

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for) DOCKET NO. 930699-WS
amendment of Certificates Nos.) ORDER NO. PSC-94-0992-FOF-WU
368-W and 319-S in Martin County) ISSUED: August 16, 1994
by SOUTHERN STATES UTILITIES,)
INC.)
_____)

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON, Chairman
SUSAN F. CLARK
DIANE K. KIESLING

ORDER GRANTING AMENDMENT OF CERTIFICATES TO
INCLUDE ADDITIONAL TERRITORY AND CLOSING DOCKET

BY THE COMMISSION:

Background

On July 15, 1993, Southern States Utilities, Inc. (SSU or utility) filed an application with this Commission to amend Certificates Nos. 368-W and 319-S in Martin County. 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 was serving 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 certificated territory. 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 Docket No. 921014-WS, show cause proceedings would not be initiated. The application in this Docket, Docket No. 930699-WS, was timely filed.

In the instant Docket, SSU is seeking to amend the territory served by its Fisherman's Haven, Fox Run and Leilani Heights systems. Fisherman's Haven is the only system in Martin County

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addressed in Order No. PSC-93-0202-FOF-WS. According to SSU, although its Fox Run system was serving one residential customer and the Leilani Heights system was serving a school when SSU filed the information in Docket No. 921014-WS, SSU was not aware that the customers were outside of its certificated territory. Since the Fox Run and Leilani Heights systems are serving only one customer each, we do not find it appropriate to initiate show cause proceedings against SSU for failure to obtain Commission approval prior to extending its service area.

The territory which SSU is requesting to include in the service area of its Fisherman's Haven, Fox Run and Leilani Heights systems is immediately adjacent to its existing territory in Martin County. It should be noted that the territory is in a critical use area as defined by the South Florida Water Management District. Service is currently being provided to the additional territory by existing transmission and distribution lines.

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 \$300, pursuant to 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, in accordance with Rule 25-30.035(1)(d), Florida Administrative Code.

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

SSU provided proof of its compliance with the noticing provisions of Rule 25-30.030, Florida Administrative Code. No objections to the 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 in 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 Certificates Nos. 368-W and 319-S to include the territory described in Attachment A of this Order. SSU has returned Certificates Nos. 368-W and 319-S 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 became effective on July 25, 1994, pursuant to a price index and pass through rate adjustment. SSU shall charge the customers in the additional territory the rates and charges approved in its tariff until authorized to change by the Commission in a subsequent proceeding.

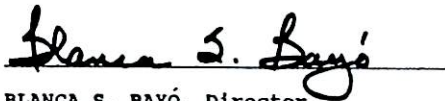
It is, therefore,

ORDERED by the Florida Public Service Commission that Certificates Nos. 368-W and 319-S, held by Southern States Utilities, Inc., 1000 Color Place, Apopka, Florida 32703, are hereby amended to include the territory described in Attachment A of this Order. It is further

ORDERED that Southern State Utilities, Inc. shall charge the customers in the territory added herein the rates and charges approved in its tariff until authorized to change by this Commission in a subsequent proceeding. It is further

ORDERED that Docket No. 930699-WS is hereby closed.

By ORDER of the Florida Public Service Commission, this 16th day of August, 1994.



BLANCA S. BAYÓ, 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 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.

Water Territory

FOX Run

Township 38 South, Range 40 East, Martin County, Florida.

Section 12

Beginning at the Northwest corner of the Northeast 1/4 of the Northeast 1/4 of said Section 12, thence run South 00°37'42" East a distance of 1,322 feet to a point on the Northern right-of-way line of Southwest Murphy Road, thence following said right-of-way run South 89°27'42" East a distance of 480 feet to a point on the Western right-of-way of Southwest Pine Tree Lane, thence following said Western right-of-way run North 00°34'51" East a distance of 854 feet, thence run North 76°30' East a distance of 246 feet, more or less, to a point on the high-water line of the Hidden River, thence following said high-water line a distance of 565 feet, thence North 89°36'21" West a distance of 345 feet, more or less to the POINT OF BEGINNING.

And

Beginning at the point of intersection of West Murphy Road and the Eastern high-water line of the Hidden River, thence following the North right-of-way of said West Murphy Road in an Easterly direction a distance of 575 feet, thence North 00°32'43" East a distance of 1,325 feet to a point in the middle of an existing waterway, thence North 89°36'21" West a distance of 1,364 feet, more or less, to a point on the Eastern high-water line of Hidden River, thence following said high-water line which meanders in a Southerly direction a distance of 1,500 feet, more or less, to the POINT OF BEGINNING.

Section 1

Beginning at the Southwest corner of the Southeast 1/4 of the Southeast 1/4 of said Section 1, thence run North 00°37'42" West a distance of 240 feet, more or less, to a point on the high-water line of the Hidden River, thence following said high-water line which meanders in a Southeasterly direction a distance of 490 feet, thence run North 89°36'21" West a distance of 400 feet, more or less, to the POINT OF BEGINNING.

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Water Territory

Leilani Heights

Township 37 South, Range 41 East, Martin County, Florida.

Section 22

The East 1/2 of the South 1/2 of the South 1/2 of the Northwest 1/4.

Section 27

The North 1/4, lying West of the Florida East Coast Railroad, EXCEPT the South 1/2 of the Northwest 1/4 of the Northwest 1/4.

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Wastewater Territory

Fisherman's Haven

Township 37 South, Range 41 East, Martin County, Florida.

Section 27

The North 660 feet of the South 1120 feet of the Southeast 1/4 of the Northeast 1/4 of said Section 27; together with the North 100 feet of the East 183 feet of the South 463.34 feet of the Northeast 1/4 of said Section 27.