

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Emergency application for
amendment of Certificate No.
422-S to extend wastewater
service area to Seagull
Townhouses in Gulf County, by
ESAD Enterprises, Inc. d/b/a
Beaches Sewer System.

DOCKET NO. 030644-SU
ORDER NO. PSC-03-0963-PCO-SU
ISSUED: August 25, 2003

The following Commissioners participated in the disposition of
this matter:

LILA A. JABER, Chairman
J. TERRY DEASON
BRAULIO L. BAEZ
RUDOLPH "RUDY" BRADLEY
CHARLES M. DAVIDSON

ORDER AUTHORIZING EMERGENCY INTERIM CONNECTION

BY THE COMMISSION:

BACKGROUND

ESAD Enterprises, Inc. d/b/a Beaches Sewer System (Beaches or utility) is a Class C utility serving approximately 256 wastewater customers in Gulf County. Water service is provided by the City of Mexico Beach. On July 18, 2003, the utility filed an emergency service application with the Commission indicating that it intended to connect with Seagull Townhouses (Seagull).

Seagull is an existing residential area composed of thirteen townhouses with one vacant lot, which is located outside the utility's certificated territory. Because Seagull's onsite sewage treatment and disposal system became hydraulically overloaded, the Gulf County Health Department (Health Department) requested Beaches to connect Seagull to the Beaches' system. Based on this emergency situation, Beaches agreed to this request, and the connection was made on July 18, 2003.

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

Prior to that time, the utility contacted our staff to inform this Commission of the situation and that a sanitary nuisance existed. The utility indicated that it would respond to that request because of the nature of the emergency.

The purpose of this Order is to acknowledge the utility's emergency service application and to authorize it to provide wastewater service to Seagull on an interim, emergency basis. We have jurisdiction to consider this matter pursuant to Sections 367.011 and 367.045, Florida Statutes.

INTERIM, EMERGENCY CONNECTION

As stated above, the utility both filed its emergency service application and began to serve Seagull on July 18, 2003. Seagull is located approximately three hundred feet outside the utility's service area, and according to a July 15, 2003, letter to the utility from the Health Department, Seagull was in violation of Chapter 381, Florida Statutes, which pertains to sanitary nuisance. Based on this sanitary nuisance and the emergency situation, and at the request of the Health Department, Beaches provided this emergency service and eliminated the sanitary nuisance.

In its notification, the utility indicated that this was an emergency situation, and that it was in the public's best interest to connect. The utility also noted that there are no other utilities that are available to connect and that no one is expected to object to the utility providing service to Seagull.

Our staff contacted the City of Mexico Beach (City), which is located nearby, and inquired if they had any interest in serving Seagull. The city was not previously aware of the Seagull situation. It indicated that it currently does not have service lines in the immediate area, but is interested in possibly serving Seagull sometime in the future.

In addition to the above, the utility indicated that it will file the necessary applications as soon as possible to amend its territory to include Seagull. Given the emergency nature of the situation, we find that the utility has acted responsibly. Therefore, the interim, emergency connection by the utility to Seagull is authorized. The utility shall charge Seagull the appropriate rates and charges as set forth in its tariff.

The utility shall also file an application for a quick take amendment of its certificate to include Seagull in its territory within twenty days of this order. A request for a quick take amendment allows for service territory expansion and amendment of an existing certificate when it is demonstrated that utility service is necessary for an emergency situation.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the Emergency Service Application of ESAD Enterprises, Inc. d/b/a Beaches Sewer System, for an interim emergency connection is authorized. It is further

ORDERED that ESAD Enterprises, Inc. d/b/a Beaches Sewer System, shall charge Seagull Townhouses the applicable rates and charges set forth in its tariffs. It is further

ORDERED that ESAD Enterprises, Inc. d/b/a Beaches Sewer System, shall file an application for a quick take amendment of its certificate to include Seagull Townhouses in its territory within 20 days of this Order. It is further

ORDERED that this docket shall remain open to process the subsequent amendment application.

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By ORDER of the Florida Public Service Commission this 25th
Day of August, 2003.

BLANCA S. BAYÓ, 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)

RRJ

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 this order, which is non-final in nature, may request (1) reconsideration within 15 days pursuant to 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 or wastewater utility. A motion for reconsideration shall be filed with the Director, Division of the Commission Clerk and Administrative Services, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Citizens of the State of Florida v. Mayo, 316 So.2d 262 (Fla. 1975), states that an order on interim rates is not final or reviewable until a final order is issued. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.