

MEMORANDUM

November 23, 1998

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RECORDS
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TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (FLEMING) *SRF JAS*

RE: DOCKET NO. 980750-WS - REQUEST BY FLORIDA WATER SERVICES CORPORATION IN VOLUSIA COUNTY FOR CORRECTION OF TERRITORIAL DESCRIPTION IN CERTIFICATE NOS. 238-W AND 182-S.

98-1560-PDF-WS

Attached is an ORDER CORRECTING TERRITORY DESCRIPTION AND CLOSING DOCKET, to be issued in the above-referenced docket.

(Number of pages in order - 6)

SRF/lw

Attachment

cc: Division of Water and Wastewater (Munroe)

I:980750OR.SRF

YO

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request by Florida Water Services Corporation in Volusia County for correction of territorial description in Certificate Nos. 238-W and 182-S.

DOCKET NO. 980750-WS
ORDER NO. PSC-98-1560-FOF-WS
ISSUED: November 23, 1998

The following Commissioners participated in the disposition of this matter:

JULIA L. JOHNSON, Chairman
J. TERRY DEASON
SUSAN F. CLARK
JOE GARCIA
E. LEON JACOBS, JR.

ORDER CORRECTING TERRITORY DESCRIPTION
AND CLOSING DOCKET

BY THE COMMISSION:

The Sugar Mill system was transferred to Southern States Utilities, Inc. in 1987 in Docket No. 870936-WS. By Order No. PSC-97-0427-FOF-WS, issued April 16, 1997, the Commission approved the name change from Southern States Utilities, Inc. to Florida Water Services Corporation (Florida Water or utility). In a recent review, the utility discovered an error in the territory description on its tariff. The problem stems from a transcription error in the first paragraph of the current description. The beginning paragraph of the current description as submitted in Docket No. 921014-WS reads as follows:

All of Section 42 of the Joseph Banal Grant, located in said Section 10 and also a portion of U.S. Government Lots 3 and 4 in said section 10

The beginning paragraph of the description should read:

Section 42 of the Joseph Banal Grant, and also a portion of U.S. Government Lots 3 and 4 in Section 10

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The current description is obviously misstated since Section 42 cannot be located in Section 10. Accordingly, on June 15, 1998, the utility requested that the territory description on its tariff be corrected.

Based on the above information, we find that it is in the public interest to grant Florida Water's request to correct its territory description in Volusia County in Certificate Nos. 238-W and 182-S to include the territory as described in Attachment A.

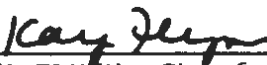
The utility has returned its certificates to include the corrected territory and filed revised tariff sheets that reflect the corrected territory description.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the request of Florida Water Services Corporation, P.O. Box 609520, Orlando, Florida 32860-9520, to correct the territory description in Volusia County in Certificate Nos. 238-W and 182-S as described in Attachment A is hereby granted. It is further

ORDERED that this docket is hereby closed.

By ORDER of the Florida Public Service Commission this 23rd day of November, 1998.



KAY FLYNN, Chief
Bureau of Records

(S E A L)

SRF

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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. 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.

ATTACHMENT A

SUGAR MILL - Water and Wastewater Description in Metes and Bounds
Township 17 South, Range 33 East, Volusia County, Florida.

Portions of Sections 2, 10, 11, 15, and 41 and all of Section 42
described more or less as follows:

Beginning at the Northwest corner of Section 42, run North 61°31'38" East a distance of 5,204.73 feet; thence run North 62°29'38" East a distance of 1,973.61 feet; thence run North 00°41'15" East a distance of 342.35 feet to a point, the point of curvature of a circular curve concave to the Northeast having a radius of 840.06 feet; thence run Southeasterly along the arc of the said curve through a central angle of 10°17'10" an arc distance of 150.81 feet; thence run North 86°05'07" East a distance of 351.15 feet; thence run South 27°47'40" East a distance of 87.81 feet; thence run South 27°43'11" East a distance of 2,506.28 feet; thence run South 62°04'50" West a distance of 342.02 feet; thence run North 27°43'22" West a distance of 611.41 feet; thence run South 61°50'23" West a distance of 684.13 feet; thence run South 27°43'47" East a distance of 608.53 feet; thence run South 62°04'50" West a distance of 1,520.76 feet; thence run South 28°41'18" East a distance of 25.00 feet; thence run South 27°11'42" East a distance of 590.82 feet; thence run South 27°11'42" East a distance of 1,590.41 feet; thence run North 62°02'10" East a distance of 1,091.46 feet; thence run South 11°02'28" East a distance of 202.12 feet; thence run North 62°32'45" East a distance of 210.03 feet; thence run North 11°03'42" West a distance of 202.19 feet; thence run North 11°03'42" West a distance 29.33 feet; thence run North 62°02'10" East a distance of 969.80 feet; thence run South 01°06'25" East a distance of 1,311.13 feet; thence run South 88°47'16" West a distance of 1284.44 feet; thence run South 01°06'25" East a distance of 1312.63 feet; thence run South 89°40'30" West a distance of 1,283.74 feet; thence run South 89°40'30" West a distance of 916.95 feet; thence run North 28°23'41" West a distance of 297.16 feet; thence run South 61°36'19" West a distance of 300.81 feet; thence run South 61°36'19" West a distance of 218.70 feet; thence run South 28°23'41" East a distance of 250.00 feet; thence run South 61°36'19" West a distance of 66.92 feet; thence run South 30°27'09" West a distance of 945.42 feet; thence run South 00°42'02" East a distance of 225.96 feet to a point, the point of a curvature of a circular curve concave to the Southwest

having a radius of 2,207.61 feet; thence run Southwesterly along the arc of said curve through a central angle of 07°38'51" an arc distance of 294.66 feet; thence run South 06°56'49" West a distance of 375.06 feet to a point, the point of a curvature of a circular curve concave to the Southeast having a radius of 2,308.36 feet; thence run Southeasterly along the arc of said curve through a central angle of 07°36'00" an arc distance of 306.19 feet; thence run South 00°39'11" East a distance of 127.27 feet; thence run North 61°16'29" West a distance of 352.91 feet; thence run North 01°02'12" West a distance of 543.71 feet; thence run North 89°50'55" West a distance of 260.00 feet; thence run South 89°16'45" West a distance of 301.15 feet; thence run South 25°29'04" West a distance of 199.51 feet; thence run North 61°16'29" West a distance of 144.50 feet; thence run North 28°43'31" East a distance of 150.00 feet; thence run North 61°16'29" West a distance of 175.00 feet; thence run North 28°43'31" East a distance of 311.59 feet; thence run South 89°10'05" West a distance of 297.85 feet; thence run South 35°58'12" West a distance of 316.47 feet; thence run North 61°41'37" West a distance of 728.35 feet; thence run North 01°49'05" West a distance of 558.11 feet; thence run North 28°16'29" West a distance of 4,443.01 feet to the Point of Beginning.

Less the following described parcel:

Starting at the Southwest corner of Section 42 run North 61°43'48" East a distance of 834.13 feet to a point, the point of curvature of a circular curve concave to the Southeast having a radius of 898.67 feet; thence run Southwesterly along the arc of said curve through a central angle of 08°06'53" an arc distance of 127.28 feet; thence run South 00°56'20" East a distance of 100.00 feet to a point, the point of curvature of a circular curve concave to the Northwest having a radius of 235.00 feet; thence run Southwesterly along the arc of said curve through a central angle of 90°00'00" an arc distance of 369.14 feet; thence run South 89°03'40" West a distance of 318.04 feet to a point, the point of curvature of a circular curve concave to the Northeast having a radius of 235.00 feet; thence run Northwesterly along the arc of said curve through a central angle of 40°34'46" an arc distance of 166.44 feet to the Point of Beginning.

Containing 883 acres, more or less.

Also, the following described land in Section 15:

Beginning at the Northeast corner of the Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 15, run South 01°18'37" East a distance of

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1,323.75 feet; thence run South $89^{\circ}31'26''$ West a distance of 358.77 feet; thence run North $61^{\circ}16'29''$ West a distance of 175.88 feet; thence run North $28^{\circ}43'31''$ East a distance of 217.17 feet; thence run North $61^{\circ}16'29''$ West a distance of 294.96 feet to a point, the point of curvature of a circular curve concave to the Southeast having a radius of 2,208.36 feet; thence run Northeasterly along the arc of said curve through a central angle of $05^{\circ}54'37''$ an arc distance of 227.80 feet; thence run North $06^{\circ}56'49''$ East an arc distance of 375.00 feet to a point, the point of curvature of a circular curve concave to the Northwest having a radius of 2,307.61 feet; thence run Northwesterly along the arc of said curve through a central angle of $07^{\circ}38'24''$ an arc distance of 307.70 feet; thence run North $89^{\circ}11'08''$ East a distance of 559.23 feet to the Point of Beginning.

Containing 17 acres, more or less.