

MEMORANDUM

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FPSC - Records/Reporting

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (FLEMING, REYES) *MF AS SRF*

RE: DOCKET NO. 971174-WS - APPLICATION FOR AMENDMENT OF CERTIFICATES NOS. 405-W AND 342-S TO ADD TERRITORY IN MARION COUNTY BY TRADEWINDS UTILITIES, INC.

PSC-98-0484-FOF-WS

Attached is an ORDER AMENDING CERTIFICATES TO INCLUDE ADDITIONAL TERRITORY AND CLOSING DOCKET, to be issued in the above-referenced docket.

(Number of pages in order - 5)

SRF/lw

Attachment

cc: Division of Water and Wastewater (Redemann)

I:971174or.srf

See 1

Mailed 1/1/98

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for amendment of Certificates Nos. 405-W and 342-S to add territory in Marion County by Tradewinds Utilities, Inc.

DOCKET NO. 971174-WS
ORDER NO. PSC-98-0484-FOF-WS
ISSUED: April 6, 1998

ORDER AMENDING CERTIFICATES TO INCLUDE
ADDITIONAL TERRITORY AND CLOSING DOCKET

BY THE COMMISSION:

On September 5, 1997, Tradewinds Utilities, Inc. (Tradewinds or utility) filed an application with this Commission to amend Certificates Nos. 342-S and 405-W to include additional territory in Marion County. 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 \$400, as prescribed by Rule 25-30.020, Florida Administrative Code. In addition, Tradewinds 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(3)(d), 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 Tradewinds is requesting to serve in Marion County is described in Attachment A of this Order.

Tradewinds 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 utility has provided proof of compliance with the noticing requirements of Rule 25-30.030, Florida Administrative Code. It should be noted that the Starr-Banner Newspaper billed the utility for noticing on December 13, 1997, but did not actually publish the notice until January 28, 1998. No objections to the application have been received, and the time for filing such has expired.

Mr. Charles deMenzes has owned Tradewinds for over 15 years. During this time, the utility has been providing satisfactory

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service to its customers. Therefore, we believe that the utility has demonstrated its ability to provide service to the additional territory. From the information filed with the application, it appears that Tradewinds has the financial ability to serve the requested area. The Department of Environmental Protection has been contacted and has indicated that Tradewinds has no outstanding notices of violation.

Therefore, we find that it is in the public interest to amend Certificates Nos. 405-W and 342-S to include the territory described in Attachment A of this Order, which by reference is incorporated herein. Tradewinds has returned the certificates to this Commission for entry reflecting the additional territory. The utility has also filed revised tariff sheets reflecting the amendment.

Tradewinds 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.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Certificates Nos. 405-W and 342-S, held by Tradewinds 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 Tradewinds 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. It is further

ORDERED that Docket No. 971174-WS is hereby closed.

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By ORDER of the Florida Public Service Commission, this 6th
day of April, 1998.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

By: Kay Flynn
Kay Flynn, Chief
Bureau of Records

(S E A L)

SRF

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), 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, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, 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.

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This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate 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

TRADEWINDS UTILITIES INC.

MARION COUNTY

WATER AND WASTEWATER AREA

Part of the George S. Mayo Subdivision

In Section 35, Township 14 South, Range 22 East

The North 725 feet of the North 1/2 of the Southwest 1/4 of Section 35, Township 14 South, Range 22 East, lying West of the S.C.L. Railroad and

The South 100 feet of the Southwest 1/4 of the Northwest 1/4 of Section 35, Township 14 South, Range 22 East, lying West of the S.C.L. Railroad.

This description should include the South tier of lots in Block 436 of the George S. Mayo Subdivision and the North tier of lots in Blocks 439 and 429 of the same subdivision.