

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for Amendment)	DOCKET NO. 910586-WU
of Certificate No. 507-W in Sumter)	ORDER NO. 25012
County by Homosassa Utilities, Inc.)	ISSUED: 9/4/91
_____)	

The following Commissioners participated in the disposition of this matter:

SUSAN F. CLARK
J. TERRY DEASON
BETTY EASLEY

ORDER GRANTING AMENDMENT OF CERTIFICATE
TO INCLUDE ADDITIONAL TERRITORY AND CLOSING DOCKET

BY THE COMMISSION:

Background

On May 9, 1991, Homosassa Utilities, Inc. (HUI or utility), a Class C utility located in Citrus and Sumter Counties, filed an application with this Commission to amend Certificate No. 507-W to include additional territory in Sumter County, Florida. The additional territory consists of approximately thirteen (13) residential water customers located along County Road 675 and U.S. Highway 301. HUI provides water service to 58 water and 55 wastewater customers in Sumter County.

HUI violated Section 367.045(2), Florida Statutes, by providing service outside of its certificated area. In a letter dated June 3, 1991, HUI explained that it began serving the additional territory at the Department of Environmental Regulation's (DER) request because of contamination of the surrounding water supply by a leaking underground petroleum storage tank.

DER's request was made to USA Utilities, Inc., the contract operator for HUI. DER's request and subsequent work on this project was initiated while William A. Duynslager was President of USA Utilities, Inc. and an officer with HUI. Mr. Duynslager passed away in November, 1989 and as a result the request for an amendment was never completed. Based on the explanation, we will not

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initiate a show cause proceeding against HUI for violation of Section 367.045(2), Florida Statutes, by serving outside of its service territory.

Application

Except as previously discussed in the background, the application is in compliance with Section 367.045, Florida Statutes, and other pertinent statutes and administrative rules. In particular, the notarized application contains:

1. A filing fee in the amount of \$ 150.00, 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 Sumter County is described in Attachment A of this Order, which by reference is incorporated herein.
3. Proof of notice of application 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 Sumter County, as prescribed by Rule 25-30.030, Florida Administrative Code.
4. Evidence that the utility owns the land upon which its facilities are located, as required by Rule 25-30.036, Florida Administrative Code.

No objections to the notice of application have been received and the time for filing such has expired.

Based on the information filed with the application, it appears that HUI has the technical capability and financial resources to adequately serve the additional territory. Furthermore, with the addition of approximately thirteen (13) new customers, the relative impact to the utility's financial situation should be minimal.

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The additional territory is located in close proximity to the utility's existing service area. The local planning agency was provided notice of the application and did not file a protest to the amendment. Additionally, DER was contacted and states that HUI has no current violations.

Based on the foregoing, we find that it is in the public interest to grant Homosassa Utility Inc.'s request to amend Certificate No. 507-W to include the territory described in Attachment A of this Order. Further, Homosassa Utility, Inc. is directed to return Certificate No. 507-W to this Commission within thirty (30) days for appropriate entry of the additional territory and file revised tariff sheets which reflect the amended territory description.

Rates and Charges

HUI's current rates and charges were effective September 20, 1988, pursuant to Orders Nos. 19848 and 20068. HUI shall charge the customers in the additional territory the rates and charges approved in its tariff currently on file with this Commission.

It is, therefore,

ORDERED by the Florida Public Service Commission that Certificate No. 507-W, held by Homosassa Utilities, Inc., 6608 Walton Way, Tampa, Florida 33610, is hereby amended to include the territory described in Attachment A of this Order, which by reference is incorporated herein. It is further

ORDERED that Homosassa Utilities, Inc. is directed to return Certificate No. 507-W to this Commission within thirty (30) days of the date of this Order for appropriate entry of the additional territory. It is further

ORDERED that the customers in the territory added herein shall be charged the rates and charges approved in Homosassa Utilities, Inc.'s tariff currently on file with the Commission. It is further

ORDERED that Homosassa Utilities, Inc. shall file revised tariff sheets reflecting the additional territory within 30 days of the date of this Order. It is further

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ORDERED that Docket No. 910586-WU is hereby closed.

By ORDER of the Florida Public Service Commission, this 4th
day of SEPATEMBER, 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.

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ATTACHMENT A

Homosassa Utilities, Inc. (The Woods Division)

TERRITORY DESCRIPTION

The following described lands located in portions of Sections 7 and 12, Township 22 South, Range 21 East, Sumter County, Florida:

The SW 1/4 of the SE 1/4 of the NW 1/4 lying West of U.S. Highway No. 301; and the SE 1/4 of the SW 1/4 of the NW 1/4 and the SW 1/4 of the SW 1/4 of the NW 1/4 and the NW 1/4 of the NW 1/4 of the SW 1/4 and the NE 1/4 of the NW 1/4 of the SW 1/4 and the NW 1/4 of the NE 1/4 of the SW 1/4 lying West of U.S. Highway No. 301; thereof, all being in Section 7, Township 22 South, Range 22 East, also the SE 1/4 of the SE 1/4 of the NE 1/4 and the NE 1/4 of the NE 1/4 of the SE 1/4; thereof, all being in Section 12, Township 22 South, Range 21 East, Sumter County, Florida.