.

Based on the foregoing, we find it appropriate to authorize SSU to serve Checkers Restaurant on an interim, emergency basis, subject to final Commission approval in the Hernando County master amendment application to be filed August 1, 1993.

It is, therefore,

ORDERED by the Florida Public Service Commission that Southern States Utilities, Inc. is hereby authorized to provide service to Checkers Restaurant in Hernando County on an interim, emergency basis subject to final Commission approval of the Hernando County master amendment application to be filed on August 1, 1993. It is further

ORDERED that the application of Southern States Utilities, Inc. for amendment of Certificate No. 47-S filed on April 22, 1993, is denied. It is further

ORDERED that this docket is hereby closed.

By ORDER of the Florida Public Service Commission this 3rd day of June, 1993.

STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

CB

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 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.