

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application of Marion) DOCKET NO. 920159-WU
Utilities, Inc. for amendment of)
Certificate No. 347-W in Marion) ORDER NO. PSC-92-0743-FOF-WU
County, Florida.)
) ISSUED: 07/30/92
)
_____)

ORDER AMENDING CERTIFICATE TO INCLUDE
ADDITIONAL TERRITORY AND CLOSING DOCKET

BY THE COMMISSION:

On February 19, 1992, Marion Utilities, Inc. (Marion Utilities or Utility) filed an application with this Commission to amend Certificate No. 347-W to include additional territory in Marion County, Florida. The territory is located South of Ocala and adjacent to the Utility's existing service area.

Marion Utilities proposes to serve the Cherrywood Estates and Sandy Pines Subdivisions, which have a total of 303 lots. Lines will be extended from the Utility's Spruce Creek plant to serve the requested territory. However, the line extensions are not viewed as new distribution systems. According to the Utility, the Spruce Creek plant is interconnected with the Utility's Woods and Meadows plant to assure continuity of service.

The application is in compliance with Section 367.045, Florida Statutes, and other pertinent statutes and provisions of the Florida Administrative Code. In particular, the notarized application contains:

1. A filing fee in the amount of \$150, 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 Marion County is described in Attachment A of this Order.
3. Proof of compliance with the noticing requirements of Rule 25-30.030, Florida Administrative Code. No objections to the notice of application have been received and the time for filing such has expired.

DOCUMENT NUMBER-DATE

08431 JUL 30 1992

PSC-RECORDS/REPORTS

4. Evidence that the Utility owns or has continuous use of the land upon which its facilities are located, as required by Rule 25-30.036, Florida Administrative Code. Marion Utilities provided a warranty deed for the land upon which its Woods and Meadows plant is located. A 50-year lease has been provided for the Spruce Creek site.

Since Marion Utilities has been in operation under our jurisdiction since 1980, and has been providing satisfactory service to its customers, we believe that the Utility has demonstrated its ability to provide service to the additional territory. Also, from the information filed with the application, it appears that Marion Utilities has the financial ability to serve the additional territory. In addition, according to the Department of Environmental Regulation (DER), there are no outstanding notices of violation against Marion Utilities. Therefore, we find that it is in the public interest to amend Certificate No. 347-W to include the territory described in Attachment A of this Order, which by reference is incorporated herein. Certificate No. 347-W has been returned to the Commission for entry reflecting the amendment.

Since Marion Utilities' Spruce Creek plant will serve the territory added herein, the Utility shall charge the customers in the additional territory the rates and charges approved in its tariff for its existing Spruce Creek customers. The Utility has filed revised tariff sheets reflecting the additional territory.

It is, therefore,

ORDERED by the Florida Public Service Commission that Certificate No. 347-W, held by Marion Utilities, Inc., 710 Northeast 30th Avenue, Ocala, Florida 32670, 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. 347-W to this Commission within 30 days of the date of this Order for appropriate entry. It is further

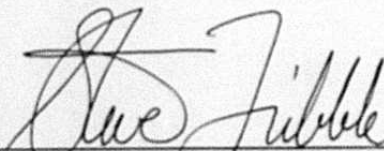
ORDERED that the customers in the territory added herein shall be charged the rates and charges approved in the Utility's tariff for the existing Spruce Creek customers. It is further

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

ORDER NO. PSC-92-0743-FOF-WU
DOCKET NO. 920159-WU
Page 3

ORDERED that Docket No. 920159-WU is hereby closed.

By ORDER of the Florida Public Service Commission, this 30th
day of July, 1992.



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 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

Page 1 of 4

MARION UTILITIES, INC.

Territory Description

SANDY PINES

The following described land located in Township 16 South, Range 21 East, Section 28, in Marion County, Florida:

Commence at the Northeast Corner of Section 28, Township 16 South, Range 21 East, Marion County, Florida; thence South $00^{\circ}36'37''$ West, along the center line of Churchill Downs Boulevard (S.W. 49th Avenue, 80 feet wide), as shown on the Plat of "Ocala Waterways Estates" as recorded in Plat Book "E," Pages 52 through 52K, of the Public Records of Marion County, Florida, 1337.00 feet; thence North $89^{\circ}23'23''$ West, 40.00 feet, to a concrete monument and the Point of Beginning; thence South $00^{\circ}36'37''$ West, along the Westerly right-of-way line of said Churchill Downs Boulevard, 1255.32 feet to the point of curvature of a circular curve to the right having a radius of 25.00 feet; thence Southwesterly along the arc of said curve, 39.32 feet, subtending a central angle of $90^{\circ}06'12''$, a chord bearing and distance of South $45^{\circ}39'43''$ West and 35.29 feet, to a point of tangency on the Northerly right-of-way line of Hialeah Boulevard (S.W. 103rd Street Road, 100 feet wide), as shown on the Plat of "Kingsland Country Estates, Whispering Pines" as recorded in Plat Book "E", Pages 86 through 96 of said Public Records of Marion County, Florida; thence along said Northerly right-of-way line of Hialeah Boulevard North $89^{\circ}17'11''$ West, a distance of 165.15 feet, to the point of curvature of a circular curve concave Southerly and having a radius of 1949.86 feet; thence Westerly, along the arc of said curve, 551.36 feet, subtending a central angle of $16^{\circ}12'05''$, a chord bearing and distance of South $82^{\circ}36'46''$ West and 551.36 feet; thence South $74^{\circ}30'44''$ West, along said Northerly right-of-way line, 438.48 feet; thence leaving said right-of-way line, go North $00^{\circ}36'37''$ East, a distance of 794.17 feet to a point; thence South $89^{\circ}23'23''$ East, 1136.91 feet, to the Point of Beginning. Containing 35.43 Acres.

CHERRYWOOD ESTATES

The following described lands located in Township 16 South, Range 21 East, Section 29, in Marion County, Florida.

Commencing at the Northwest point of the recorded plat of Kingsland County Estates, Whispering Pines, in Plat Book "N", Page 89, of the Public Records of Marion County, Florida, said point also being on the North right-of-way of Hialeah Boulevard (S.W. 115th Street) and the point of curvature of a curve concaved Northwesterly and having a radius of 25.00 feet and a central angle of 90°00'00"; thence along said curve an arc distance of 39.27 feet; thence North 05°53'36" East 115.00 feet to the point of curvature of a curve concaved Southwesterly and having a radius of 710.00 feet and a central angle of 28°13'36"; thence along said curve an arc distance of 349.78 feet; thence North 22°20'00" West, 178.74 feet to the point of curvature of a curve concaved Southeasterly and having a radius of 740.00 feet and a central angle of 66°20'00"; thence along said curve an arc distance of 856.72 feet; thence North 48°53'55" West 1470.86 feet to the Northwest corner of Lot 1, Block B of the Recorded Plat of Prince Rose Estates recorded in Plat Book "N" at Page 64, of the Public Records of Marion County, Florida; thence along the East boundary of Prince Rose Estates, South 00°49'10" West, 2278.39 feet to the North right-of-way of Hialeah Boulevard; thence along the North right-of-way, South 81°54'02" East, 463.03 feet to the point of curvature of a curve concaved Northerly and having a radius of 914.15 feet and a central angle of 02°12'22"; thence along said curve and arc distance of 35.20 feet; thence South 84°06'24" East, 576.65 feet to the Point of Beginning. Containing 44.6 Acres, more or less.

AND

Commencing at the Northeast corner of Section 29, Township 16 South, Range 21 East, Marion County, Florida, go thence along the North line of Section 29, North 89°50'57" West, a distance of 1365.52 feet to a point on the West right-of-way line of an 80 Foot Street known as

Belmont Boulevard, also the Point of Beginning. Thence continue along said North line of Section 29, North 89°50'57" West, a distance of 675.40 feet to a point; thence leaving said North line go South 00°43'07" West a distance of 739.95 feet to a point; thence South 49°04'19" East, a distance of 1518.16 feet to a point on the West right-of-way line of a road known as Aqueduct Boulevard; thence along said West right-of-way of Aqueduct Boulevard North 44°00'00" East a distance of 377.10 feet; thence continue along said West right-of-way through a curve to the East having a radius of 790.00 feet, a central angle of 06°20'00" and an arc distance of 87.32 feet; thence continue along said West Road right-of-way North 50°20'00" East a distance of 475.51 feet; thence continue along said West Road right-of-way through a curve to the North having a radius of 310.00 feet, a central angle of 56°41'01" and an arc distance of 306.69 feet; thence continue along said West Road right-of-way North 06°21'01" West a distance of 230.84 feet; thence continue along said West Road right-of-way through a curve to the West having a radius of 25.00 feet, a central angle of 90°00'00" and an arc distance of 39.27 feet to a point of an intersection with the South right-of-way line of Belmont Boulevard; thence continue along the South Road right-of-way of Belmont Boulevard South 83°38'59" West, 25.00 feet to the point of curvature of a curve to the Northwest having a radius of 1040.00 feet, a central angle of 46°30'12" and an arc distance of 844.10 feet; thence North 49°50'49" West, a distance of 516.22 feet; thence by a curve to the South having a radius of 810.00 feet, central angle of 00°33'59" and an arc distance of 8.01 feet to the Point of Beginning; less the North 30.00 feet along the North line of Section 29 for the purpose of a roadway and utility easement. Containing 45.296 Acres, more or less.

AND

Commencing at the Northeast corner of Section 29, Township 16 South, Range 21 East, Marion County, Florida, go thence along the North line of said Section 29, North 89°50'57" West, 2040.92 feet; thence departing said North

ORDER NO. PSC-92-0743-FOF-WU
DOCKET NO. 920159-WU
Page 7

Page 4 of 4

line South $00^{\circ}43'07''$ West, 739.95 feet for the Point of Beginning; thence South $49^{\circ}04'19''$ East, 1528.16 feet; thence South $44^{\circ}22'20''$ West, 56.50 feet, more or less; thence North $48^{\circ}53'55''$ West, 1470.86 feet; thence North $00^{\circ}43'07''$ East, 68.02 feet, more or less, to the Point of Beginning.