

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for ) DOCKET NO. 930164-WU  
Amendment of Certificate No. ) ORDER NO. PSC-93-1530-FOF-WU  
116-W in Pasco County by HOLIDAY ) ISSUED: October 19, 1993  
GARDENS UTILITIES, INC. )  
\_\_\_\_\_ )

ORDER AMENDING CERTIFICATE TO INCLUDE ADDITIONAL TERRITORY  
AND CLOSING DOCKET

BY THE COMMISSION:

BACKGROUND

Holiday Gardens Utilities, Inc. (Holiday Gardens or utility) is a Class C utility which provides water service in Pasco County to approximately 448 customers. Holiday Garden customers receive wastewater service from private septic tanks. The utility's 1992 annual report shows an annual operating revenue of \$48,016 and a net operating income of \$10,489.

During the pendency of a staff assisted rate case proceeding in 1989, we discovered that the utility was serving approximately 44 residential and small general service customers outside of its certificated territory. During Holiday Gardens' next staff assisted rate case in 1992 in Docket No. 920418-WU, we discovered that the utility had not filed an application to correct its certificated territory. By letter dated June 29, 1992, we informed Ms. Linda Emerick, President of Holiday Gardens, of the need to file an application for amendment. The application was filed on February 18, 1993, and this docket was opened to process this amendment. In Order No. PSC-93-1031-FOF-WU, issued on July 13, 1993, we found that it was neither appropriate nor necessary to initiate a show cause proceeding against the utility for its violation of Section 367.045(2), Florida Statutes, which requires a utility to obtain Commission approval prior to extending its service area.

As part of its February 18, 1993 application the utility requested a waiver of the noticing requirements contained in Rule 25-30.030, Florida Administrative Code. In support of its request, the utility stated that it had been serving the customers in the proposed area for approximately 15 to 20 years, the proposed area was adjacent to Holiday Gardens' current territory and within the natural boundaries of two major roads, neighboring utilities had already indicated that they were not interested in serving the

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area, and that the time and cost involved in the noticing requirements would be burdensome and detrimental to the utility.

We found it appropriate to lessen the noticing requirements contained in the rule. In Order No. PSC-93-1031-FOF-WU issued on July 13, 1993, we required Holiday Gardens to notice the utilities and governmental bodies within a four mile radius by regular mail instead of certified mail. We further required that Holiday Gardens complete one newspaper notice instead of once a week for three consecutive weeks. Order No. PSC-93-1031-FOF-WU mandates that the utility's application for amendment shall be administratively approved and the docket closed if the utility complied with the noticing requirements and no timely objections were filed.

On August 3, 1993, Holiday Gardens provided proof that the notice requirements had been complied with. The utility submitted an affidavit affirming that the utilities and governmental bodies within a four mile radius had been served by regular mail, an affidavit that the affected customers had been served notice, and an affidavit that newspaper notice had been completed. By the last day for timely objection, September 1, 1993, no objections have been filed.

#### APPLICATION

Except as previously discussed, the application is in compliance with Section 367.045, Florida Statutes, Order No. PSC-93-1031-FOF-WU, and other pertinent statutes and provisions of the Florida Administrative Code. Specifically:

1. The application contains a check in the amount of \$150.00, which is the correct filing fee pursuant to Rule 25-30.020, Florida Administrative Code.
2. 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 chattel security agreement.
3. 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 description of the territory requested is appended to this Order as Attachment A.

4. 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.

5. The utility provided proof of compliance with the noticing provisions as set forth in Order No. PSC-93-1031-FOF-WU and Rule 25-30.030, Florida Administrative Code. No objections to the notice of application have been received and the time for filing such has expired.

The utility is requesting additional territory for customers that have been served for years. The water treatment plant can treat 288,000 gallons per day (gpd), and current flows are approximately 110,000 gpd. The proposed new territory's flow is already included in the current flow. Therefore, we find that Holiday Gardens has sufficient capacity to continue serving the requested territory.

According to the utility, Holiday Gardens employs licensed operators. In the most recent rate case, we determined that the quality of service provided by the utility was satisfactory. Our investigation also included contacting the Department of Environmental Protection, from which we learned that there are no outstanding notices of violation issued for the Holiday Gardens' system. Consequently, we find that the utility has demonstrated the technical expertise to provide quality service to those customers.

Based on the above information, we find that it is in the public interest to amend Certificate No. 116-W to include the territory described in Attachment A of this Order, which by reference is incorporated herein. Holiday Gardens has returned the certificate to this Commission for entry reflecting the additional territory and has also filed revised tariff sheets reflecting the amendment.

#### Rates and Charges

Holiday Gardens' rates and charges were originally established by this Commission in Order No. PSC-93-0013-FOF-WS, issued in Docket No. 920418-WU, effective January 27, 1993. Holiday Gardens shall continue to charge the customers in the additional territory the rates and charges approved herein until other rates and charges are approved by this Commission.

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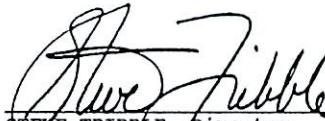
Based on the foregoing, it is, therefore,

ORDERED by the Florida Public Service Commission that Certificate No. 116-W held by Holiday Gardens Utilities, Inc., 4804 Mile Stretch Drive, Holiday, Florida 34690, is hereby amended to include the territory described in Attachment A of this Order which by reference is incorporated herein. It is further

ORDERED that Holiday Gardens Utilities, Inc., shall charge the customers in the territories added herein the rates and charges approved in the body of this Order until authorized to change by this Commission. It is further

ORDERED that Docket No. 930164-WU is hereby closed.

By ORDER of the Florida Public Service Commission this 19th day of October, 1993.



STEVE TRIBBLE, Director  
Division of Records and Reporting

( S E A L )

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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.

ATTACHMENT A

HOLIDAY GARDENS UTILITIES, INC.

Pasco County

A portion of the Southwest Quarter of Section 29, Township 26 South, Range 16 East, Pasco County, Florida being more particularly described as follows:

Commencing at the SE corner of the SW quarter of said Section 29 for a Point of Beginning, run North  $00^{\circ} 00' 39''$  East 168.00 feet to a point on the boundary of the present territory served; thence the following said boundary in successive courses and distances as follows;

South  $89^{\circ} 42' 02''$  East 501.55 feet;  
South  $00^{\circ} 03' 03''$  West 168.00 feet;  
South  $89^{\circ} 42' 02''$  East 100.00 feet;  
North  $00^{\circ} 03' 03''$  East 168.00 feet;  
South  $89^{\circ} 42' 02''$  East 280.00 feet;  
North  $00^{\circ} 03' 03''$  East 832.07 feet;  
South  $89^{\circ} 42' 18''$  East 440.58 feet;

Thence departing boundary of said present territory served; South  $00^{\circ} 02' 15''$  West 1000.61 feet returning to the Point of Beginning.

And

The Southeast Quarter of Section 30, Township 26 South, Range 16 East: From the Southeast Quarter of said section 30, also the Point of Beginning; run along the Southerly line of said section west 879 feet; thence North 1165 feet; thence East 879 feet; thence South 1165 feet returning to the Point of Beginning.