

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for quick-take amendment of Certificate No. 588-W in Polk County by Pinecrest Ranches, Inc.

DOCKET NO. 020823-WU
ORDER NO. PSC-03-0318-FOF-WU
ISSUED: March 6, 2003

ORDER APPROVING AMENDMENT OF CERTIFICATE NO. 588-W
TO INCLUDE ADDITIONAL TERRITORY IN POLK COUNTY
AND CLOSING DOCKET

BY THE COMMISSION:

Background

On July 26, 2002, Pinecrest Ranches, Inc. (Pinecrest or utility) filed an application for an amendment of Certificate No. 588-W to include an area adjacent that is experiencing water supply problems due to a well failure. The application was filed pursuant to Section 367.045, Florida Statutes, and Rule 25-30.036(2), Florida Administrative Code.

Pinecrest is a Class C utility which provides water service to approximately 120 mobile homes in a community known as Citrus Highlands. Pinecrest is located in the Southern Water Use Caution Area of the Southwest Florida Water Management District. The utility has been in existence providing service to its customers in Polk County since mid-1987. We received jurisdiction in Polk County on May 14, 1996. Pinecrest was granted Grandfather Certificate No. 588-S by Order No. PSC-97-0367-FOF-WU, issued April 2, 1997, in Docket No. 961253-WU.

The additional territory requested in the instant docket includes two small neighborhoods known as Oak Hill and Starr Terrace, and two commercial connections, with a total of 23.6 equivalent residential connections (ERCs). As a result of this amendment, Pinecrest will eventually have 27 mobile homes in Oak Hill and Starr Terrace connected to its water system.

At the time of the well failure, eight mobile homes (four in Oak Hill and four in Starr Terrace) and two commercial connections were being served by the well. According to the utility, the well

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experienced lightning damage and the hydropneumatic tank had deteriorated so badly that it could no longer be patched. Although a temporary emergency interconnection to Pinecrest has been made, a more permanent connection will occur when the redesigned distribution system for Starr Terrace is completed. The redesigned system will accommodate 19 additional connections. Construction of the Starr Terrace development, which will include the new distribution system, is expected to begin in the near future.

Application

Pinecrest's 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 \$100, as required by Rule 25-30.020, Florida Administrative Code. The application also contains proof that the utility owns the land upon which its facilities are located, in accordance with Rule 25-30.036(2)(d), Florida Administrative Code.

In addition, the application contains proof of compliance with the noticing provisions set forth in Rule 25-30.030, Florida Administrative Code. No objections to the application have been received and the time for filing such has expired.

The application contains a statement that the new territory will not exceed 25 ERCs, there is no other utility in the area that is willing and capable of providing service to the new territory, and service is not otherwise available, pursuant to Rule 25-30.036(2)(a) and (b), Florida Administrative Code. Water service to Oak Hill and Starr Terrace will be provided by the utility's plant located at the nearby Citrus Highlands mobile home community. In addition to the proposed construction of the redesigned distribution system, Pinecrest plans to eventually rehabilitate the failed well and use it as an emergency backup for its water system.

According to the Polk County Health Department, there are no outstanding violations, citations, or notices of violation against the utility. In addition, in a letter received on January 14, 2003, the Department of Community Affairs (DCA) stated that it has no objections to the proposed area expansion, and that the expansion is consistent with the Polk County comprehensive plan.

Based on the foregoing, we find that Pinecrest's request to amend Certificate No. 588-W to include the territory shown on Attachment A of this Order is in the public interest and it is approved. Pinecrest has returned Certificate No. 588-W for entry reflecting the additional territory. Pinecrest has also filed revised tariff sheets reflecting the additional territory. Pinecrest shall charge the customers in the additional territory the rates and charges approved in its tariff until authorized to change by this Commission in a subsequent proceeding.

It is, therefore,

ORDERED by the Florida Public Service Commission that the request of Pinecrest Ranches, Inc., Post Office Box 369, Highlands City, Florida 33846-0369, to amend Certificate No. 588-W to include additional territory in Polk County is hereby approved. The additional territory Pinecrest Ranches, Inc. is authorized to serve is shown on Attachment A of this Order, which by reference is incorporated herein. It is further

ORDERED that Pinecrest Ranches, 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 in a subsequent proceeding. It is further

ORDERED that this docket is hereby closed.

By ORDER of the Florida Public Service Commission this 6th day of March, 2003.

BLANCA S. BAYO, Director
Division of the Commission Clerk
and Administrative Services

By: Kay Flynn
Kay Flynn, Chief
Bureau of Records and Hearing
Services

(S E A L)

ALC

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 the Commission Clerk and Administrative Services, 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 the Commission Clerk and Administrative Services 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

Pinecrest Ranches, Inc.
Polk County

Starr Terrace Legal Description

Commence at the Southeast corner of Section 31, Township 29 South, Range 26 East, Polk County, Florida and run thence South 89°29'09" West along the south boundary of Section 31 a distance of 1891.63 feet to the point of beginning; run thence South 89°29'09" West 880.26 feet; run thence North 00°30'51" West 120.00 feet; run thence South 89°29'09" West 224.50 feet; run thence North 00°30'51" West 40.00 feet; run thence North 89°29'09" East 224.50 feet to the beginning of a curve to the right having a radius of 265.00 feet and a central angle of 10°59'54", run thence along said curve an arc distance of 50.87 feet; run thence North 20°03'30" West 306.84 feet to the right of way line of State Road 60; run thence North 69°56'30" East 730.00 feet to a point herein after referred to as "Point A"; run thence South 20°03'30" East 730.59 feet to the point of beginning.

And

Parcel B Description

Commence at "Point A" referred to in the foregoing description and run northeasterly along the right of way line of State Road 60 a distance of 40.00 feet to the point of beginning; run thence South 20°03'30" East parallel to the easterly boundary of Starr Terrace 300.00 feet; run thence North 69°56'30" East 190.00 feet; run thence North 20°03'30" West 302 feet more or less to the southerly right of way line of said State Road 60; run thence southwesterly along said right of way line 190 feet more or less to the point of beginning.

And

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Parcel D Description

Commence at "Point A" referred to in the foregoing description and run northeasterly along the right of way of State Road 60 a distance of 330.47 feet to the point of beginning; run thence South 20°03'30" East parallel to the easterly boundary of Starr Terrace, 323.78 feet; run thence North 69°56'30" East 105.00 feet; run thence North 90°00'00" East 40.18 feet; run thence North 18°49'32" West 361.41 feet to the southerly right of way line of State Road 60; run thence southwesterly along said right of way line 152.04 feet to the point of beginning.