

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application of Lake Griffin)	DOCKET NO. 890554-WU
Utilities, Inc. for an original)	ORDER NO. 21835
certificate in Lake County.)	ISSUED: 9-5-89
_____)	

The following Commissioners participated in the disposition of this matter:

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

ORDER GRANTING CERTIFICATE AND DENYING
 REQUEST FOR WAIVER

BY THE COMMISSION:

On April 20, 1989, Lake Griffin Utilities, Inc. (Lake Griffin or Utility) filed an application with this Commission for an original certificate to provide water service in Lake County, Florida. Lake Griffin is a developer-owned utility which will serve a 799 lot subdivision.

In order to secure construction permits from the Department of Environmental Regulation (DER), Lake Griffin has requested this Commission to issue the certificate prior to establishing initial rates. It has been the policy of this Commission to expedite the issuance of certificates in circumstances such as these.

Rule Waiver

Rule 25-30.030, Florida Administrative Code, requires an applicant to file an application within 180 days of completion of noticing. In this case, Lake Griffin filed its application on April 20, 1989, approximately five months after the noticing was completed (May 15, 1988). In an effort to correct the noticing deficiency without delaying the processing of its application, thereby delaying the issuance of its certificate, Lake Griffin renoticed all utilities and governmental and regulatory agencies in the surrounding area. The protest period expired for this notice on August 11, 1989.

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The above rule also requires an applicant to publish notice of its intent in the newspaper. The Utility initiated the newspaper notice. Prior to expiration of the noticing, on July 24, 1989, Lake Griffin filed a motion for waiver of the requirement of notice of publication, stating that newspaper notice was previously given and that no protests were received as a result of that notice. The Utility further stated that since the Utility's affiliated developer owns the entire service territory, no party would have standing to challenge the application.

It should be noted that the initial notice contained an error within the legal description. Upon consideration, we find it appropriate to deny Lake Griffin's request for waiver of the noticing requirements of Rule 25-30.030, Florida Administrative Code. The last date the notice appeared in the newspaper was August 9, 1989. The protest period expired for this notice on August 29, 1989. No protests were filed.

Application

Lake Griffin's application is otherwise in compliance with Section 367.041, Florida Statutes. The Utility has paid the proper filing fee and provided proof of ownership of the land upon which treatment facilities will be located. Adequate system and territory maps have been filed. The territory is shown on Attachment A of this Order.

We have reviewed the financial statements of 347 Realty Corporation, an affiliated corporation which will provide funds to the Utility, and find it to have adequate resources for construction and operation of the Utility. In addition, there is no alternate water source available to the service area. Further, since no protests were received to the initial noticing and since the Utility is developer-owned, serving only the developer's property, we find it appropriate to grant Lake Griffin Certificate No. 522-W, effective August 29, 1989, after the protest period expires.

It is, therefore,

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ORDERED by the Florida Public Service Commission that Lake Griffin Utilities, Inc., Post Office Box 107, Leesburg, Florida 32749-0107, is hereby granted Certificate No. 522-W to provide water service to the territory described in Attachment A of this Order. It is further

ORDERED that Lake Griffin's request for waiver of Rule 25-30.030(2)(f), Florida Administrative Code, is hereby denied. It is further

ORDERED that Lake Griffin shall not charge for service prior to the approval of appropriate rates and charges by this Commission. It is further

ORDERED that this docket shall remain open pending determination of the Utility's rates and charges.

By ORDER of the Florida Public Service Commission,
this 5th day of September, 1989.



STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

ALC

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.

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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

LEGAL DESCRIPTION
LAKE GRIFFIN UTILITIES, INC.

SECTION 13, TOWNSHIP 18 SOUTH, RANGE 24 EAST

THE EAST 1/2; THE EAST 1/2 OF THE NORTHWEST 1/4; THE EAST 1/2 OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4; THE EAST 30 ACRES OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 AND THE EAST 1/2 OF THE SOUTHWEST 1/4 LESS THE SOUTH 210 FEET OF THE WEST 210 FEET.

SECTION 24, TOWNSHIP 18 SOUTH, RANGE 24 EAST

ALL OF GOVERNMENT LOT 3; ALL OF GOVERNMENT LOT 6 LESS THE SOUTHEAST 1/4; THE WEST 660 FEET OF THE NORTH 660 FEET OF GOVERNMENT LOT 7 AND THE WEST 660 FEET OF GOVERNMENT LOT 2.

SECTION 18, TOWNSHIP 18 SOUTH, RANGE 25 EAST

ALL OF GOVERNMENT LOTS 3 AND 4; THAT PORTION OF GOVERNMENT LOT 2 LYING SOUTH OF LAKE GRIFFIN ROAD (DISTRICT 1-7611) AND THE FOLLOWING DESCRIBED PORTION OF GOVERNMENT LOT 1.

BEGIN AT THE NORTHWEST CORNER OF GOVERNMENT LOT 1 THENCE EAST ALONG THE NORTH LINE OF SAID GOVERNMENT LOT 1, A DISTANCE OF 1,528.25 FEET; THENCE S 08 56'00" W, 1,000.00 FEET; THENCE EAST TO THE WATERS OF LAKE GRIFFIN; THENCE SOUTHWESTERLY ALONG SAID WATERS EDGE TO THE WEST LINE OF SAID GOVERNMENT LOT 1; THENCE NORTH ALONG SAID WEST LINE TO THE POINT OF BEGINNING.

SECTION 7, TOWNSHIP 18 SOUTH, RANGE 25 EAST

ALL OF SECTION 7 LYING SOUTH OF LAKE GRIFFIN ROAD (DISTRICT 1-7611).

ALL BEING LOCATED IN LAKE COUNTY, FLORIDA, AND LESS EXISTING RIGHT-OF-WAY FOR LAKE GRIFFIN ROAD (DISTRICT 1-7611), GRIFFIN VIEW DRIVE (DISTRICT 1-7212), AND SULLEN ROAD (DISTRICT 1-7316).