

RECEIVED WSC

NOV 23 AM 10:31

RECORDS AND REPORTING

MEMORANDUM

November 17, 1938

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (MCRAE) *S.M. JST*

RE: DOCKET NO. 980776-WS - APPLICATION FOR AMENDMENT OF CERTIFICATES NOS. 236-W AND 179-S TO EXTEND, DELETE, AND CORRECT SERVICE AREA IN NASSAU COUNTY BY UNITED WATER FLORIDA, INC.

98-1504-FOF-WS

Attached is an ORDER APPROVING APPLICATION TO AMEND CERTIFICATES NOS. 236-W AND 179-S TO EXTEND, DELETE, AND CORRECT SERVICE AREA AND TO CLOSE DOCKET, to be issued in the above-referenced docket.

(Number of pages in order - 13)

See 1, 4

SAM/lw

Attachment

cc: Division of Water and Wastewater (T. Davis)

I:980776OR.SAM

*Forwarded - 2/
marked 10.*

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for amendment
of Certificates Nos. 236-W and
179-S to extend, delete, and
correct service area in Nassau
County by United Water Florida
Inc.

DOCKET NO. 980776-WS
ORDER NO. PSC-98-1564-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 APPROVING APPLICATION TO AMEND CERTIFICATES NOS. 236-W AND
179-S TO EXTEND, DELETE, AND CORRECT SERVICE AREA
AND TO CLOSE DOCKET

BY THE COMMISSION:

BACKGROUND

On June 23, 1998, United Water Florida Inc. (UWF or utility) submitted an application for the amendment of Water Certificate No. 236-W and Wastewater Certificate No. 179-S to extend, delete, and correct its service area in Nassau County, Florida. UWF is a Class A utility which provides water and wastewater service in Duval, Nassau, and St. Johns County. This application is confined to Nassau County, which, according to the utility's records, serves 386 water and 367 wastewater customers.

Order No. PSC-97-0928-FOF-WS, issued August 4, 1997, approved the transfer of service area from Sunray Utilities-Nassau, Inc. (Sunray) to UWF. The approval of the transfer and the subsequent amendment of UWF's certificates to include Sunray's territory resulted in duplications and gaps in UWF's service area. Additionally, UWF has received requests for utility service in areas of close proximity to its existing service area. In order to correct the duplications and gaps in its service area, to restructure its legal description to conform with Rule 25-

DOCUMENT NUMBER-DATE

13198 NOV 23 98

FPSC-RECORDS/REPORTING

ORDER NO. PSC-98-1564-FOF-WS
DOCKET NO. 980776-WS
PAGE 2

30.030(2), Florida Administrative Code, and to serve the customers requesting service, UWF submitted this application to amend its certificates.

Pursuant to a Memorandum of Understanding between the Department of Community Affairs (DCA) and the Public Service Commission (PSC), the DCA was sent a copy of the utility's application on June 6, 1998, for its comments on the need for service in the proposed area of expansion and the proposed amendment's consistency with the local comprehensive plan. On September 16, 1998, the DCA submitted its comments to the PSC. On October 8, 1998, UWF responded to the DCA's comments.

APPLICATION

The application is in compliance with Section 367.045, Florida Statutes, and other pertinent statutes and provisions of the Florida Administrative Code. The application contained a check in the amount of \$3,500, which is the correct filing fee pursuant to Rule 25-30.020, Florida Administrative Code. The utility provided a copy of a warranty deed as evidence of ownership of the land upon which the utility's facilities are located as required by Rule 25-30.036(3)(d), Florida Administrative Code.

Pursuant to Rules 25-30.036(3)(e), (f), and (i), Florida Administrative Code, the utility provided adequate service territory and system maps and a territory description. Composite water and wastewater territory descriptions are appended to this Order as Attachments A, B, and C, which by reference are incorporated herein. Attachment A is the combined territory description. Attachments B and C are the South and North Yulee territory descriptions, which, due to service availability charge differences between North Yulee and South Yulee, the utility requested to be included separately in this amendment.

According to the application, UWF has the water and wastewater facilities in place to serve the areas currently in need of service and those anticipated being in need of service in the future. The utility stated that expansions for additional capacity will be undertaken when needed.

The application contains proof of compliance with the noticing provisions set forth in Rule 25-30.030, Florida Administrative Code. Additionally, the utility submitted an affidavit that it has

ORDER NO. PSC-98-1564-FOF-WS
DOCKET NO. 980776-WS
PAGE 3

tariffs and annual reports on file with this Commission pursuant to Section 367.045(2)(d), Florida Statutes.

The utility has filed for a rate case which has been issued Docket No. 980214-WS.

DCA COMMENTS

As stated previously, the DCA submitted comments regarding UWF's amendment application pursuant to a Memorandum of Understanding between the DCA and the PSC. In its comments, the DCA expressed concern that the expansion of water and wastewater service into certain regions of Nassau County would include areas that are currently designated as Agricultural, Rural, and Wetlands on the Nassau County Future Land Use Map and would promote urban sprawl. The areas of concern were:

- Area 1, the area West of Plummers Creek;
- Area 2, the area immediately North of the Nassau River which is bordered on the West by CSX Railroad line and on the East by Lofton Creek;
- Area 3, the Eastern expansion of the areas in Township 2, North, Range 28 East; and
- Area 4, Township 3 North, Range 28 East.

In its response to the DCA's comments, UWF stated that in Areas 1, 3, and 4, it received applications requesting service and that in Area 2, it used the Nassau River as a helpful landmark for defining its service area, with the knowledge that the territory is nondevelopable wetlands. The utility further stated that the amendment was in the public interest because it allows existing septic tank users to connect to UWF's wastewater system and the amended territory description is simpler and easier to plot on a map.

CONCLUSION AND FINDINGS

We believe that the specifics of the DCA's concerns for land development should be deferred to the local planning board. Thus, pursuant to Section 367.045, Florida Statutes, and Rule 25-30.036, Florida Administrative Code, we find that United Water Florida's application to amend Water Certificate No. 236-W and Wastewater Certificate No. 179-S to eliminate duplications in its territory, close territorial gaps, extend service to new applicants, and restructure its legal description to conform with Rule 25-

ORDER NO. PSC-98-1564-FOF-WS
DOCKET NO. 980776-WS
PAGE 4

30.030(2), Florida Administrative Code, is hereby approved. No further action is required, and this docket shall be closed.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that United Water Florida Inc.'s application to amend Water Certificate No. 236-W and Wastewater Certificate No. 179-S to eliminate duplications in its territory, close territorial gaps, extend service to new applicants, and restructure its legal description to conform with Rule 25-30.030(2), Florida Administrative Code, is hereby approved. It is further

ORDERED that Certificates Nos. 236-W and 179-S, held by United Water Florida Inc., are hereby amended to include the territory described in Attachments A, B, and C of this Order. It is further

ORDERED that this docket shall be 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)

SAM

ORDER NO. PSC-98-1564-FOF-WS
DOCKET NO. 980776-WS
PAGE 5

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.

ORDER NO. PSC-98-1564-FOF-WS
DOCKET NO. 980776-WS
PAGE 6

Attachment A, Sheet 1 of 3

DESCRIPTION OF COMBINED TERRITORY SERVED
NASSAU COUNTY

TOWNSHIP 3 NORTH, RANGE 26 EAST:

All of Sections 39, 40 and 42.

That portion of Section 1, lying South and West of U.S. Highway No. 17 (State Road No. 5).

That portion of Section 2, lying East of U.S. Interstate Highway 95 and lying Southwest of U.S. Highway No. 17 (State Road No. 5).

All of Section 11, less and except that portion lying South of Nassau County Road 108 and lying West of U.S. Interstate Highway 95.

That portion of Section 14, lying East of U.S. Interstate Highway 95.

The Northeast 1/4 of Section 23.

All of Section 41, lying East of U.S. Interstate Highway 95 and West of U.S. Highway No. 17 (State Road No. 5), together with that portion of Section 41, lying West of U.S. Interstate Highway 95 and Southerly of a line lying one (1) mile North of and that runs parallel to State Road 200.

TOWNSHIP 3 NORTH, RANGE 27 EAST:

All of Sections 51, 52, 53, 54, 55, 56 and 57.

All of Section 50 lying South of a line drawn from the Southeast corner of Section 39 running Westerly to the centerline intersections of U.S. Highway No. 17 (State Road No. 5) and Nassau County Road 108.

TOWNSHIP 3 NORTH, RANGE 28 EAST:

All of Sections 37, 38, 44, 45 and 50.

All of Section 46 less and except that portion of land lying North of a line that intersects where the East sides of Sections 38 and 62 meet and where the West sides of Sections 61 and 63 meet.

TOWNSHIP 2 NORTH, RANGE 26 EAST:

All of Section 1, 12, 13, and 24.

That portion of Section 2, lying East of Plummers Creek and Southerly of a line lying one (1) mile North of and that runs parallel to State Road 200.

The East 1/2 of the Northeast 1/4 of the Northwest 1/4 of Section 11, lying Southerly of the right-of-way of State Road 200.

The East 1/2 of the Southeast 1/4 of the Northwest 1/4 of Section 11.

The East 1/2 of the Northeast 1/4 of the Southwest 1/4 and the East 1/2 of the Southeast 1/4 of the Southwest 1/4 of Section 11.

The Northeast 1/4 of Section 11 lying Southerly of the right-of-way of State Road 200 and the Northeast 1/4 of Section 11 lying Northerly of the right-of-way of State Road 200 and Easterly of Plummers Creek.

The Southeast 1/4 of Section 11.

The Northeast 1/4 and the South 1/2 of Section 14.

All of Section 39, lying Southerly of a line lying one (1) mile North of and that runs parallel to State Road 200.

TOWNSHIP 2 NORTH, RANGE 27 EAST:

ORDER NO. PSC-98-1564-FOF-WS
DOCKET NO. 980776-WS
PAGE 8

Attachment A, Sheet 3 of 3

All of Sections 1, 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 24, 27, 28, 33, 34, 37, 38, 39, 40, 42, 43, 44, and 45.

All of Section 23, except that portion lying Easterly and Southerly of Lofton Creek.

All of Section 26, except that portion lying Easterly and Southerly of Lofton Creek.

All land in Sections 35 and 36 lying Westerly and Southerly of Lofton Creek.

TOWNSHIP 2 NORTH, RANGE 28 EAST:

All of Sections 24, 25, 26, 27, 29, 30, 39, 40, 41, and 48.

Section 32 - The Northerly 1/4 of the Section.

Section 37 - All land lying Southerly of the Right-of-Way of State Road 200.

Section 46 - The Northerly 1/2 of the Section, lying Westerly of the Amelia River (Intercoastal Waterway).

TOWNSHIP 1 NORTH, RANGE 27 EAST:

All of Sections 2 and 3.

DESCRIPTION OF TERRITORY SERVED
YULEE SOUTH
(Nassau County)

TOWNSHIP 3 NORTH, RANGE 26 EAST:

That portion of Section 41, lying West of U.S. Interstate Highway 95 and Southerly of a line lying one (1) mile North of and that runs parallel to State Road 200.

TOWNSHIP 3 NORTH, RANGE 27 EAST:

Those portions of Sections 50, 51 and 53 lying Easterly of the centerline of CSX Railroad (North/South Line) Right-of-Way, Southerly of a line lying one (1) mile North of and that runs parallel to State Road 200, and Westerly of Lofton Creek.

That portion of Section 52 lying Westerly of Lofton Creek.

TOWNSHIP 2 NORTH, RANGE 26 EAST:

All of Section 1, 12, 13, and 24.

That portion of Section 2, lying East of Plummers Creek and Southerly of a line lying one (1) mile North of and that runs parallel to State Road 200.

The East 1/2 of the Northeast 1/4 of the Northwest 1/4 of Section 11, lying Southerly of the right-of-way of State Road 200.

The East 1/2 of the Southeast 1/4 of the Northwest 1/4 of Section 11.

The East 1/2 of the Northeast 1/4 of the Southwest 1/4 and the East 1/2 of the Southeast 1/4 of the Southwest 1/4 of Section 11.

The Northeast 1/4 of Section 11 lying Southerly of the right-of-way of State Road 200 and the Northeast 1/4 of Section 11 lying Northerly of the right-of-way of State Road 200 and Easterly of Plummers Creek.

ORDER NO. PSC-98-1564-FOF-WS
DOCKET NO. 980776-WS
PAGE 10

Attachment B. Sheet 2 of 2

The Southeast 1/4 of Section 11.

The Northeast 1/4 and the South 1/2 of Section 14.

All of Section 39, lying Southerly of a line lying one (1) mile North of and that runs parallel to State Road 200.

TOWNSHIP 2 NORTH, RANGE 27 EAST:

All of Sections 4, 5, 6, 7, 8, 9, 15, 16, 17, 18, 19, 20, 21, 22, 27, 28, 33, 34, 42, 43, and 45.

All land contained in Section 44, lying South of the centerline of the Right-of-Way of State Road 200 and all land lying Westerly of ITT Rayonier Private Forest Road No. 21 and lying North of State Road 200.

Those portions of Sections 13, 14, 24, and 38 lying Westerly of Lofton Creek.

All of Section 23, except that portion lying Easterly and Southerly of Lofton Creek.

All of Section 26, except that portion lying Easterly and Southerly of Lofton Creek.

Those portions of Sections 35 and 36 lying Westerly and Southerly of Lofton Creek.

TOWNSHIP 1 NORTH, RANGE 27 EAST:

All of Sections 2 and 3.

DESCRIPTION OF TERRITORY SERVED
YULEE NORTH
(Nassau County)

TOWNSHIP 3 NORTH, RANGE 26 EAST:

All of Sections 39, 40 and 42

That portion of Section 1, lying South and West of U.S. Highway No. 17 (State Road No. 5).

That portion of Section 2, lying East of U.S. Interstate Highway 95 and lying Southwest of U.S. Highway No. 17 (State Road No. 5).

All of Section 11, less and except that portion lying South of Nassau County Road 108 and lying West of U.S. Interstate Highway 95.

That portion of Section 14, lying East of U.S. Interstate Highway 95.

The Northeast 1/4 of Section 23.

All of Section 41, lying East of U.S. Interstate Highway 95 and West of U.S. Highway No. 17 (State Road No. 5).

TOWNSHIP 3 NORTH, RANGE 27 EAST:

All of Sections 54, 55, 56 and 57.

All of Section 50 lying South of a line drawn from the Southeast corner of Section 39 running Westerly to the centerline intersections of U.S. Highway No. 17 (State Road No. 5) and Nassau County Road 108. Less and except all lands lying Easterly of the centerline of the CSX Railroad (North/South Line) Right-of-Way, Southerly of a line lying one (1) mile North of and that runs parallel to State Road 200, and Westerly of Lofton Creek.

All of Section 51, less and except all lands lying West of Lofton Creek, and lying Southerly of a line lying one (1) mile North of and that runs parallel to State Road 200.

Attachment C, Sheet 2 of 3

All of Section 52, lying East of Lofton Creek.

All of Section 53, less and except all lands lying Southerly of a line lying one (1) mile North of and that runs parallel to State Road 200.

TOWNSHIP 3 NORTH, RANGE 28 EAST:

All of Sections 37, 38, 44, 45 and 50.

All of Section 46, less and except that portion of land lying North of a line that intersects where the East sides of Sections 38 and 62 meet and where the West sides of Sections 61 and 63 meet.

TOWNSHIP 2 NORTH, RANGE 27 EAST:

All of Sections 1, 11, 12, 37, 39 and 40.

All land in Sections 13, 14, 23, 24 and 38 lying East of Lofton Creek.

All land contained in Section 44, North of the centerline of the Right-Of-Way of State Road 200 and Easterly of the ITT Rayonier Private Forest Road No. 21 and Westerly of the CSX Railroad (North/South Line) Right-Of-Way.

TOWNSHIP 2 NORTH, RANGE 28 EAST:

All of Sections 24, 25, 26, 27, 29, 30, 39, 40, 41, and 48.

Section 32 - The Northerly 1/4 of the Section.

Section 37 - All land lying Southerly of the Right-Of-Way of State Road 200.

Section 46 - The Northerly 1/2 of the Section, lying Westerly of the Amelia River (Intercoastal Waterway).

ORDER NO. PSC-98-1564-FOF-WS
DOCKET NO. 980776-WS
PAGE 13

Attachment C, Sheet 3 of 3

ITT Rayonier Private Forest Road No. 21 a/k/a
"The Road" is described as follows:

Begin at the intersection of the West line of Section 44, Township 2 North, Range 27 East, Nassau County, and the Northerly right-of-way of State Road 200. Thence run Northeasterly along the Northerly right-of-way line a distance of 2,400 feet, more or less, to a point of intersection of The Road with the Northerly right-of-way of State Road 200. Thence meander Northwesterly along The Road to a point of intersection with the North line of Section 44 which point of intersection is 600 feet, more or less, East of the Northwest corner of Section 44.