

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application of Southern States) DOCKET NO. 910394-WU
Utilities, Inc. for amendment of) ORDER NO. 24792
Certificate No. 106-W in Lake County.) ISSUED: 7/10/91

The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD, Chairman
J. TERRY DEASON
BETTY EASLEY
MICHAEL McK. WILSON

ORDER APPROVING AMENDMENT OF CERTIFICATE
TO INCLUDE ADDITIONAL TERRITORY

BY THE COMMISSION:

On March 18, 1991, Southern States Utilities, Inc. (SSUI or Utility) filed an application with this Commission for the amendment of Certificate No. 106-W to include the Palisades County Club system (Palisades) in Lake County. The Palisades system is under construction. Upon completion of the system, the Utility will serve 950 residential customers and one general service customer.

It should be noted that SSUI is purchasing the Palisades water treatment plant, storage system and plant site from Minneola Harbour Hills, Ltd (Minneola). SSUI is purchasing the water distribution system from Canam Palisades, Ltd. (Canam), which is not related to Minneola. Canam intends to develop the residential community around the Palisades Golf Course. Although facilities are being transferred from one entity to another, we are not treating this application as a transfer. Section 367.021(12), Florida Statutes, defines "utility" as:

. . . a water or wastewater utility and . . . includes every person, lessee, trustee, or receiver owning, operating, managing, or controlling a system, or proposing construction of a system, who is providing, or proposes to provide water or wastewater service to the public for compensation.

Since the entity which owns the system has no intention of providing service to the development, it is not a utility, as defined by Section 367.021 (12), Florida Statutes. Therefore, we are treating this application as an amendment of SSUI's certificate, rather than a transfer.

DOCUMENT NUMBER-DATE

06931 JUL 10 1991

Application

The application is in compliance with Section 367.045, Florida Statutes, and other pertinent statutes and administrative rules, except Rule 25-30.036, Florida Administrative Code. In particular, the application contains:

1. A filing fee in the amount of \$900, as prescribed by Rule 25-30.020, Florida Administrative Code.
2. Adequate service territory and system maps and a territory description, as prescribed by Rule 25-30.036, Florida Administrative Code. The additional territory in Lake County is described in Attachment A of this Order.
3. Proof of notice to interested governmental and regulatory agencies and utilities within a four-mile radius of the territory, and proof of advertisement in a newspaper of general circulation in Lake County, as prescribed by Rule 25-30.030, Florida Administrative Code. No objections to the application have been received and the time for filing such has expired.

As stated previously, the application is not in compliance with Section 25-30.036(1)(d), Florida Administrative Code, which requires a utility to own the land upon which its facilities are located. The warranty deed filed with the application is in the name of Palisades Golf Partners, which is a company related to Minneola. SSUI shall file a recorded warranty deed, within 60 days of the date of this Order, reflecting that it owns the land upon which the facilities are located.

SSUI owns or operates approximately 140 water and wastewater systems providing service in 24 counties in Florida. SSUI has the expertise and the financial ability to provide the customers of Palisades with quality service. Therefore, we find that it is in the public interest to amend Certificate No. 106-W to include the territory described in Attachment A of this Order, which by reference is incorporated herein. SSUI has returned Certificate No. 106-W to the Commission for entry reflecting the additional territory. SSUI has also filed revised tariff sheets reflecting the amendment.

Rates and Charges

The rates approved for SSUI in Lake County became effective on December 23, 1990, pursuant to a price index rate adjustment. The service availability charges were effective on July 30, 1990.

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These rates and charges are reflected in SSUI's tariff. SSUI shall charge the customers in the additional territory the rates and charges approved in its tariff until authorized to change by the Commission in a subsequent proceeding.

It is, therefore,

ORDERED by the Florida Public Service Commission that Certificate No. 106-W, held by Southern States Utilities, Inc., 1000 Color Place, Apopka, Florida 32703, is hereby amended to include the territory described in Attachment A of this Order. It is further

ORDERED that Southern States Utilities, Inc. shall file a recorded warranty deed within 60 days of the date of this Order reflecting that it owns the land upon which the facilities are located. It is further

ORDERED that Southern States Utilities, Inc. shall charge the customers in the additional territory the rates and charges approved in its tariff until authorized to change by the Commission. It is further

ORDERED that Docket No. 910394-WU shall be closed upon receipt and verification of the recorded warranty deed required in the second Ordering paragraph of this Order.

By ORDER of the Florida Public Service Commission, this 10th
day of JULY, 1991.



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.

ATTACHMENT A

SOUTHERN STATES UTILITIES, INC.

SERVICE TERRITORY DESCRIPTION

PALISADES COUNTRY CLUB

Township 22 South, Range 25 East, Lake County, Florida.

Section 1

The SE 1/4 of the NW 1/4, and the E 1/2 of the SW 1/4, and the N 1/2 of the SE 1/4 and the SE 1/4 of the SE 1/4 of said Section 1.

Section 3

The W 1/2 of the SW 1/4 of said Section 3.

Section 4

The S 3/4 of the E 1/2 of the SE 1/4 of said Section 4.

Section 9

The N 1/2 of the NE 1/4 of the NE 1/4 and the E 1/2 of the NW 1/4 of the NE 1/4 of said Section 9.

Section 11

All of that portion of said Section 11 lying northwesterly of the shoreline of Lake Minneola.

Section 12

The NE 1/4 of the NE 1/4 and the E 1/2 of the NW 1/4 of the NE 1/4 and that portion of the W 410 feet of the E 1/2 of the SW 1/4 of the NE 1/4 of said Section 12 that is lying northeasterly of the shoreline of Lake Minneola and the N 310 feet of the E 250 feet of the E 1/2 of the SW 1/4 of the NE 1/4 of said Section 12 and that portion of the W 925 feet of the NW 1/4 of said Section 12 lying northerly of County Road 561-A and the N 910 feet of the E 1810 feet of the NW 1/4 of said Section 12 less and except the S 210 feet of the E 1017 feet.

Section 14

The S 205 feet of the W 430 feet of the N 1114 feet of the NW 1/4 of said Section 14.

Section 15

The N 1450 feet of the E 1/2 of the E 1/2 of the NE 1/4 of said Section 15.