

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application of Environmental) DOCKET NO. 910728-SU
Protection Systems of Pine Island for)
amendment of Certificate No. 206-S in) ORDER NO. 25083
Lee County, Florida.)
_____) ISSUED: 9/20/91

ORDER AMENDING CERTIFICATE TO INCLUDE
ADDITIONAL TERRITORY AND CLOSING DOCKET

BY THE COMMISSION:

On June 24, 1991, Springs Environmental Protection Systems of Pine Island (Environmental or Utility) filed an application with this Commission to amend Certificate No. 206-S to include additional territory in Lee County, Florida. 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 Lee 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 Lee 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 information filed with the application, it appears that Environmental has the technical and financial ability to provide service to the additional territory. Environmental's primary reason for requesting the amendment of its territory is to allow for the increase of the wastewater capacity of its existing plant from 95,000 to 150,000 gallons per day. According to the Department of Environmental Regulation (DER), there are no outstanding violations against Environmental's wastewater plant.

DOCUMENT NUMBER-DATE

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However, the Utility has had several odor complaints and a complaint of toxic waste being dumped into the facility. DER is in the process of reviewing Environmental's construction plans for the expansion of the wastewater plant and correction of the existing problems.

Since the problems being experienced by Environmental do not affect its ability to serve the additional territory, we find that it is in the public interest to amend Certificate No. 206-S to include the territory described in Attachment A of this Order, which by reference is incorporated herein.

It is, therefore,

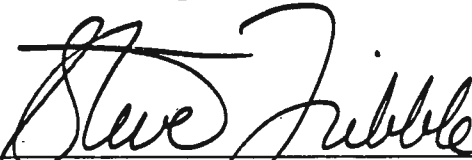
ORDERED by the Florida Public Service Commission that Certificate No. 206-S, held by Environmental Protection Systems of Pine Island, 3039 York Road, St. James City, Florida 33956, is hereby amended to include the territory described in Attachment A of this Order, which by reference is incorporated herein. The Utility is directed to return Certificate No. 206-S to this Commission within 30 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 and charges approved in the Utility's tariff. It is further

ORDERED that Environmental Protection Systems of Pine Island shall file revised tariff sheets reflecting the additional sterritory within 30 days of the date of this Order. It is further

ORDERED that Docket No. 910728-SU is hereby closed.

By ORDER of the Florida Public Service Commission, this 20th day of SEPTEMBER, 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

Township 45 South, Range 22 East.

Section 14 and 15

North 1/2 of Northwest 1/4 all being in Section 14, Township 45 South, Range 22 East and the North 659.2 feet of the Northeast 1/4 lying East of State Road 767 in Section 15, Township 45, Range 22 East, Pine Island, Florida.