

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application of Marion Utilities,) DOCKET NO. 891381-WU
Inc. for Amendment of Certificate No.) ORDERED NO. 22648
347-W in Marion County.) ISSUED: 3-8-90
_____)

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 DENYING WAIVER, GRANTING EXTENSION
OF TIME IN WHICH TO FILE APPLICATION,
GRANTING AMENDMENT OF CERTIFICATE AND
CLOSING DOCKET

BY THE COMMISSION:

Background

On December 26, 1989, Marion Utilities, Inc. (Marion or Utility) filed an application with this Commission for amendment of Certificate No. 347-W in Marion County, pursuant to Section 367.061, Florida Statutes. Marion operates water and sewer systems in Marion County, serving approximately 3,000 water customers and 120 sewer customers.

Request of Waiver

As stated above, Marion filed its application on December 26, 1989. Noticing was completed on December 11, 1988. Section 367.061(4), Florida Statutes, states "An application to amend a certificate shall be made at any time within 1 year following notice" Further, Rule 25-30.045(1), Florida Administrative Code, states that "An application for amended certificate . . . shall be made after service has been provided for the area noticed and no later than one year from the date the last notice was given."

DOCUMENT NUMBER-DATE

02127 MAR -8 1990

On January 23, 1990, Marion requested a waiver of Section 367.061, Florida Statutes. In its request, Marion stated that the delay in filing the application was due to changes in development plans leading to delays in receiving the as-built plans, which it was required to file with the application. Although the Commission does not have the authority to grant a waiver of a statute, Section 367.061(4), Florida Statutes, authorizes the Commission to grant extensions of time to file applications for good cause shown.

We find that Marion has shown good cause for its delay in filing its application. Further, such delay does not appear to injure any party in this matter. Accordingly, Marion's request for waiver of Section 367.061, Florida Statutes, is hereby denied. However, on our own motion, we find it appropriate to grant Marion an extension of 20 days and we will accept its application.

Amendment of Certificate No. 347-W

With the exception of the late filing of the application, the application is in compliance with Section 367.061, Florida Statutes, and other pertinent statutes and administrative rules concerning applications for certificate amendments. Specifically, the notarized application contains the following:

1. A filing fee in the amount of \$150, as prescribed in Section 367.141, Florida Statutes, and Rule 25-30.020, Florida Administrative Code.
2. Adequate maps (territorial and systems) and legal description pursuant to Rule 25-30.035, Florida Administrative Code. The territory to be served in Marion County is set forth on Attachment A of this Order.
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 and proof of advertising in a newspaper of general circulation in the county, as prescribed in Rule 25-30.030, Florida Administrative Code.

ORDER NO. 22648
DOCKET NO. 891381-WU
Page 3

No objections to the extension have been received and the time for filing such has expired.

Since the Utility has installed the lines and equipment in the territory proposed to be served, it is ready willing and able to provide service. Therefore, the Utility has demonstrated its ability to provide satisfactory utility service. Accordingly, we find that it is in the public interest to grant Marion Utilities, Inc. an amendment of Certificate No. 347-W to serve the territory described in Attachment A of this Order. The Utility is directed to file revised tariff sheets reflecting the additional territory within 20 days of the date of this Order. Further, Marion shall charge the customers in the territory added herein the rates and charges currently approved in its tariff.

It is, therefore,

ORDERED by the Florida Public Service Commission that the request of Marion Utilities, Inc., 710 NE 30th Avenue, Ocala, Florida 32670, for a waiver of Section 367.061, Florida Statutes, is hereby denied. It is further

ORDERED that Marion Utilities, Inc. is hereby granted a 20-day extension of time in which to file its application. It is further

ORDERED that Certificate No. 347-W, held by Marion Utilities, Inc. is hereby amended to include the territory described in Appendix A of this Order. The Utility is directed to return Certificate No. 347-W to this Commission within 20 days of the date of this Order for appropriate entry. It is further

ORDERED that the customers in the territory added herein shall be charged the rates approved in the Utility's tariff. It is further

ORDERED that Marion shall submit revised tariff sheets reflecting the additional territory as set forth herein within 20 days of the date of this Order. It is further

ORDERED that Docket No. 891381-WU is hereby closed.

ORDER NO. 22648
DOCKET NO. 891381-WU
Page 4

By ORDER of the Florida Public Service Commission,
this 8th day of March, 1990.



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.

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.

ORDER NO. 22648
DOCKET NO. 891381-WU
Page 5

ATTACHMENT A

Commence at the N.E. corner of the N.W. 1/4 of Section 30, Township 16 South, Range 21 East, Marion County, Florida; thence S.00°45'13"W., along the East line of the N.W. 1/4 of said Section 30, a distance of 3.00 feet to the Point of Beginning; thence continue S.00°45'13"W., along said East line, 2621.49 feet, to the North right-of-way line of Hialeah Boulevard (S.W. 103rd St. Rd.); thence N.89°47'21"W., along said North right-of-way line, 577.03 feet; thence N.00°45'13"E., 446.53 feet; thence N.89°14'16"W., 1715.02 feet; thence N.00°45'13"E., 2183.66 feet, to the North line of said Section 30; thence S.89°14'03"E., along the North line of Said Section 30, 12.99 feet, thence S.67°39'48"E., 5.47 feet; thence S.68°17'41"E., 130.13 feet; thence S.81°52'11"E., 348.00 feet; thence N.81°56'49"E., 8.52 feet; thence N.00°45'57"E., 88.82 feet to a point 3.00 feet South of the North line of the N.W. 1/4 of said Section 30; thence S.89°14'03"E., along a line parallel with and 3.00 feet South of said North line of the N.W. 1/4, 1798.87 feet to the Point of Beginning.

Containing 120.00 acres, more or less.