

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for ) DOCKET NO. 930147-WS  
amendment of Certificates Nos. ) ORDER NO. PSC-93-1309-FOF-WS  
189-W and 134-S in Citrus County ) ISSUED: September 9, 1993  
by SOUTHERN STATES UTILITIES, )  
INC. )  
\_\_\_\_\_ )

ORDER AMENDING CERTIFICATES TO INCLUDE ADDITIONAL TERRITORY  
AND CLOSING DOCKET

BY THE COMMISSION:

BACKGROUND

Southern States Utilities, Inc. (SSU or utility) is a Class A utility which provides water and wastewater service in 26 counties throughout the State of Florida. According to SSU's 1992 annual report, the utility recorded an annual operating revenue of \$19,042,175 and \$9,370,486, for its water and wastewater systems respectively, with a net operating income of \$2,979,619 for water and a net operating loss of \$611,642 for wastewater.

On February 10, 1993, SSU applied to this Commission for an amendment to Certificates Nos. 198-W and 134-S in Citrus County, Florida. SSU has made application to extend the service area currently being served by eight systems owned by SSU. The systems include: Apache Shores; Citrus Springs; Crystal River; Golden Terrace; Oak Forest; Point O Woods; Rolling Green; and Sugar Mill Woods.

Since SSU is already serving these areas, it is in violation of Section 367.045(2), Florida Statutes, which requires a utility to obtain Commission approval prior to extending its service area. Docket No. 921014-WS was opened to address these and other violations of Section 367.045(2), Florida Statutes, by SSU. Order No. PSC-93-0202-FOF-WS, issued on February 9, 1993, in that docket, approved a timetable for SSU to follow in filing applications for amendments to include territory being served outside of its service area. SSU provided an explanation for its actions, and we determined that if the utility complied with the order and followed the timetable for filing the amendment applications, show cause proceedings would not be initiated and the amendment applications could be processed administratively.

DOCUMENT NUMBER-DATE

09728 SEP-93

FPSC-RECORDS/REPORTING

### Application

Except as previously discussed, the application is in compliance with Section 367.045, Florida Statutes, Order No. PSC-93-0202-FOF-WS, and other pertinent statutes and provisions of the Florida Administrative Code. The application contains a check in the amount of \$300.00, which is the correct filing fee pursuant to Rule 25-30.020, Florida Administrative Code. In addition, the utility has provided evidence that the utility owns the land upon which the utility's facilities are located as required by Rule 25-30.036(1)(d), Florida Administrative Code, in the form of a warranty deed for each system.

In addition, the utility provided proof of compliance with the noticing provisions set forth in Rule 25-30.030, Florida Administrative Code. The City of Inverness (City) filed a timely objection to SSU's application for amendment. The City objected to the application's territory descriptions for the Golden Terrace and Rolling Green systems. However, on June 1, 1993, after SSU agreed to revise its application to delete certain portions of the service area for the Golden Terrace system, the City withdrew its objection. SSU filed the revised territory description of the service area for the Golden Terrace system on August 5, 1993.

Also, on February 18, 1993, the Commission received an objection to SSU's application from Mr. and Mrs. Earl Litchford. However, on March 23, 1993, a letter was received from the Litchfords withdrawing the objection as they had misunderstood the utility's notice to be that of a rate increase application instead of an application for an amendment of its certificate.

Adequate service territory and system maps and a territory description have been provided as prescribed by Rule 25-30.036(1)(e), (f) and (i), Florida Administrative Code. The descriptions of the territory requested is appended to this Order as Attachments A and B. The utility has submitted an affidavit consistent with Section 367.045(2)(d), Florida Statutes, that it has tariffs and annual reports on file with this Commission.

The additional territories are not in a critical use area as defined by the Southwest Florida Water Management District. SSU operates eight water plants and one wastewater plant which provide service to customers in the Sugar Mill Woods subdivision. The amendment is consistent with the Citrus County Comprehensive Plan, and there will be no additional water or wastewater facilities

built to serve these proposed territories. Service will be provided by extending the existing transmission and distribution lines.

SSU is currently in compliance with Department of Environmental Protection (DEP) requirements. The utility provides quality water and wastewater service to the residents of Citrus County. Also, from the information filed with the application, SSU has demonstrated that it has the capability and financial resources to adequately serve the requested area.

Therefore, we find that it is in the public interest to amend Certificates Nos. 189-W and 134-S to include the territory described in Attachments A and B of this Order, which by reference is incorporated herein. SSU has returned the certificates to this Commission for entry reflecting the additional territory. SSU has also filed revised tariff sheets reflecting the amendment.

#### Rates and Charges

SSU's currently approved water and wastewater rates are interim rates authorized by Order No. PSC-0949-FOF-WS, issued in Docket No. 920199-WS, effective September 18, 1992. Although Order No. PSC-92-0948-FOF-SU, approved statewide uniform rates for SSU, the utility has not implemented these statewide uniform rates pending resolution of reconsideration petitions which have been filed in Docket No. 920199-WS. In the meantime, we find the current rates and charges to be reasonable as approved for Apache Shores, Citrus Springs, Crystal River, Golden Terrace, Oak Forest, Point O Woods, Rolling Green, and Sugar Mill Woods. SSU shall charge the customers in the additional territories the rates and charges approved herein until authorized to change by this Commission.

Based on the foregoing, it is, therefore, .

ORDERED by the Florida Public Service Commission that Certificates Nos. 198-W and 134-S, held by Southern States Utilities, Inc., 1000 Color Place, Apopka, Florida 32703, is hereby amended to include the territory described in Attachments A and B of this Order which by reference is incorporated herein. It is further

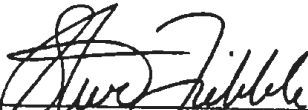
ORDERED that Southern States Utilities, Inc., shall charge the customers in the territories added herein the rates and charges

ORDER NO. PSC-93-1309-FOF-WS  
DOCKET NO. 930147-WS  
PAGE 4

approved in the body of this Order until authorized to change by this Commission. It is further

ORDERED that Docket No. 930147-WS is hereby closed.

By ORDER of the Florida Public Service Commission this 9th day of September, 1993.

  
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STEVE TRIBBLE, Director  
Division of Records and Reporting

( S E A L )

LK

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

ORDER NO. PSC-93-1309-FOF-WS  
DOCKET NO. 930147-WS  
PAGE 5

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.

ORDER NO. PSC-93-1309-FOF-WS  
DOCKET NO. 930147-WS  
PAGE 6

ATTACHMENT A  
Page 1 of 8

**WATER TERRITORY**  
**APACHE SHORES**

Township 18 South, Range 19 East, Citrus County, Florida.

Section 13

That portion of the Southwest 1/4 of said Section 13, lying above the waters edge of Lake Tsala Apopka; LESS that portion lying contiguous to East Thunder Hill Loop and above the waters edge of Lake Tsala Apopka within that island in Lake Tsala Apopka containing said East Thunder Hill Loop.

AND

That portion of the Northwest 1/4 of said Section 13 lying contiguous to the right of way of East Lake Park Drive and above the waters edge of Lake Tsala Apopka.

ORDER NO. PSC-93-1309-FOF-WS  
DOCKET NO. 930147-WS  
PAGE 7

Page 2 of 8

**CITRUS COUNTY**

Township 17 South, Range 18 East, Citrus County, Florida.

**Section 1**

All of said Section 1 lying and being Southwesterly of the Withlocoochee River less and except the following parcels: The East 1/2 of the Southeast 1/4 and the North 770 feet of the West 330 feet of the Northwest 1/4 of said Section 1.

**Section 2**

All that portion of the West 1/2 of the Northwest 1/4 of said Section 2 lying westerly of the Seaboard Railroad R.O.W.; and the South 1/2 of the Northeast 1/4 of the Northeast 1/4; and all that portion of the Southeast 1/4 of the Northeast 1/4 of said Section 2 lying North of State Road 39.

ORDER NO. PSC-93-1309-FOF-WS  
DOCKET NO. 930147-WS  
PAGE 8

Page 3 of 8

**CRYSTAL RIVER HIGHLANDS**

Township 19 South, Range 17 East, Citrus County, Florida.

**Section 15**

The North 552 feet of the East 605 feet of that portion of said Section 15 which lies West of Old U.S. Highway 19 (South Stonebrook Drive).



**GOLDEN TERRACE**

Township 19 South, Range 19 East, Citrus County, Florida.

**Section 11**

All that portion of the Northeast 1/4 of the Southeast 1/4 of said Section 11, lying Southerly of State Road No. 44 (E. Gulf to Lake Highway)

**AND**

The South 80 feet of the East 150 feet of the Northwest 1/4 of the Southeast 1/4 of said Section 11.

**AND**

All that portion of the North 550 feet of the West 1/2 of the Northeast 1/4 of the Southeast 1/4 of the Southeast 1/4 of said Section 11, lying South of State Road No. 44.

**Section 12**

The West 130 feet of the South 200 feet of said Section 12.

**Section 14**

The North 157 feet of the East 331 feet of said Section 14.

ORDER NO. PSC-93-1309-FOF-WS  
DOCKET NO. 930147-WS  
PAGE 10

Page 5 of 8

**POINT O' WOODS**

Township 19 South, Range 20 East, Citrus County, Florida.

Section 2

The Southeast 1/4 of the Northeast 1/4 of said Section 2.

ORDER NO. PSC-93-1309-FOF-WS  
DOCKET NO. 930147-WS  
PAGE 11

Page 6 of 8

**OAK FOREST**

Township 21 South, Range 20 East, Citrus County, Florida

Section 4

The South 1/2 of Section 4, Township 21 South, Range 20 East,  
Citrus County, Florida.

ORDER NO. PSC-93-1309-FOF-WS  
DOCKET NO. 930147-WS  
PAGE 12

Page 7 of 8

**ROLLING GREEN**

Township 19 South, Range 20 East, Citrus County, Florida.

Section 26

That portion of the Northeast 1/4 of the Northwest 1/4 of Section 26, Township 19 South, Range 20 East, Citrus County, Florida, lying Northerly of East Sandpiper Drive.

ORDER NO. PSC-93-1309-FOF-WS  
DOCKET NO. 930147-WS  
PAGE 13

Page 8 of 8

**SUGAR MILL WOODS**

Township 20 South, Range 17 East, Citrus County, Florida.

Sections 13, 24, 25 and 36

That portion of Section 13, 24, 25, and 36 lying Easterly of U.S.  
Highway 19-98.

ORDER NO. PSC-93-1309-FOF-WS  
DOCKET NO. 930147-WS  
PAGE 14

ATTACHMENT B  
Page 1 of 2

**WASTEWATER TERRITORY**

**POINT O' WOODS**

Township 19 South, Range 20 East, Citrus County, Florida.

Section 2

The Southeast 1/4 of the Northeast 1/4 of said Section 2.

ORDER NO. PSC-93-1309-FOF-WS  
DOCKET NO. 930147-WS  
PAGE 15

Page 2 of 2

**SUGAR MILL WOODS**

Township 20 South, Range 17 East, Citrus County, Florida.

Sections 13, 24, 25 and 36

That portion of Section 13, 24, 25, and 36 lying Easterly of U.S.  
Highway 19-98.