

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for amendment of)
Certificates Nos. 359-W and 290-S in)
Broward County by SOUTH BROWARD)
UTILITY, INC.)
_____)

DOCKET NO. 910837-WS
ORDER NO. 25273
ISSUED: 10/30/91

ORDER AMENDING CERTIFICATES TO INCLUDE ADDITIONAL
TERRITORY AND CLOSING DOCKET

BY THE COMMISSION:

South Broward Utility, Inc. (South Broward or utility) provides water and wastewater service in southwest Broward County. The utility serves approximately 1,542 water and 1,519 wastewater customers, respectively. The annual report for 1990 shows that the consolidated annual operating income is \$652,984 and the net operating income is (\$293,152). The utility is a Class B utility company under Commission jurisdiction.

On August 8, 1991 the utility applied for an amendment to Water Certificate No. 359-W and Wastewater Certificate No. 290-S in Broward County, Florida. The utility anticipates that it will add 200 residential equivalent residential connections (ERCs) and 134 general service ERCs in the proposed water service area and 50 residential ERCs and 134 general service ERCs in the proposed wastewater service area.

The application is in compliance with the governing statute, Section 367.045, Florida Statutes, and other pertinent statutes and administrative rules concerning an application for amendment of certificate. The application contains a check in the amount of \$1,050 which is the correct filing fee pursuant to Rule 25-30.020, Florida Administrative Code. The applicant has provided evidence that the utility owns the land upon which the utility's facilities are located as required by Rule 25-30.036(1)(d), Florida Administrative Code.

Adequate service territory and system maps and a territory description have been provided as prescribed by Rule 25-30.036 (1)(e), (f) and (i), Florida Administrative Code. A description of the territory requested by the utility is appended to this Order as Attachment A. In addition, the utility has rewritten its entire legal description to include the old and new territory. This description includes the territory granted in the previous orders

DOCUMENT NUMBER-DATE

10827 OCT 30 1991

FPSC-RECORDS/REPORTING

ORDER NO. 25273
DOCKET NO. 910837-WS
PAGE 2

and the territory for this amendment. The rewritten description is appended to this Order as Attachment B and will be included in the utility's tariff. The utility has submitted an affidavit consistent with Section 367.045(2)(d), Florida Statutes, stating that it has tariffs and annual reports on file with the Commission.

In addition, the application contains proof of compliance with the noticing provisions set forth in Rule 25-30.030, Florida Administrative Code. No objections to the notice of application have been received and the time for filing such objections has expired.

South Broward has been regulated by the Commission since 1981. Its officers possess the necessary experience in the water and wastewater utility industry to render efficient service. The cost of all distribution and collection lines will be paid by developers or homeowners requesting utility service. Upon completion and acceptance, the facilities will be conveyed to the utility as contributions-in-aid-of-construction.

South Broward has received requests for service from potential customers in the territories which are the subject of this application. The filing states that service will be provided in accordance with the approved local comprehensive plan. The local planning agency was given notice of the application and did not file a protest to the amendment. We contacted the Department of Environmental Regulation and learned that there are no outstanding notices of violation.

Based on the foregoing, we find it is in the public interest to grant South Broward Utility, Inc.'s request to amend Certificate Nos. 359-W and No. 290-S to include the territory described in Attachment A, which by reference is included herein.

The utility's approved rates and charges were effective October 14, 1990, pursuant to Order No. 22844 issued in Docket No. 890360-WS. The utility has indicated that the proposed amendment will have no significant impact on its existing rates and charges. We find that the existing rates and charges should be applied to the customers in the new service territory.

The utility has filed revised tariff sheets incorporating the additional territory and has returned its certificates for entry reflecting the additional territory.

ORDER NO. 25273
DOCKET NO. 910837-WS
PAGE 3

It is, therefore

ORDERED by the Florida Public Service Commission that Certificates Nos. 359-W and 290-S, held by South Broward Utility, Inc., 5969 Northwest 151st Street, Miami Lakes, FL 33014, are hereby amended to include the territory described in Attachment A of this Order, which by reference is incorporated herein. It is further

ORDERED that the customers in the territory added herein shall be charged the existing rates and charges in the utility's tariff until changed by the Commission. It is further

ORDERED that Docket No. 910837-WS is hereby closed.

By ORDER of the Florida Public Service Commission, this
30th day of OCTOBER, 1991.

STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

RG

by: Kay Flynn
Chief, Bureau of Records

ORDER NO. 25273
DOCKET NO. 910837-WS
PAGE 4

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

SOUTH BROWARD UTILITY, INC.

WATER TERRITORY DESCRIPTION

The following described lands located in portions of Sections 27, 29, 32, 33, Township 50 South, Range 40 East, Broward County, Florida:

Section 27

All of the Southeast 1/4 lying South of the South New River Canal R/W.

Section 29

All of the East 1/2 of the Southeast 1/4 lying South of the South New River Canal R/W.

Section 32

The East 1/2 of the East 1/2, less the Northeast 1/4 of the Southeast 1/4 of the Southeast 1/4 less the South 165 feet, and less the South 1/2 of the Southeast 1/4 of the Northeast 1/4 of the Southeast 1/4.

Section 33

The North 990 feet of the Northwest 1/4 of the Southwest 1/4, and the West 1/2 of the Northwest 1/4 less the North 825 feet. And the North 1/2 of the North 1/2 of the Northwest 1/4 of the Southeast 1/4.

AND

The following described lands located in a portion of Section 29, Township 51 South, Range 40 East, Broward County, Florida:

Section 29

The North 1/2, and North 330 feet of the South 1/2.

ORDER NO. 25273
DOCKET NO. 910837-WS
PAGE 6

ATTACHMENT A

SOUTH BROWARD UTILITY, INC.

WASTEWATER TERRITORY DESCRIPTION

The following described lands located in portions of Sections 27, 28, 29, 33, Township 50 South, Range 40 East, Broward County, Florida:

Section 27

All of the Southeast 1/4 lying South of the South New River Canal R/W.

Section 28

The West 1/2 of the Southwest 1/4 lying South of the South New River Canal R/W, less the South 723.15 feet of the East 1/2 of the West 1/2 of the Southwest 1/4, and less the South 868.50 feet of the West 1/2 of the West 1/2 of the Southwest 1/4.

Section 29

All of the East 1/2 of the Southeast 1/4 lying South of the South New River Canal R/W.

Section 33

The North 1/2 of the North 1/2 of the Northwest 1/4 of the Southeast 1/4.

ORDER NO. 25273
DOCKET NO. 910837-WS
PAGE 7

ATTACHMENT B

SOUTH BROWARD UTILITY, INC.

WATER TERRITORY DESCRIPTION

Township 50 South, Range 40 East:

Section 27:

All of the South 1/2 lying South of the South New River Canal R/W in Section 27-50-40.

Section 28:

All of the South 1/2 lying South of the South New River Canal R/W in Section 28-50-40.

Section 29:

All of the East 1/2 of the Southeast 1/4 lying South of the South New River Canal R/W in Section 29-50-40.

Section 32:

All of the East 1/2 of the East 1/2 of Section 32-50-40.

Section 33:

All of Section 33-50-40.

Section 34:

All of Section 34-50-40.

ORDER NO. 25273
DOCKET NO. 910837-WS
PAGE 8

ATTACHMENT B

SOUTH BROWARD UTILITY, INC.

WATER TERRITORY DESCRIPTION

Township 51 South, Range 40 East:

Section 3:

The North 1/2 and the North 330 feet of the South 1/2 of Section 3-51-40.

Section 4:

All of Section 4-51-40, less the South 1/2 of the North 1/2 of the Northwest 1/4 of the Southwest 1/4; and also less the East 180 feet of the West 982 feet of the North 1/2 of the North 1/2 of the Northwest 1/4 of the Southwest 1/4 of Section 4, Township 51 South, Range 40 East.

Section 5:

The East 1/2 of Section 5-51-40.

ATTACHMENT B

SOUTH BROWARD UTILITY, INC.

WASTEWATER TERRITORY DESCRIPTION

Township 50 South, Range 40 East:

Section 27:

All of the Southeast 1/4 lying South of the South New River Canal R/W in Section 27-50-40; and

Section 28:

All of the Southeast 1/4 lying South of the South New River Canal R/W; and all of the East 1/2 of the Southwest 1/4 lying South of the South New River Canal R/W; and the West 1/2 of the Southwest 1/4 lying South of the South New River Canal R/W, less the South 723.15 feet of the East 1/2 of the West 1/2 of the Southwest 1/4, and less the South 868.50 feet of the West 1/2 of the West 1/2 of the Southwest 1/4 of Section 28-50-40.

Section 29:

All of the East 1/2 of the Southeast 1/4 lying South of the South New River Canal R/W, less the South 330 feet in Section 29-50-40.

Section 33:

All of the East 1/2, and the East 1/2 of the West 1/2, and the South 1,650 feet of the West 1/2 of the West 1/2 of Section 33-50-40; and

ORDER NO. 25273
DOCKET NO. 910837-WS
PAGE 10

ATTACHMENT B

SOUTH BROWARD UTILITY, INC.

WASTEWATER TERRITORY DESCRIPTION

Township 51 South, Range 40 East:

Section 4:

All of Section 4-51-40, less the South 1/2 of the North 1/2 of the Northwest 1/4 of the Southwest 1/4; and also less the East 180 feet of the West .982 feet of the North 1/2 of the North 1/2 of the Northwest 1/4 of the Southwest 1/4 of Section 4, Township 51 South, Range 40 East.

Section 5:

The East 1/2 of Section 5-51-40.

MEMORANDUM

October 28, 1991

TO : DIVISION OF RECORDS AND REPORTING
FROM : DIVISION OF LEGAL SERVICES (GOLDEN) *RG*
RE : DOCKET NO. 910837-WS - APPLICATION FOR
AMENDMENT OF CERTIFICATES NOS. 359-W AND 290-S
IN BROWARD COUNTY BY SOUTH BROWARD UTILITY,
INC.

25273

Attached is an Order Amending Certifications to Include Additional Territory and Closing Docket in the above-referenced docket, consisting of -10- pages, which is ready to be issued.

RG/lp
cc: Division of Water and Wastewater

DOCUMENT NUMBER-DATE
10827 OCT 30 1991
FPSC-RECORDS/REPORTING