

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application of Spruce Creek) DOCKET NO. 881597-WS
Development Company of Ocala, Inc. d/b/a)
Spruce Creek South Utilities for water) ORDER NO. 20933
and sewer certificates in Marion County.)
ISSUED: 3-24-89

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 CERTIFICATE

BY THE COMMISSION:

Background

On December 27, 1988, Spruce Creek Development Company of Ocala, Inc., d/b/a Spruce Creek South Utilities (Spruce Creek South or Utility), filed an application with this Commission for certificates to provide water and sewer service in Marion County, Florida. In its application, Spruce Creek South requested that the Commission issue the water and sewer certificates prior to the final determination of rates and charges. This request was made to enable the Utility to proceed with its application for construction permits required by the Department of Environmental Regulation (DER). By letter dated March 2, 1989, the Utility withdrew its request for a sewer certificate.

Spruce Creek Development Company of Ocala, Inc. is a Florida corporation, which is the developer of the proposed service area. The Utility will provide water service to approximately 400 residential and 50 commercial establishments in Marion County.

Application

The application is in partial compliance with Section 367.041, Florida Statutes, and Rule 25-30.035, Florida Administrative Code, concerning applications for certificates. In particular, the application contains:

1. A check in the amount of \$1,800.00 which upon calculation equates to the correct filing fee as prescribed by Section 367.141, Florida Statutes.
2. Adequate maps (territory and system) and proper territory description of the area proposed to be served as required by Rule 25-30.035(3)(h)(1) and (i), Florida Administrative Code. Said territory to be served is described as being in Marion County and more particularly described in Exhibit A attached hereto.
3. Proof of notice to all interested governmental and regulatory agencies, and all utilities within a four mile radius of the territory to be served, as well as

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proof of advertisement in a newspaper of general circulation in the county as prescribed in Rule 25-30.030, Florida Administrative Code. No objections have been filed and the time period for filing such has expired.

4. Evidence that the Utility owns the land on which the Utility's facilities will be located as required by Rule 25-30.035(3)(f), Florida Administrative Code.
5. Financial statements of the applicant and those providing the principal funding to the Utility.

Although the application, as filed, contains the information necessary to grant the requested certificates, additional information is needed to determine appropriate rates for the Utility. Spruce Creek South has agreed to furnish the additional information, which includes a breakdown of the proposed cost of the water and wastewater treatment plant components by NARUC account and year of installation, as well as projected operation and maintenance expenses when 80% of the designed capacity of each system is being utilized, the tax status of the Utility, the projected capital structure and proposed tariffs showing all rates and charges, rules and regulations, and service availability policy. Upon receipt of the information, it will be analyzed and appropriate rates and charges will be set at a subsequent agenda conference. Further, the Utility will not charge for the water services prior to the final establishment of rates and charges by this Commission.

A review of the balance sheet of the development corporation as well as the personal financial statements of the officers indicates that there will be sufficient funds available to the Utility during the initial years of operation. Further, Spruce Creek Development Company owns and operates another utility, which is exempt from Commission jurisdiction. Therefore, they have the experience necessary to operate a water and sewer company.

Based on the foregoing, we find that it is in the public interest to grant Spruce Creek South Water Certificate No. 511-W to serve the area described in Exhibit A.

It is, therefore,

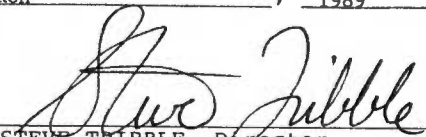
ORDERED by the Florida Public Service Commission that Spruce Creek Development Company of Ocala, Inc., d/b/a Spruce Creek South Utilities, 7753 S.W. State Road 200, Ocala, Florida 32676, is hereby granted Water Certificate No. 511-W to provide water service to the territory described in Exhibit A. It is further

ORDERED that Spruce Creek South shall not charge for water service until appropriate rates are established for the Utility by this Commission. It is further

ORDERED that this docket shall remain open to establish rates and charges for the Utility.

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By ORDER of the Florida Public Service Commission,
this 24th day of MARCH, 1989.



STEVE TRIBBLE, Director
Division of Records and Reporting

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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.

EXHIBIT 1

DESCRIPTION FOR
SPRUCE CREEK DEVELOPMENT COMPANY OF OCALA, INC.

SPRUCE CREEK SOUTH SUBDIVISION

TOWNSHIP 17 SOUTH, RANGE 23 EAST

A PARCEL OF LAND IN SECTIONS 34, 35, AND 36, TOWNSHIP 17 SOUTH, RANGE 23 EAST, MARION COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE N.E. CORNER OF THE S.E. 1/4 OF SAID SECTION 35; THENCE S.89 41'04"W. ALONG THE NORTH BOUNDARY OF SAID S.E. 1/4 A DISTANCE OF 742.43 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S.89 41'04"W. ALONG SAID NORTH BOUNDARY OF S.E. 1/4, 1908.36 FEET TO THE N.W. CORNER OF SAID S.E. 1/4, SAID POINT ALSO BEING THE N.E. CORNER OF THE S.W. 1/4 OF SECTION 35, THENCE S.89 41'44"W., ALONG THE NORTH BOUNDARY OF THE S.W. 1/4 OF SAID SECTION 35 A DISTANCE OF 2648.07 FEET TO THE N.W. CORNER OF SAID S.W. 1/4 OF SECTION 35 AND THE N.E. CORNER OF THE S.E. 1/4 OF SAID SECTION 34; THENCE S.89 38'50"W. ALONG THE NORTH BOUNDARY OF SAID S.E. 1/4 OF SECTION 34 A DISTANCE OF 1766.85 FEET; THENCE S.00 36'40"E. 1322.30 FEET; THENCE N.89 41'24"E. 7592.52 FEET TO A POINT ON THE SOUTHWESTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY 441; THENCE N.42 10'39"W. ALONG SAID RIGHT OF WAY LINE 1777.29 FEET TO THE POINT OF BEGINNING.

CONTAINING 210.00 ACRES, MORE OR LESS.