

## BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request by JACKSONVILLE SUBURBAN)	DOCKET NO. 890172-WS
UTILITIES CORPORATION FOR extension of )	
time to file application for amendment )	ORDER NO. 20885
of certificated area in Duval County. )	ISSUED: 3-13-89

The following Commissioners participated in the disposition of this matter:

MICHAEL McK. WILSON, Chairman  
 THOMAS M. BEARD  
 BETTY EASLEY  
 GERALD L. GUNTER  
 JOHN T. HERNDON

ORDER GRANTING EXTENSION OF TIME

BY THE COMMISSION:

CASE BACKGROUND

On June 19, 1987, Jacksonville Suburban Utilities Corporation (JSUC) gave notice of its intent to apply for an extension to its service territory pursuant to Section 367.061, Florida Statutes. By letter dated July 17, 1987, the City of Jacksonville (Jacksonville) objected to JSUC's notice, on the grounds that Jacksonville already had water and sewer mains contiguous to the requested territory. The objection was processed in Docket No. 870777-WS.

Through subsequent negotiations, JSUC and Jacksonville were able to resolve the latter's objection. By letter dated November 9, 1987, Jacksonville formally withdrew its objection. By Order No. 18616, issued December 29, 1987, we acknowledged the withdrawal of Jacksonville's objection and closed Docket No. 870777-WS.

Pursuant to Section 367.061(4), Florida Statutes, a utility must file an application for extension to its service territory within one year of serving notice unless, for good cause, the Commission extends such time for filing.

On June 2, 1988, JSUC timely requested that, due to the delay caused by Jacksonville's objection and to a delay by the developer in beginning construction on the affected property, it be granted an extension of time to file its application for the proposed amendment to its service territory. By Order No. 19772, issued August 8, 1988, we granted JSUC until December 29, 1988, to file its application.

On December 12, 1988, JSUC filed another request for an extension of time to file its application. In its request, JSUC stated that it has waited for the developer of the area concerned to commence construction before beginning construction of the utility lines needed to serve the property. JSUC expects that both it and the developer will have completed construction by May 1, 1989. JSUC, therefore, requests that it be granted until June 1, 1989, to file its application.

It appears that JSUC's delay in filing its application is due to circumstances beyond its control, including Jacksonville's objection and a delay by the developer in starting construction. If we reject JSUC's request and require

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it to re-notice its intent, it is likely that Jacksonville will again object to that notice. Since Jacksonville has already had an opportunity to litigate over the affected territory, we believe that it is in the interest of administrative economy to grant JSUC's request.

It is, therefore,

ORDERED by the Florida Public Service Commission that Jacksonville Suburban Utilities Corporation's request for an extension of time to file its application for an extension to its service territory is hereby granted. It is further

ORDERED that Jacksonville Suburban Utilities Corporation shall have until June 1, 1989, to file its application for the subject extension to its service territory. It is further

ORDERED that Docket No. 890172-WS be and is hereby closed.

By ORDER of the Florida Public Service Commission, this 13th day of MARCH, 1989.

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 STEVE TRIBBLE, Director  
 Division of Records and Reporting

( S E A L )

by: Kay J. [Signature]  
 Chief, Bureau of Records

RJP

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), 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 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 or sewer 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.