

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application of Century Group,)	DOCKET NO. 881002-SU
Inc. for a sewer certificate in)	ORDER NO. 21515
Highlands County.)	ISSUED: 7-7-89
)	

The following Commissioners participated in the disposition of this matter:

MICHAEL McK. WILSON, Chairman
 THOMAS M. BEARD
 JOHN T. HERNDON

ORDER GRANTING CERTIFICATES

BY THE COMMISSION:

Background

A sewer utility has been in operation for several years providing service to Crystal Lake Mobile Home Park (Crystal Lake). In 1986, Century Realty Funds, Inc. (CRF) purchased the park and sewer utility. Presently, 228 of the proposed 599 spaces are rented.

In Docket No. 870865-WS, initiated by a customer complaint, the Commission sought to determine the exempt or nonexempt status of Crystal Lake, as well as five other utilities owned by CRF. In Order No. 18727, issued January 25, 1988, the Commission found Crystal Lake to be nonexempt, and required CRF to apply for a sewer certificate for the utility. Century Group, Inc. (Century Group) has since split off from CRF and now owns the sewer utility serving Crystal Lake. On July 25, 1988, Century Group filed its application for a sewer certificate to provide sewer service to Crystal Lake.

Application

Century Group's application is in compliance with Section 367.041, Florida Statutes, and Rule 25-10.035, Florida Administrative Code. The application included adequate territory and system maps, and a legal description of the territory to be served, which is attached to this Order as Attachment "A". Century Group has submitted the filing fee required by Section 367.141, Florida Statutes, and provided

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proof of ownership of the land upon which the sewer plant is located.

Noticing requirements have been met in accordance with Rule 25-30.030, Florida Administrative Code. No objections were received and the period for filing such objections has expired.

A review of the financial condition of Century Group indicates that the company has the financial ability to continue operating the utility. The fact that Century Group (formerly CRF) satisfactorily operated the utility since 1986 indicates that the company has the ability to continue operating the utility. Upon consideration, we find that it is in the public interest to grant Century Group sewer Certificate No. 454-S.

Rates

Century Group presently charges a \$375 connection charge per lot and an \$8.00 monthly flat rate for sewer service. The utility does not charge for miscellaneous service or customer deposits. We find the utility's rates and charges to be reasonable, and hereby approve continuation of such rates and charges.

Annual Report And Regulatory Assessment Fees for 1988

The sewer plant serving Crystal Lake has been in operation for several years without a certificate. In Order No. 18727, issued January 25, 1988, the Commission found this utility to be subject to Commission regulation and required it to file an application for a sewer certificate. In order to bring the utility into compliance with Chapter 367, Florida Statutes, and Commission rules, we find it appropriate to require Century Group to file a 1988 Annual Report and pay regulatory assessment fees for 1988 within 45 days from the date of this Order.

Refund for Overpayment of Filing Fee

The capacity of the sewer system serving Crystal Lake is 1,198 persons. Accordingly, \$900 is the correct filing fee under Section 367.141(2), Florida Statutes. Century Group paid \$150 with its initial application. On May 4, 1989, it sent a

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Based upon the foregoing, it is therefore,

ORDERED by the Florida Public Service Commission that sewer Certificate No. 454-S is hereby granted to Century Group, Inc., 259 Bartow Air Base, Bldg. 121, Bartow, Florida 33830, to serve Crystal Lake Mobile Home Park, the territory of which is described in Attachment "A", appended to this Order. It is further

ORDERED that Century Group shall continue to charge for each lot the present \$375 connection charge and \$8.00 monthly flat rate for sewer service. It is further

ORDERED that, within 45 days from the date of this Order, Century Group shall file a 1988 Annual Report and pay regulatory assessment fees for 1988. It is further

ORDERED that Century Group shall be refunded \$150, representing an overpayment of its filing fee. It is further

ORDERED that this docket shall be closed.

By ORDER of the Florida Public Service Commission,
this 7th day of JULY, 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.

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ATTACHMENT "A"

DESCRIPTION FOR CENTURY GROUP, INC.
 HIGHLANDS COUNTY
 SERVICE TERRITORY DESCRIPTION (CRYSTAL LAKE MOBILE HOME PARK)

In Township 34 South, Range 28 East

Section 02:

All that part of the SE 1/4 and the SE 1/4 of the NE 1/4 of Section 2, Township 34 South, Range 28 East, lying West of the A.C.L. Railroad right-of-way together with that part of lots 9 to 14 inclusive, of WARREN AND MONDAY'S SUBDIVISION as recorded in P.B. 1, Page 10, Highlands County, Florida, lying within the following described boundary.

Commence at the SE corner of Sec. 2, T. 34 S., R. 28 E.; run thence N.1°08'50"W. along the line between Section 1 and 2 for 242.14 feet for a point of beginning, thence N.89°48'08"W., 2042.29 feet; thence N.1°16'18"W. in and parallel with the West line of said SE 1/4 for 2352.93 feet to intersect the North line of said SE 1/4 (being also the South line of said WARREN AND MONDAY SUBDIVISION); thence run N.20°20'23"W. 899.56 feet to a point herein designated point "A" which is the Westerly end of a control line along Lake Denton; thence continue N.20°20'23"W. 30 feet, more or less, to the shore of Lake Denton, thence Easterly along the meanders of Lake Denton, 370 feet, more or less to intersect the North line of lot 9 of WARREN AND MONDAY SUBDIVISION; then N.88°38'32"E., 50.0 feet, more or less along said North line to a point of the aforesaid control line which bears N.68°29'12"E., 417.65 feet from said point "A", thence continue N.88°38'32"E. along said North line of Lot 9, 626.48 feet to intersect the East line of SW 1/4 of NE 1/4, thence N.1°12'34"W., 331.46 feet to the NW corner of SE 1/4 of NE 1/4, thence N.88°38'48"E. along North line of SE 1/4 of NE 1/4, 220.95 feet to the Westerly R/W line of the A.C.L. Railroad R/W, thence S.18°16'58"E. along said Westerly R/W, 3746.87 feet to the East line of Section 2; thence S.1°08'50"E., along the section line 149.60 feet to the point of beginning. Lying in Section 2, Township 34 South, Range 28 East, Highlands County, Florida. Also a 50 foot easement whose centerline is described as beginning at a point 437.82 feet North and 2051.50 feet West of the Southeast corner of Section 2, Township 34 South, Range 28 East, Highlands County, Florida, run N.89°48'08"W., 1548.40 feet, to the beginning of a 100 foot easement, thence continue N.89°48'08"W., 300.0 feet to a point in the East right-of-way boundary of SR-17A.

Commissioners:
MICHAEL McK. WILSON, Chairman
GERALD L. (JERRY) GUNTER
JOHN T. HERNDON
THOMAS M. BEARD
BETTY EASLEY

State of Florida



STEVE TRIBBLE, Director
Division of Records & Reporting
(904) 488-8371

Public Service Commission

M E M O R A N D U M

July 24, 1989

To: Recipients of Order 21515
From: Steve Tribble, Director, Records and Reporting *ST*
Re: Correction to Page 3 in Order

Order No. 21515 was issued by the Commission in Docket No. 881002-SU on July 7, 1989. During preparation of the order, two lines were inadvertently omitted from page 3, and the mistake was not discovered until after the order had been issued. Attached is a corrected page 3 with the lines properly inserted as the uppermost lines on that page. Please substitute this corrected page in your copy of the order.

Feel free to call me if you have any questions regarding this matter.

ST:kf
Attachment
cc: David Schwartz

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\$900 check. Therefore, we find it appropriate to refund to Century Group \$150, representing an overpayment of its filing fee.

Based upon the foregoing, it is therefore,

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By ORDER of the Florida Public Service Commission,
this 7th day of July, 1989.


STEVE TRIBBLE, Director
Division of Records and Reporting

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