

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for) DOCKET NO. 930130-WS
amendment of Certificates Nos.) ORDER NO. PSC-95-0414-FOF-WS
279-W and 226-S in Seminole) ISSUED: March 27, 1995
County by SOUTHERN STATES)
UTILITIES, INC.)

ORDER AMENDING CERTIFICATES TO INCLUDE
ADDITIONAL TERRITORY AND CLOSING DOCKET

BY THE COMMISSION:

Southern States Utilities, Inc. (Southern States or utility), a Class A utility, provides water and wastewater service to approximately 78,962 water customers and 26,696 wastewater customers in 28 counties in Florida. The utility's 1993 annual report shows an annual operating revenue of \$50,521,158 and a net operating income of \$1,029,574.

On February 2, 1993, Southern States filed an application with this Commission to amend Certificates Nos. 279-W and 226-S to add areas in Seminole County that are presently served. Section 367.045(2), Florida Statutes, provides that a utility may not extend its service outside the area described in its certificate of authorization until it has obtained an amended certificate of authorization from the Commission. By serving customers outside its certificated territory, Southern States violated that provision. Docket No. 921014-WS addressed the violation and allowed our staff to process the amendment administratively if the area was included in that docket. We have verified that these systems were mentioned in that docket.

Except as noted above, 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 \$300, as prescribed by Rule 25-30.020, Florida Administrative Code. In addition, Southern States provided evidence 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 Southern States is requesting to serve in Seminole County is described in Attachment A of this Order. The utility has submitted an affidavit consistent with Section 367.045(2)(d), Florida

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Statutes, that it has tariffs and annual reports on file with the Commission.

Southern States has provided proof of compliance with the noticing requirements of 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. This development is in Seminole County, and Seminole County's comprehensive plan has been approved. Objections to the application were received on February 8, 1993 by the City of Oviedo, on February 18, 1993 by the City of Altamonte Springs, and on March 1, 1993 by Sanlando Utilities Corporation. On March 29, 1993 the City of Oviedo removed its objection to the application. On September 2, 1993, we received a copy of the agreement between the utility and the City of Altamonte Springs. On February 14, 1995, we received a copy of the agreement between the utility and Sanlando Utilities Corporation.

The utility has extensive experience in the water and wastewater industry. As mentioned earlier, the utility currently services approximately 78,000 customers in 28 counties in Florida. The Department of Environmental Protection has no outstanding notices of violation issued for these systems. Since these customers are already being served by this utility, it is apparent that the utility has the capacity to serve them. Consequently, we believe the utility has demonstrated the financial and technical expertise to provide quality service to these customers. The utility has filed revised tariff sheets incorporating the additional territory into its tariff and returned its certificates for entry reflecting the additional territory. Therefore, we find that it is in the public interest to amend Certificates Nos. 279-W and 226-S to include the territory described in Attachment A of this Order, which by reference is incorporated herein.

In Docket No. 920199-WS, by Order No. PSC-93-0423-FOF-WS, issued March 22, 1993, the Commission approved statewide uniform rates for Southern States. The Order is currently on appeal with the First District Court of Appeal. The First District Court of Appeal has heard oral argument, but no final decision has been made at this time. We find that the rates and charges already approved by us shall be applied to customers in the new service territory until authorized to change by this Commission in a subsequent proceeding.

It is, therefore,

ORDERED by the Florida Public Service Commission that Certificates Nos. 279-W and 226-S, held by Southern States

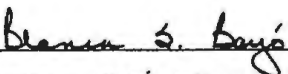
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Utilities Inc., are hereby amended to include the territory described in Attachment A of this Order, which by reference is incorporated herein. It is further

ORDERED that Southern States Utilities, Inc. shall charge the customers in the territory added herein the rates and charges approved in Order No. PSC-93-0423-FOF-WS until authorized to change by this Commission. It is further

ORDERED that this docket is hereby closed.

By ORDER of the Florida Public Service Commission, this 27th day of March, 1995.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

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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 and/or wastewater 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.

TERRITORY DESCRIPTION - SEMINOLE COUNTY

Apple Valley Water Service Area

Township 21 South, Range 29 East, Seminole County, Florida.

Section 1

The West 1/2 of the Southwest 1/4 of Section 1.

Section 2

The Southeast 1/4 of Section 2, less the North 650 feet of the Northwest 1/4 of the Southeast 1/4 of said Section 2.

Together with: That portion of the South 3/4 of the Southwest 1/4 of said Section 2 lying East of Interstate Highway No. 4.

Section 10

The West 1/2 of the Northeast 1/4 of the Southeast 1/4.

Together with: The North 1/2 of the East 1/2 of the Northeast 1/4 of the Southeast 1/4 of Section 10.

Section 11

That portion of the North 3/4 of Section 11, lying West of Interstate Highway No. 4, less the South 700 feet of the Northwest 1/4 of the Southwest 1/4 of said Section 11, also less the South 365 feet of the West 220 feet of the Northeast 1/4 of the Southwest 1/4 of said Section 11, also less the East 1/2 of the Northwest 1/4 of the Northwest 1/4 of said Section 11; also less that portion of the Northwest 1/4 of the Northeast 1/4 of the Northwest 1/4 of Section 11, lying West of Interstate Highway No. 4, also less the North 165 feet of the East 200 feet of the West 390 feet of the Southwest 1/4 of the Northeast 1/4 of the Northwest 1/4 of said Section 11.

Together with: That portion of the North 1/2 of said Section 11 lying East of Interstate Highway No. 4.

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Together with: The West 1/2 of the Northeast 1/4 of the Northwest 1/4 of the Southeast 1/4 of said Section 11; together with the Northeast 1/4 of the Southeast 1/4 of said Section 11.

Together with: The Northeast 1/4 of the Southwest 1/4 of Section 11, lying East of Interstate 4.

ATTACHMENT A

SOUTHERN STATES UTILITIES, INC.

TERRITORY DESCRIPTION - SEMINOLE COUNTY

Apple Valley Water Service Area

Township 21 South, Range 29 East, Seminole County, Florida.

Section 12

The North 3/4 of the West 1/4 of Section 12.

Together with:

The North 180 feet of the Southwest 1/4 of the Southwest 1/4 of said Section 12.

Together with:

The North 480 feet of the Southeast 1/4 of the Northwest 1/4 of said Section 12, less the North 185.0 feet of the West 182.11 feet of the Southwest 1/4 of the Southwest 1/4 of said Section 12, also less the North 185.0 feet of the East 129.74 feet of the Southwest 1/4 of the Southwest 1/4 of said Section 12, also less the East 275.96 feet of the North 473.15 feet of the South 830.25 feet of the Northwest 1/4 of the Southwest 1/4 of said Section 12, also less the East 87.63 feet of the North 141.05 feet of the South 971.30 feet of the Northwest 1/4 of the Southwest 1/4 of said Section 12.

Together with:

The West 88 feet of the North 496.5 feet of the Southwest 1/4 of the Northeast 1/4 of said Section 12.

Together with:

Beginning at the Southwest corner of the Northwest 1/4 of the Northeast 1/4 of said Section 12; thence North 01°12'00" East 475.1 feet; thence East 374.86 feet; thence North 64°55'14" East 165.31 feet; thence North 76°11'40" East 127.46 feet; thence South 19°08'12" East 609.14 feet; thence West 431.52 feet; thence South 25 feet; thence West 427.01 feet; thence North 01°23'39" West 27.63 feet; to the POINT OF BEGINNING.

ATTACHMENT A

SOUTHERN STATES UTILITIES, INC.

TERRITORY DESCRIPTION - SEMINOLE COUNTY

Chuluota Water Service Area

Township 21 South, Range 32 East

Section 20

The East 1/2 of Section 20.

Section 21

The Southwest 1/4 and the West 1/2 of the Southeast 1/4, the North 990 feet of the West 660 feet of the Southwest 1/4 of the Northwest 1/4 of Section 21.

Section 28

The Northwest 1/4 and the West 1/2 of the Northeast 1/4 of Section 28.

Section 29

The East 1/2 of the Northeast 1/4 of Said Section 29.

ATTACHMENT A

SOUTHERN STATES UTILITIES, INC.

TERRITORY DESCRIPTION - SEMINOLE COUNTY

Dol-Ray Manor Water Service Area

Township 21 South, Range 29 East, Seminole County, Florida.

Section 14

The East 1/2 of the Northwest 1/4 of the Southeast 1/4, less the North 145.33 thereof also less the West 50.75 feet of the East 250.75 feet of the South 125 feet of the Northwest 1/4 of the Southeast 1/4 of said Section 14.

Together with: The North 55.0 feet of the East 200.0 feet of the Southwest 1/4 of the Southeast 1/4 of said Section 14.

Together with: Commencing from a concrete monument making the Northeast corner of West 1/2 of the Southwest 1/4 of the Northeast 1/4 of Section 14, run South 00°32'50" East along the East line of said West 1/2 of Southwest 1/4 of Northeast 1/4 181.02 feet to Point of Beginning. Thence continue South 00°32'50" East along said East line 998.31 feet to the North right-of-way line of State Road 436, said right-of-way line being on a curve concave Northerly and having a radius of 2,764.93 feet, thence from a tangent bearing of South 86°15'24" West, run Westerly along said right-of-way and along the arc of said curve an arc distance 183.08 feet, through a central angle of 03°47'38", thence North 00°32'50" West 225.00 feet, thence North 89°52'46" West 100.00 feet, thence North 00°32'50" West 779.60 feet, thence South 89°52'46" East 283.00 feet to Point of Beginning.

LESS: Beginning at the previously described Point of Beginning, run South 00°32'50" East, a distance of 491.98 feet; thence North 89°14'45" West a distance of 283.05 feet to a point on the West line of the previously described parcel; thence North 00°32'50" West along said West line, a distance of 488.85 feet; thence South 89°52'46" East, a distance of 283.00 feet to the Point of Beginning.

ATTACHMENT A

SOUTHERN STATES UTILITIES, INC.

TERRITORY DESCRIPTION - SEMINOLE COUNTY

Druid Hills Water Service Area

Township 21 South, Range 29 East

Section 23

Hidden Estates

The Northwest 1/4 of the Southeast 1/4 of said Section 23 and that portion of the Northeast 1/4 of the Southwest 1/4 lying East of Interstate Highway No. 4 as it is now constructed. Also, that portion of the Southeast 1/4 of the Southwest 1/4 lying East of Interstate Highway No. 4.

Bretton Woods

The Southwest 1/4 of the Southeast 1/4 of said Section 23.

Druid Hills

The Southeast 1/4 of the Southeast 1/4 of said Section 23.

ATTACHMENT A

SOUTHERN STATES UTILITIES, INC.

TERRITORY DESCRIPTION - SEMINOLE COUNTY

Fern Park Water Service Area

Township 21 South, Range 30 East, Seminole County, Florida.

Section 18

Commencing at the Southwest corner of the Southeast 1/4 of the Southwest 1/4 of Section 18, run Easterly along the South line of said Section 18 a distance of 245.27 feet to the Point of Beginning; thence run North 130 feet more or less to the South edge of Prairie Lake; thence meander Easterly along said South edge 225 feet; thence run South 200 feet more or less to aforementioned South line of Section 18; thence run Westerly along said South line 225 feet to the Point of Beginning.

Section 19

The West 800 feet of the Northeast 1/4 of the Northwest 1/4 of Section 19; together with the North 1/2 of the Southeast 1/4 of the Northwest 1/4 of said Section 19; Less the West 125 feet thereof; together with the North 250 feet of the South 1/2 of the Southeast 1/4 of the Northwest 1/4 of said Section 19; together with that portion of the Southwest 1/4 of the Northeast 1/4 of Section 19, lying Westerly of U.S. Highway No. 17-92; Less the South 550 feet thereof; and also Less the North 391 feet thereof.

ATTACHMENT A

SOUTHERN STATES UTILITIES, INC.

TERRITORY DESCRIPTION - SEMINOLE COUNTY

Lake Brantley Water Service Area

Township 21 South, Range 29 East, Seminole County, Florida.

Section 5

The Southwest 1/4 of the Northeast 1/4 of Section 5.

Together with:

Beginning at the Southwest corner of the Northeast 1/4 of the Northeast 1/4 of said Section 5; thence run North 271.57 feet; thence North 89°21'45" East 165.05 feet; thence South 0°26'15" East 48.97 feet to a point on a curve concave Southeasterly, having a radius of 149.50 feet, a central angle of 36°17'24", a chord bearing of South 17°42'27" West; thence Southerly along the arc of said curve an arc distance of 94.69 feet to the point of tangency; thence South 0°26'15" East 195.00 feet; thence South 89°21'45" West 138.58 feet; thence North 60.85 feet to the Point of Beginning.

Together with:

Commence at the Southwest corner of the Northeast 1/4 of the Northeast 1/4 of said Section 5 run South 60.85 feet to the Point of Beginning; thence continue South 184 feet; thence North 89°40'45" East 144.95 feet; thence North 0°09'15" West 184 feet; thence South 89°40'45" West 144.49 feet to the Point of Beginning.

ATTACHMENT A

SOUTHERN STATES UTILITIES, INC.

TERRITORY DESCRIPTION - SEMINOLE COUNTY

Lake Harriet Estates Water Service Area

Township 21 South, Range 29 East

Section 8

The Southeast 1/4 of the Southeast 1/4 of Section 8

Section 9

The Southwest 1/4 of the Southwest 1/4 of Section 9

Section 16

That portion of the Northwest 1/4 of the Northwest 1/4 of Section 16, lying North of State Road 436 as it is now constructed.

Section 17

That portion of the Northeast 1/4 of the Northeast 1/4 of Section 17, lying Northerly of State Road No. 436 (Semoran Blvd.)

ATTACHMENT A

SOUTHERN STATES UTILITIES, INC.

TERRITORY DESCRIPTION - SEMINOLE COUNTY

Meredith Manor Water Service Area

Township 21 South, Range 29 East

Section 3

That portion of the Southwest 1/4 of said Section 3 lying South of State Road No. 434.

LESS the following: Begin at the Southeast corner of the Southwest 1/4 of said Section 3; thence run West along the South line of said Section 3 a distance of 660.11 feet; thence North 00°07'50" West a distance of 150.0 feet; thence West a distance of 88.02 feet; thence North 00°02'20" West a distance of 200.0 feet; thence East a distance of 87.70 feet; thence North 00°07'50" West a distance of 835.0 feet; thence West a distance of 86.36 feet; thence North 00°02'20" West a distance of 135.88 feet; thence South 89°52'11" East a distance of 746.24 feet; thence South 00°07'50" East a distance of 1,319.19 feet to the Point of Beginning.

Together with: That portion of the North 1/2 of the Southwest 1/4 of the Southeast 1/4 of said Section 3 lying South of State Road No. 434 (LESS the West 33.00 feet).

Also LESS the following: The East 100.00 feet of the West 166.82 feet of the South 100.0 feet of the East 1/2 of the Northeast 1/4 of the Southwest 1/4 of the Southeast 1/4 of said Section 3.

Together with: The West 3/4 of the South 1/2 of the Southwest 1/4 of the Southeast 1/4 of said Section 3 (LESS the West 25.00 feet).

ATTACHMENT A

SOUTHERN STATES UTILITIES, INC.

TERRITORY DESCRIPTION - SEMINOLE COUNTY

Meredith Manor Water Service Area

Township 21 South, Range 29 East

Section 3

Also LESS the following: Commence at the Northwest corner of the Southwest 1/4 of the Southwest 1/4 of the Southeast 1/4 of said Section 3; thence run South 88°38'41" East 25.0 feet to the Northwest corner of Block "A", Tract 47, Sanlando Springs, as recorded in Plat Book 7, Page 4, of the Public Records of Seminole County, Florida, said point also being the Point of Beginning; thence continue South 88°88'41" East along the North line of said Block "A" a distance of 305.80 feet; thence South 00°32'58" West along the East line of said Block "A" a distance of 284.45 feet; thence North 89°12'58" West a distance of 151.13 feet; thence North 01°02'44" East a distance of 85.55 feet to a point of curvature of a curve to the left having a radius of 25.00 feet and a central angle of 90°00'00"; thence along the arc of said curve an arc distance of 39.27 feet; thence North 01°02'44" East a distance of 25.00 feet; thence North 88°24'54" West a distance of 130.80 feet to a point on the West line of aforementioned Block "A"; thence North 00°32'02" East along said West line a distance of 150.00 feet to the Point of Beginning.

ATTACHMENT A

SOUTHERN STATES UTILITIES, INC.

TERRITORY DESCRIPTION - SEMINOLE COUNTY

Meredith Manor Water Service Area

Township 21 South, Range 29 East

Section 3

Together with: Begin at the West 1/4 corner of said Section 3; thence run North along the West line of the Northwest 1/4 of said Section 3 a distance of 792.20 feet. More or less to a point on the Westerly right-of-way line of Wekiva Springs Road; thence South 39°11'05" East along the said Westerly right-of-way line of Wekiva Springs Road a distance of 1,546.90 feet; thence South 50°48'55" West 15.00 feet to a point on the Westerly right-of-way line of Wekiva Springs Lane; thence South 39°11'05" East along said Westerly right-of-way line (Wekiva Springs Lane) a distance of 212.37 feet to the point of curvature of a curve to the right having a radius of 1,670.61 feet and a central angle of 19°41'45"; thence run along the arc of said curve an arc distance of 574.28 feet; thence South 44°58'43" West a distance of 16.57 feet to a point on the Northerly right-of-way line of State Road No. 434; thence North 70°52'46" West along said Northerly right-of-way a distance of 124.56 feet to the point of curvature of a curve to the left having a radius of 1,482.29 and a central angle of 35°32'00"; thence run along the arc of said curve an arc distance of 919.28 feet to the point of tangency of said curve; thence South 73°35'14" West a distance of 360.84 feet more or less to a point on the West line of the Southwest 1/4 of said Section 3; thence North along said West line a distance of 1,130.60 feet more or less to the Point of Beginning.

ATTACHMENT A

SOUTHERN STATES UTILITIES, INC.

TERRITORY DESCRIPTION - SEMINOLE COUNTY

Meredith Manor Water Service Area

Section 4

Begin at the Northeast corner of Section 4; thence run South along the East line of Section 4 a distance of 1,670.0 feet to the Point of Beginning. From the Point of Beginning run North 39°50'05" West a distance of 910.0 feet; thence South 00°01'02" West a distance of 855.0 feet; thence South 89°47'25" West a distance of 876.0 feet; thence South 12°56'57" West a distance of 488 feet; thence South 56°18'37" West a distance of 358.5 feet; thence South 56°39'60" West a distance of 561.0 feet; thence South 52°49'18" West a distance of 139 feet; thence South 64°31'47" West a distance of 642 feet; thence South 84°01'51" West a distance of 349 feet; thence South 43°07'53" West a distance of 269.5 feet; thence South 07°24'46" West a distance of 507 feet; thence South 03°10'21" East a distance of 206 feet; thence South 14°16'41" East a distance of 180 feet; thence South 62°21'59" West a distance of 776 feet; thence South 0°02'09" East a distance of 365 feet; thence South 89°57'34" East a distance of 289.5 feet; thence South 0°14'35" East a distance of 55.6 feet; thence South 89°57'53" East a distance of 1,416 feet; thence North 27°36'52" East a distance of 298 feet; thence North 38°04'59" East a distance of 446.0 feet; thence North 54°09'59" East a distance of 362.0 feet thence North 74°13'28" East a distance of 962.17 feet; thence South 18°46'38" East a distance of 348.0 feet; thence South 44°36'18" West a distance of 600 feet; thence South a distance of 529.8 feet; thence North 89°58'25" East a distance approximately 1,175.0 feet to the East line of Section 4; thence proceed North along the East line of Section 4 a distance of approximately 3,658.0 feet to the Point of Beginning less any road right-of-ways.

Section 9

The West 1/2 of the Northeast 1/4 of the Northeast 1/4 of the Northwest 1/4 of said Section 9.

ATTACHMENT A

SOUTHERN STATES UTILITIES, INC.

TERRITORY DESCRIPTION - SEMINOLE COUNTY

Apple Valley Wastewater Service Area

Township 21 South, Range 29 East

Section 11

All of Section 11 lying West of Interstate 4 (State Road 400). Less and Except, the East 1/2 of the Northwest 1/4 of the Northwest 1/4. Less and Except, that portion of the Northwest 1/4 of the Northeast 1/4 of the Northwest 1/4 lying West of Interstate 4 (State Road 400) of said section. Less and Except, the South 700 feet of the Northwest 1/4 of the Southwest 1/4 of said section. Less and Except, the Southwest 1/4 of the Southwest 1/4 of said section. Less and Except, that portion of the Southeast 1/4 of the Southwest 1/4 lying West of Interstate 4 (State Road 400) of said section. Less and Except, the South 365 feet of the West 220 feet of the Northeast 1/4 of the Southwest 1/4 of said section. Less and Except, the North 165 feet of the East 200 feet of the West 390 feet of the Southwest 1/4 of the Northeast 1/4 of the Northwest 1/4 of said section.

ATTACHMENT A

SOUTHERN STATES UTILITIES, INC.

TERRITORY DESCRIPTION - SEMINOLE COUNTY

Chuluota Wastewater Service Area

Township 21 South, Range 32 East

Section 20

The East 1/2 of Section 20.

Section 21

The Southwest 1/4 and the West 1/2 of the Southeast 1/4, the North 990 feet of the West 660 feet of the Southwest 1/4 of the Northwest 1/4 of Section 21.

Section 28

The Northwest 1/4 and the West 1/2 of the Northeast 1/4 of Section 28.

Section 29

The East 1/2 of the Northeast 1/4 of Said Section 29.