

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for amendment of) DOCKET NO. 900982-WS
 Certificates Nos. 462-W and 398-S in)
 Collier County by North Naples Utilities,) ORDER NO. 24829
 Inc. to include territory in Lee County.)
 _____) ISSUED: 7/18/91

ORDER AMENDING CERTIFICATES TO INCLUDE
 ADDITIONAL TERRITORY AND CLOSING DOCKET

BY THE COMMISSION:

During July, August and September, 1989, North Naples Utilities, Inc. (North Naples or Utility) noticed its intent to amend its service territory, pursuant to Section 367.061, Florida Statutes. Collier County Water-Sewer District filed a timely protest to the notice. On May 2, 1990, the parties filed a Settlement Stipulation.

On July 11, 1990, North Naples filed a Motion for Extension of Time to Provide Service. Order No. 23427, issued September 4, 1990, granted North Naples an extension of time until August 18, 1991, to provide service and file its application.

On December 14, 1990, the Utility filed the application for amendment of its Certificates to include the following territory in Lee County:

Township 48 South, Range 26 East

In Section 5

The South 1/2.

The application is in compliance with Section 367.061, Florida Statutes, and other pertinent statutes and administrative rules, except Rule 25-30.030, Florida Administrative Code. In particular, the notarized application contains:

1. A filing fee in the amount of \$3000, 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.
3. Proof of notice to interested governmental and regulatory agencies and utilities within a four-mile radius of the territory.

DOCUMENT NUMBER-DATE

07273 JUL 18 1991

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As stated previously, an objection to the notice of application was filed by Collier County. That objection was resolved by a stipulation between the parties.

At the time North Naples filed its application, it was unable to provide proof of publication of the notice in a newspaper. The Utility renoticed, and filed proof of publication on June 6, 1991. No objection has been filed to the published notice and the time for filing such has expired.

Section 367.061, Florida Statutes, was repealed in October, 1989. However, proceedings begun under that Section may continue to be processed under the terms of that Section. According to that Section, a utility files an application for amendment only after it has noticed, constructed the system and is serving the territory. North Naples has complied with the Statutes and is ready to provide service to the territory described in the body of this Order.

North Naples has two wells from which water is pumped to one of two lime softening water plants. The water is then pumped to a .5 million gallons per day (mgd) concrete ground storage tank that transmits the water by high service pumps to the customers. The Utility also has two steel wastewater plants with a combined capacity of 150,000 gallons per day (gpd), which provide wastewater service to its customers.

North Naples serves approximately 510 water customers and 494 wastewater customers. The Utility will serve an additional 640 equivalent residential water and wastewater connections with the addition of the territory added herein. The Utility is wholly-owned by Naples Road Building Corporation.

North Naples has been in operation under the jurisdiction of this Commission since 1986, and has been providing satisfactory service to its customers. From information submitted with the application, it appears that the Utility has the financial ability to provide service to the additional territory. In addition, the Department of Environmental Regulation (DER) has no outstanding citations or violations against the Utility.

Therefore, we find that it is in the public interest to amend Certificates Nos. 462-W and 398-S to include the territory in Lee County as described in the body of this Order. North Naples has returned the Certificates for entry reflecting the amendment. The Utility has also filed revised tariff sheets reflecting the additional territory.

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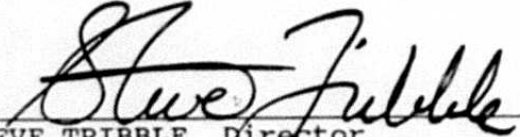
It is, therefore,

ORDERED by the Florida Public Service Commission that Certificates Nos. 462-W and 398-S, held by North Naples Utilities, Inc., 4500 Executive Drive, Naples, Florida 33999, are hereby amended to include the territory in Lee County described in the body of this Order. It is further

ORDERED that the customers in the territory added herein shall be charged the rates and charges approved in the Utility's tariff until authorized to change by the Commission. It is further

ORDERED that Docket No. 900982-WS is hereby closed.

By ORDER of the Florida Public Service Commission, this 18th day of JULY, 1991.


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

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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.