

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for) DOCKET NO. 930737-WU
amendment of Certificate No.) ORDER NO. PSC-94-1011-FOF-WU
002-W in Brevard County by) ISSUED: August 22, 1994
SOUTHERN STATES UTILITIES, INC.)
_____)

ORDER AMENDING CERTIFICATE TO INCLUDE
ADDITIONAL TERRITORY AND CLOSING DOCKET

BY THE COMMISSION:

Background

On July 23, 1993, Southern States Utilities, Inc. (Southern States or utility) filed an application with this Commission to amend Certificate No. 002-W to include additional territory which it already serves in Brevard County, Florida. Since Southern States is already serving 14 residential customers in 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 Southern States serves outside of its certificated territory in violation of Section 367.045(2), Florida Statutes. Order No. PSC-93-0202-FOF-WS, issued February 9, 1993, approved a timetable for Southern States to follow in filing applications for amendments to include the territory being served outside of its service area. The area involved in the instant application was mentioned in that docket. Southern States 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 and the amendment applications could be processed administratively.

On August 23, 1993, Brevard County objected to Southern States' amendment application. However, after Southern States amended the territory description, Brevard County withdrew its objection on June 13, 1994.

Application

Except as previously discussed, the application in the instant docket is in compliance with Section 367.045, Florida Statutes, and other pertinent statutes and administrative rules concerning an application for amendment of certificate. The application contains a filing fee in the amount of \$150, pursuant to Rule 25-30.020,

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Florida Administrative Code. The applicant does not own any land in the service area. The utility does not need any water treatment plant land, since it purchases bulk water from Brevard County. The customers in the amended territory will be served by extending the utility's current water lines.

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 additional territory which Southern States is requesting is described in Attachment A of this Order, incorporated herein by reference. 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 the Commission.

In addition, the application contains proof of compliance with the noticing provisions set forth in Rule 25-30.030, Florida Administrative Code. The local planning agency was provided notice of the application and did not file a protest to the amendment. Brevard County's comprehensive plan has recently been approved. The utility states that there is no section relating specifically to water in the comprehensive plan.

Since Southern States 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 Southern States 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 Southern States.

Based on the foregoing, we find that it is in the public interest to amend Certificate No. 002-W to include the territory described in Attachment A of this Order. Southern States has filed revised tariff sheets incorporating the additional territory into its tariff and has returned its certificate to this Commission for entry reflecting the additional territory.

Rates and Charges

Southern States' existing rates and charges became effective on July 25, 1994, pursuant to a price index and pass through rate adjustment. Southern States 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.

Based on the foregoing, it is, therefore,

ORDERED by the Florida Public Service Commission that Certificate No. 002-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, incorporated herein by reference. It is further

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

ORDERED that Docket No. 930737-WU is hereby closed.

By ORDER of the Florida Public Service Commission, this 22nd day of August, 1994.



BLANCA S. BAYO, 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

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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

SOUTHERN STATES UTILITIES, INC.

OAKWOOD - BREVARD COUNTY

Township 21 South, Range 35 East, Brevard County, Florida.

Section 7

The North $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$.

Section 8

The Northwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$; plus a portion of the North $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of said Section 8 which is more particularly described as follows:

Begin at the Northwest corner of the Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of said Section 8, thence run Easterly along the North boundary of the Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ a distance of 660.76 feet, thence run South $0^{\circ} 01' 20''$ East a distance of 249.47 feet, thence run South $1^{\circ} 20' 14''$ East a distance of 411.33 feet, thence run South $88^{\circ} 41' 01''$ West a distance of 944.61 feet, thence run North $0^{\circ} 01' 28''$ East a distance of 326.61 feet, thence run North $89^{\circ} 44' 56''$ East a distance of 263.63 feet, thence run North $0^{\circ} 28' 57''$ East a distance of 92.25 feet, thence run North $0^{\circ} 01' 20''$ East a distance of 237.58 feet to the Point of Beginning.