

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for) DOCKET NO. 930129-WU
Amendment of Certificate No.) ORDER NO. PSC-93-1150-FOF-WU
106-W in Lake County by SOUTHERN) ISSUED: August 9, 1993
STATES UTILITIES, INC.)
_____)

ORDER AMENDING CERTIFICATE TO INCLUDE ADDITIONAL TERRITORY
AND LEAVING DOCKET OPEN FOR FORMAL HEARING ON
OBJECTION TO IMPERIAL TERRACE TERRITORY

BY THE COMMISSION:

Background

On February 2, 1993, Southern States Utilities, Inc., (SSU or utility) filed an application with this Commission to amend Certificate No. 106-W to include additional territory which it already serves in Lake County. The proposed extensions are to the utility's nine current water systems in Lake County, Picciola Island, Venetian Village, Sunshine Parkway, Skycrest, Piney Woods, Hobby Hills, Fern Terrace, Holiday Haven and Imperial Terrace.

Because SSU is already serving these areas, it is in violation of Section 367.045(2), Florida Statutes, which requires a utility to obtain Commission approval prior to extending its service area. Docket No. 921014-WS was opened to address these and other violations of Section 367.045(2), Florida Statutes, by SSU. Order No. PSC-93-0202-FOF-WS, issued on February 9, 1993, in that Docket, approved a timetable for SSU to follow in filing applications for amendments to include territory being served outside of its service area. Although the instant application was filed prior to Order No. PSC-93-0202-FOF-WS being issued, the systems discussed herein were addressed in that Docket. SSU provided an explanation for its actions and we determined that if the utility complied with the Order and followed the timetable for filing the amendment applications, show cause proceedings would not be initiated and the amendment applications could be processed administratively.

Application

Except as previously discussed, the application is in compliance with Section 367.045, Florida Statutes, Order No. PSC-93-0202-FOF-WS, and other pertinent statutes and provisions of the Florida Administrative Code. The application contains a check in the amount of \$150.00 which is the correct filing fee pursuant to Rule 25-30.020, Florida Administrative Code. In addition, the Utility has provided evidence that the utility owns the land upon which the utility's facilities are located as required by Rule

RECORDED & INDEXED

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25-30.036(1)(d), Florida Administrative Code, in the form of a warranty deed for each system.

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. The additional territories which SSU is serving in Lake County are described in Attachment A of this Order. The utility has submitted an affidavit consistent with Section 367.045(2)(d), Florida Statutes, that it has tariffs and annual reports on file with the Commission.

In addition, the utility provided proof of compliance with the noticing provisions set forth in Rule 25-30.030, Florida Administrative Code. The City of Tavares (City) filed a timely objection to SSU's application for amendment. The City has objected only to the amendment revision of the Imperial Terrace territory. Pursuant to Section 120.57, Florida Statutes, the amendment application relative to the Imperial Terrace territory has been set for formal hearing. Consequently, the Imperial Terrace system is not included in this Order. This docket will remain open to deal with the Imperial Terrace system at a later date. No other objections to the notice of application have been received and the time for filing such has expired.

The proposed amendment is consistent with the Lake County Comprehensive Plan. The territories affected are in a critical use area as defined by the St. Johns River Water Management District.

The extended territories for Picciola Island, Venetian Village, Sunshine Parkway, Skycrest, Piney Woods, Hobby Hills, Fern Terrace and Holiday Haven, are immediately adjacent to the utility's existing territory. Each system has its own separate water plant and no additional water facilities need to be built to serve the territories. Service will be provided by extending existing transmission and distribution lines.

SSU is currently in compliance with Department of Environmental Regulation requirements. The utility provides quality water service to the residents of Lake County. Also, from the information filed with the application, SSU has demonstrated that it has the capability and financial resources to adequately serve the requested area.

Therefore, we find that it is in the public interest to amend Certificate No. 106-W to include the territory described in Attachment A of this Order, which by reference is incorporated herein. SSU has returned Certificate No. 106-W to this Commission

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for entry reflecting the additional territory. The Utility has also filed revised tariff sheets reflecting the amendment.

Rates and Charges

The utility's currently approved water rates are interim rates authorized by Order No. PSC-0949-FOF-SU, issued in Docket No. 920199-WS, effective September 18, 1992. Although Order No. PSC-92-0948-FOF-SU approved statewide uniform rates for SSU, the utility has not implemented these statewide uniform rates pending resolution of reconsideration petitions which have been filed in Docket No. 920199-WS. In the meantime, we find the current rates and charges to be reasonable as approved for Picciola Island, Venetian Village, Sunshine Parkway, Skycrest, Piney Woods, Hobby Hills, Fern Terrace and Holiday Haven. SSU shall charge the customers in the additional territories the rates and charges approved herein until authorized to change by this Commission.

Based on the foregoing, it is, therefore,

ORDERED by the Florida Public Service Commission that Certificate No. 106-W, held by Southern States Utilities, Inc., 1000 Color Place, Apopka, Florida 32703, 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 Southern States Utilities, Inc., shall charge the customers in the territories added herein the rates and charges approved in the body of this Order until authorized to change by this Commission. It is further

ORDERED that Docket No. 930129-WU remain open.

By ORDER of the Florida Public Service Commission this 9th day of August, 1993.


STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

SLE

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 Civil Procedure. The notice of appeal must be in the form specified in Rule 9.900 (a), Florida Rules of Appellate Procedure.

WATER TERRITORY

FERN TERRACE

Township 19 South, Range 25 East, Lake County, Florida.

Section 19

The portion of Section 19, lying South of the centerline of Old Tavares Road and East of U.S. Highway No. 441.

Section 20

That portion of the West 1/4 of the Southwest 1/4 of section 20, lying South of the centerline of Old Tavares Road.

Section 29

The Northwest 1/4 of the Northwest 1/4 of the Northwest 1/4 of Section 29.

Section 30

The Northeast 1/4 of the Northwest 1/4 of the Northeast 1/4 of Section 30.

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HOBBY HILLS

Township 18 South, Range 24 East, Lake County, Florida.

Section 27

The North 1/2 of the Northwest 1/4 of the Southwest 1/4 of Section 27, and the South 1/2 of the Southwest 1/4 of the Northwest 1/4 of Section 27.

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PINEY WOODS

Township 18 South, Range 24 East, Lake County, Florida.

Section 32

The East 2,050 feet of the Southeast 1/4 of Section 32, Less the North 450 feet thereof.

Section 33

The West 1/2 of the Southwest 1/4 of Section 33.

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SKYCREST

Township 18 South, Range 24 East, Lake County, Florida.

Section 27

The West 813 feet of the Southwest 1/4 of the Southwest 1/4 of Section 27.

Section 33

That portion of the North 483 feet of the Northeast 1/4 of the Northeast 1/4 of the Southeast 1/4 of Section 33, lying east of State Road No. 25; together with that portion of the North 196 feet of the South 226 feet of the Northeast 1/4 of Section 33, lying East of State Road No. 25. Together with that portion of the Northeast 1/4 of the Northeast 1/4 of Section 33, lying East of State Road No. 25; **Less** the Northerly 30 feet.

Section 34

The West 1/8 of the Northwest 1/4 of Section 34. Together with the Westerly 704 feet of the North 1/8 of the Southwest 1/4 of Section 34, Township 18 South, Range 24 East, Lake County, Florida.

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SUNSHINE PARKWAY

Township 21 South, Range 25 East, Lake County, Florida.

Section 21

That portion of the Northeast 1/4 of the Southeast 1/4 of Section 21, lying Southeasterly of the centerline of State Road No. 19 and Southwesterly of the centerline of State Road No. 25.

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PICCIOLA ISLAND

Township 19 South, Range 24 East, Lake County, Florida.

Section 12

That portion of the South 3/4 of the Southwest 1/4 of said Section 12 that is lying Westerly of the shoreline of Lake Griffin.

Section 13

That portion of said Section 13 which is lying Easterly, Northerly and Westerly of the shoreline of Lake Griffin.

HOLIDAY HAVEN

Township 15 South, Range 28 East, Lake County, Florida.

Section 30 and 37

Commencing at the Northwest corner of Section 30, run South along the West line of said Section 30 and a Southerly projection thereof to the North right-of-way line of State Road No. 40; thence run Easterly along said right-of-way line parallel with and 50 feet North of the South line of the North 1/2 of Section 37, Township 15 South, Range 28 East; a distance of 2,300 feet; thence run North 200 feet to the Point of Beginning; thence run North 700 feet more or less to the South right-of-way line of Pearl Street; thence East along said right-of-way line 1,900 feet; thence run North 50 feet to the North right-of-way line of Pearl Street; thence run Easterly along said right-of-way line 340 feet; thence run North 130 feet to the South line of an existing canal; thence run Westerly along said canal line 340 feet; thence run North 1,050 feet; thence run West 1,870 feet; thence South 790 feet to the North right-of-way line of Tresspass Street; thence West along said right-of-way line 710 feet; thence run North 700 feet to the North line of Section 37, Township 15 South, Range 28 East; thence run North $79^{\circ}30'33''$ West 200 feet; thence run South 530 feet; thence run West 250 feet; thence South 200 feet to aforesaid North right-of-way line of Tresspass Street; thence run West 202 feet; thence South 720 feet; thence East 330 feet; thence South 410 feet; thence East 1,000 feet more or less to the Point of Beginning.

VENETIAN VILLAGE

Township 20 South, Range 26 East, Lake County, Florida.

Section 10, 11, 14 and 15

Beginning at the Northeast corner of Section 15, Township 20 South, Range 26 East, Lake county, Florida, said corner also being common to Sections 10, 11 and 14 of Township 20 South, Range 26 East, run thence North 89°50'15" West along the North line of said Section 15 (said course being the basis of bearing of this description) 313.80 feet to the centerline of an existing canal and Point "C"; thence run along said centerline through the following courses; thence North 41°15'10" East 261.56 feet; thence North 46°25'15" East 296.12 feet; thence North 49°11'45" East 297.18 feet; thence North 55°50'40" East 280.31 feet; thence North 74°35'50" East 286.6 feet; thence South 89°25'25" East 290.31 feet; thence South 78°01'45" East 266.52 feet; thence South 05°38'37" West to the Northwest corner of Lot 1, Venetian Village, Third Addition, as recorded in Plat Book 18, Pages 56 and 57 of the Public Records of Lake County, Florida; thence run along the boundary of said plat the following courses and distances: Thence South 89°36'05" East 386.80 feet; thence North 19°50'35" East 201.29 feet; thence North 10°13'45" West 125.00 feet; thence leaving said plat line run North 10°22'44" West 470.78 feet; thence run North 15°21'20" West along aforesaid plat line 189.67 feet to Point "A" thence due East 386 feet to Point "B"; thence continue due East 114.00 feet; then North 41°30'00" East, a distance of 964.00 feet; then North 31°20'00" East, a distance of 571.00 feet; then North 05°45'00" East, a distance of 435.00 feet; then North 34°23'04" West, a distance of 637.94 feet; then North 17°44'54" West, a distance of 606.00 feet; then North 06°30'00" East, a distance of 596.77 feet; then North 89°36'43" West, 238.19 feet to a point of curve, said curve with a radius of 50 feet and concave to the South; then along the arc of said curve, a distance of 107.37 feet to a point of tangency; then North 89°36'43" West, a distance of 180.96 feet; then South 00°23'17" West, a distance of 817.33 feet; then South 20°00'00" East, a distance of 675.00 feet; then South 32°00'00" East, a distance of 300.00 feet; then South 01°31'13" East, a distance of 265.31 feet; then North 84°15'57" West, a distance of 85.79 feet to a point of

curve, said curve with a radius of 183.00 feet and concave to the Southeast; then along the arc of said curve a distance of 201.80 feet to a point of tangency; then South 32°33'13" West, a distance of 459.14 feet to a point of curve, said curve with a radius of 117.00 feet and concave to the Northwest; then along the arc of said curve a distance of 146.28 feet to a point of tangency; then North 75°48'39" West a distance of 183.00 feet and concave to the South; then along the arc of said curve, a distance of 72.48 feet; then South 81°29'41" West, and a distance of 216.19 feet to a point of curve, said curve with a radius of 183.00 feet and concave to the Southeast; then along the arc of said curve a distance of 96.63 feet to a point of tangency; then South 51°04'28" West, a distance of 266.43 feet to a point of curve, said curve with a radius of 183.00 feet and concave to the Southeast; then along the arc of said curve a distance of 146.22 feet, to a point of tangency; thence South 48°46'23" West 662.70 feet; thence South 89°22' East 970.64 feet to a point on the West right-of-way line of Tammi Drive; said point being on a curve concave Southwesterly having a radius of 117.00 feet; thence from a tangent bearing of South 54°17'40" East run Southeasterly along the arc of said curve and said right-of-way line 79.51 feet through a central angle of 38°56'20" to the point of tangency; thence run South 15°21'20" East 86.43 feet to Point A"; thence returning to Point "B" run along the centerline of an existing canal; thence run South 21°51'00" West 200 feet; thence South 24°09'00" East 411.42 feet; thence South 33°36'00" East 370.00 feet; thence South 10°06'00" East 273 feet; thence South 21°36'00" East 260.00 feet; thence South 48°24'00" West 1150 feet; thence North 86°36'00" West 115 feet; thence North 54°36'00" West 120.00 feet; thence North 05°36'00" East 640.00 feet; thence North 22°36'00" West 144.80 feet; thence South 05°38'37" West to the South line of an existing canal as shown on the plat of First Addition to Venetian Village as recorded in Plat Book 14, Page 29, of the Public Records of Lake County, Florida; thence run along said canal and plat line the following courses and distances:

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Thence North 11°13'50" West along the South boundary of a canal 284.56 feet; thence North 58°57'09" West, along said canal 184.2 feet; thence South 84°19'59" West along said canal 229.68 feet; thence South 56°24'23" West along said canal 319.43 feet; thence South 46°25'47" West along said canal, 611.82 feet; thence South 26°20'34" West, along said canal 212.72 feet; thence South 07°39'32" West along said canal, 258.41 feet to the East line of aforementioned Section 15; thence run Southerly along said East line to the North line of the South 458 feet of the Northwest 1/4 of Section 14, Township 20 South, Range 26 East; thence run Easterly along said North line to the West edge of the Apopka Canal; thence meander Southerly along said canal edge to the North right-of-way line of State Road No. 448; thence run Westerly along said right-of-way line to the West line of the East 1,050 feet of the Northeast 1/4 of said Section 15; thence run Northerly along said West line to the aforementioned North line of said Section 15; thence run South 89°50'15" East along said North line to Point "C" and the closure of this description.