

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application of Southern ) DOCKET NO. 930744-WU  
States Utilities, Inc. For ) ORDER NO. PSC-94-0071-FOF-WU  
Amendment of Certificate No. ) ISSUED: January 21, 1994  
03-W in Clay County, Florida. )  
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ORDER AMENDING CERTIFICATE TO INCLUDE  
ADDITIONAL TERRITORY AND CLOSING DOCKET

BY THE COMMISSION:

On July 26, 1993, Southern States Utilities, Inc. (SSU or Utility) filed an application with this Commission to amend Certificate No. 03-W to include additional territory in Clay County, Florida. SSU is already serving customers in the additional territory. Since SSU is already serving the area, 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 areas which SSU serves outside of its certificated territory in violation of Section 367.045(2), Florida Statutes. 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 the territory being served outside of its service area. SSU provided an explanation for its actions and the Commission determined that if the utility complied with the Order and followed the timetable for filing the amendment applications addressed in Docketed No. 921014-WS, show cause proceedings would not be initiated and the amendment applications could be processed administratively.

In the instant Docket, SSU is seeking to amend the territory served by its Postmaster Village system. The Postmaster Village system consists of a small water plant which provides service to customers in Clay County. The additional territory is immediately adjacent to SSU's existing territory and is in a critical use area as defined by the St. Johns River Water Management District. Service will be provided by extending existing transmission and distribution lines. No additional water facilities will be built to serve the area.

DOCUMENT NUMBER-DATE

00716 JAN 21 94

FPSC-RECORDS/REPORTING

### Application

Except as discussed previously, the application is in compliance with Section 367.045, Florida Statutes, and other pertinent statutes and provisions of the Florida Administrative Code. In particular, the application contains a filing fee in the amount of \$150, as prescribed by Rule 25-30.020, Florida Administrative Code. In addition, SSU provided evidence, in the form of a warranty deed, that it owns the land upon which its facilities are located, as required by Rule 25-30.036, Florida Administrative Code.

Adequate service territory and system maps and a territory description have been provided, as prescribed by Rule 25-30.036, Florida Administrative Code. The additional territory which SSU is requesting in Clay County is described in Attachment A of this Order.

SSU has provided proof of compliance with the noticing requirements of 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.

Since SSU has been in operation under our jurisdiction for more than 20 years, and has been providing satisfactory service to its customers, we believe that the Utility has demonstrated its ability to provide service to the additional territory. In addition, from the information filed with the application, it appears that SSU has the financial ability to serve the requested area. Further, according to the Department of Environmental Protection, there are no outstanding notices of violation against SSU.

Therefore, we find that it is in the public interest to amend Certificate No. 03-W to include the territory described in Attachment A of this Order, which by reference is incorporated herein. SSU has returned Certificate No. 03-W to this Commission for entry reflecting the additional territory. The Utility has also filed revised tariff sheets reflecting the amendment.

### Rates and Charges

SSU's existing rates and charges are interim rates and charges which became effective on September 18, 1992, pursuant to Order No. PSC-92-0948-FOF-SU, issued in Docket No. 920199-WS. Although that Order approved statewide uniform rates for SSU, the uniform rates have been put into effect subject to refund for systems included in Docket No. 920199-WS, pending final disposition of the appeal

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currently before the First District Court of Appeal. The rates may change depending upon the outcome of the appeal. In the meantime, SSU shall charge the customers in the additional territory the rates and charges currently in effect subject to refund, pursuant to Docket No. 920199-WS.

It is, therefore,

ORDERED by the Florida Public Service Commission that Certificate No. 03-W, held by Southern States Utilities, Inc., 1000 Color Place, Apopka, Florida 32703, 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 Southern States Utilities, Inc. shall charge the customers in the territory added herein rates and charges currently in effect subject to refund, pursuant to Docket No. 920199. It is further

ORDERED that Docket No. 930744-WU is hereby closed.

By ORDER of the Florida Public Service Commission, this 21st day of January, 1994.

  
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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

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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.

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ATTACHMENT A

POSTMASTER VILLAGE  
Water Territory

Township 8 South, Range 23 East, Clay County, Florida.

Section 32

All of the South 1/2 of said Section.

Section 33

All of the South 1/2 of said Section

Township 9 South, Range 23 East, Clay County, Florida.

Section 4

All of the North 1/2 of the Northeast 1/4 of said Section and all of the North 1/2 of the Northwest 1/4 of said Section.

Section 5

All of the North 1/2 of the Northeast 1/4 of said Section, and all of the North 1/2 of the Northwest 1/4 of said Section.