

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for) DOCKET NO. 950338-WS
amendment of Certificates Nos.) ORDER NO. PSC-95-0983-FOF-WS
337-W and 292-S to include) ISSUED: August 10, 1995
additional territory by)
Hydratech Utilities, Inc. and)
amendment of Certificate No.)
341-W to delete portion of)
territory served by Hobe Sound)
Water Company in Martin County)

ORDER AMENDING CERTIFICATES NOS. 337-W AND 292-S TO INCLUDE
ADDITIONAL TERRITORY, AMENDING CERTIFICATE NO. 341-W TO DELETE
TERRITORY, AND CLOSING DOCKET

BY THE COMMISSION:

Hydratech Utilities, Inc. (Hydratech or utility), a Class A utility, provides water and wastewater service to approximately 5,805 water customers and 4,114 wastewater customers in Martin County. The utility's 1994 annual report shows an annual operating revenue of \$1,998,407 and a net operating loss of \$2,038.

On March 28, 1995, Hydratech applied for an amendment of its Water Certificate No. 337-W and of its Wastewater Certificate No. 292-S to include additional territory; and to delete certain of those areas from Hobe Sound Water Company's (Hobe Sound) Water Certificate No. 341-W. On May 17, 1995 Hydratech amended its application to request the addition of an approximately seventy-one acre parcel of land to its water and 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 contained a check in the amount of \$3,500, which represents the correct filing fees pursuant to Rule 25-30.020, Florida Administrative Code. The applicant has provided evidence, in the form of warranty deed, that the utility owns the land upon which its 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. Descriptions of the territory requested by the utility are appended to this Order as Attachments A - E, and are incorporated herein by reference.

DOCUMENT NUMBER-DATE

07642 AUG 10 95

FPSC-RECORDS/REPORTING

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 application contains proof of compliance with the noticing provisions set forth in Rule 25-30.030, Florida Administrative Code. No objections to the application were received. We note that this development is in Martin County, and that Martin County's comprehensive plan has been approved. Martin County has advised us by letter that it does not object to the amendment of Hydratech's certificates.

Hydratech has provided water and wastewater service to the Hobe Sound/Stuart area for many years. One of the managers of the utility has been involved in utility operations, management, and construction for over twenty-five years, and is a Registered Professional Engineer in the State of Florida. The utility's field supervisor and lead operator holds both a Class A Water and a Class A Wastewater Operator's License. Although the utility had a slight operating loss, as indicated by the 1994 annual report, the addition of these customers will only add to the stability of the utility by increasing its customer base.

The utility recently expanded its wastewater treatment plant, and the water treatment plant is in the process of expansion. The utility transmits its treated effluent for use as spray irrigation to two golf courses. Therefore, it is apparent that the utility has wastewater treatment capacity and will have the water treatment capacity to serve these customers. The internal water and wastewater lines will be donated to the utility. The Department of Environmental Protection has no outstanding notices of violation issued for these systems. In addition, the utility was awarded the best operated wastewater treatment plant and water distribution system in its region in 1994. Consequently, we believe the utility has demonstrated the financial and technical expertise to provide quality service to these customers.

Based on the foregoing, we find that it is in the public interest to grant Hydratech's application for amendment of Water Certificate No. 337-W and Wastewater Certificate No. 292-S to include the territory described in Attachments A, B, C and D. Hobe Sound's Certificate No. 341-W shall be amended to delete the territory described in Attachment E.

Hydratech has filed revised tariff sheets, incorporating the additional territory into its tariff. The utility has also filed revised tariff sheets on behalf of Hobe Sound, deleting the portions of territory from Hobe Sound's tariff which correspond to those portions of the additional territory requested by Hydratech

that currently fall within Hobe Sound's service area. Moreover, Hydratech has returned its certificates, as well as Hobe Sound's water certificate, for entry reflecting the additional territory of Hydratech and the deletion of territory of Hobe Sound.

By Order No. 22226, issued December 28, 1989, in Docket No. 880882-WU, the Commission granted the utility a water rate and a service availability increase. Wastewater rates and service availability charges were approved by Order No. 9730, issued January 19, 1981, in Docket No. 790164-WS. The utility's water and wastewater rates were last changed on March 12, 1995, with a pass-through and index rate increase. The rates and charges currently approved in the utility's tariffs shall be effective for the customers in the additional service territory. Because no further action is necessary, this docket shall be closed.

It is, therefore,

ORDERED by the Florida Public Service Commission that Certificates Nos. 337-W and 292-S, held by Hydratech Utilities, Inc., are hereby amended to include the territory described in Attachments A, B, C, and D of this Order, which are incorporated herein by reference. It is further

ORDERED that Certificate No. 341-W, held by Hobe Sound Water Company, is hereby amended to delete the territory described in Attachment E of this Order, which is incorporated herein by reference. It is further

Ordered that Hydratech Utilities, Inc., shall charge the customers in the territory added herein the rates and charges approved in its tariffs authorized to change by this Commission. It is further

ORDERED that this docket is hereby closed.

By ORDER of the Florida Public Service Commission, this 10th
day of August, 1995.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

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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, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, 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 and/or wastewater 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
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HYDRATECH UTILITIES, INC.

TERRITORY DESCRIPTION - MARTIN COUNTY

WATER SERVICE AREA ADDITION

Being a parcel of land lying in the Gomez Grant, Martin County, Florida, being more particularly described as follows:

Bounded on the North by a line that is 1500.00 feet North of as measured perpendicular to and parallel with the Northern Right-of-Way of S.E. Bridge road (State Road 708); bounded on the East by the Westerly Right-of-Way line of U.S. Highway No. 1, (State Road No. 5) (A 200 foot Right-of-Way); to the South, by Northerly Right-of-Way line of said S.E. Bridge Road; and bounded of the West, by a line that is 2500.00 feet West of, as measured perpendicular to, and parallel with the Westerly Right-of-Way line of said U.S. Highway No. 1.

Less and excepting therefrom the following described parcel:

Beginning at the intersection of the centerline of State Road No. 4, A 200 foot Right-of-Way, as now laid out and in use, with the centerline of State Road 708, an 80 foot Right-of-Way, as now laid out and in use; thence Northerly, along the centerline of said State Road No. 4, A distance of 16.5 Feet more or less, to the intersection with the Southerly line of Lot 87, Gomez Grant, or the Westerly extension thereof, according to the plat of said Gomez Grant and Jupiter Island, West of the Indian River, on file in plat book 1, page 80, public records of Palm Beach (now Martin) County, Florida, thence run Westerly along said Westerly extension of the Southerly line of Lot 87, and parallel with said State Road 708 a distance of 500.00 feet; thence run Northwesterly along a line 400 feet Southwesterly of and parallel to the Southwesterly Right-of-Way line of State Road No. 4 (U.S. No. 1) A distance of 238.73 feet, thence run Northeasterly to a point in the centerline of said State Road No. 4, (U.S. No. 1), which point is 238.60 feet Northwesterly from the Point of Beginning; thence Southeasterly to the Point of Beginning;

ATTACHMENT A
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HYDRATECH UTILITIES, INC.

TERRITORY DESCRIPTION - MARTIN COUNTY

WATER SERVICE AREA ADDITION

(continued)

Also less and excepting therefrom the following described parcel:

Commencing at intersection of State Road No. 4 (U.S. Hwy No. 1), As now laid out and in use, with the centerline of State Road No. 708 (Bridge Road) as now laid out and in use; thence South 68°43'48" West, along said centerline of State Road No. 708, A distance of 1720 feet more or less, to the intersection with the Southerly prolongation of the East line of Lot 10, Block 16, amended plat of Gomez Homes and Groves, plat book 3, page 3, public records, Martin County, Florida; thence North 20°59'42" West, along said Southerly prolongation, a distance of 40.00 feet, to the Southeasterly Corner of said Lot 10, and the Point of Beginning; thence continue North 20°59'42" West, along the Easterly line of Lots 10 and 7, block 16, of said amended plat of Gomez Homes and Groves, a distance of 260.00 feet, to the intersection with the centerline of third street as shown in amended plat of Gomez Homes and Groves; thence South 68°43'48" West, along said centerline, a distance of 390.00 feet, to the intersection with the Northerly prolongation of the Westerly line of Lot 5, Block 15, as shown on said amended plat of Gomez Homes and Groves; thence South 20°59'42" East, along the said Westerly line, a distance of 260.00 feet, to the Southwesterly Corner of Lot 12, Block 15 of said amended plat of Gomez Homes and Groves; thence North 68°43'48" East, along the Northerly Right-of-Way of said State Road No. 708, a distance of 390.00 feet to the Point of Beginning.

HYDRATECH UTILITIES, INC.

TERRITORY DESCRIPTION - MARTIN COUNTY

WATER AND WASTEWATER AREA ADDITION

Being a parcel of land lying in Sections 1, 2, 11, and 12, Township 39 South, Range 41 East, Martin County, Florida, being more particularly described as follows:

Commencing at the Northwesterly Corner of the Gomez Grant; thence South $66^{\circ}32'23''$ West, along the Westerly prolongation of the North line of said Gomez Grant, a distance of 5000.82 feet to the Point of Beginning; thence continue South $66^{\circ}32'23''$ West, along said Westerly prolongation, a distance of 3422.06 feet; thence South $00^{\circ}29'26''$ West, a distance of 130.53 feet, to a point on the South line of the Southwest one-quarter (SW 1/4) of said Section 12, said point being 1750.01 feet distant from the Southwest Corner of said Southwest one-quarter; thence South $89^{\circ}39'37''$ East, along said South line, a distance of 514.99 feet to a point that is 2265.00 feet distant from said Southwest corner; thence South $00^{\circ}30'41''$ West, a distance of 5312.72 feet, to a point on the South line of the Southwest one-quarter (SW 1/4) of said Section 11, said point being 2265.00 feet distant from the Southwest Corner of said Southwest one-quarter (SW 1/4); thence South $89^{\circ}37'40''$ East, along said South line, a distance of 395.22 feet to the Southeast Corner of said Southwest one-quarter (SW 1/4) thence South $89^{\circ}35'31''$ East, along the South line of the South East one-quarter (SE 1/4) of said Section 11, a distance of 2651.93 feet, to the Southeast Corner of said Southeast one-quarter (SE 1/4); thence South $89^{\circ}53'31''$ East, along the South line of the Southwest one-quarter of said Section 12, a distance of 2656.64 feet, to the Southeast Corner of said Southwest one-quarter (SW 1/4); thence South $89^{\circ}53'41''$ East, along the South line of the Southeast one-quarter (SE 1/4), a distance of 1328.32 feet, to the intersection with the West line of the East one-half (E 1/2) of the East one-half (E 1/2) of said Section 12; thence North $00^{\circ}31'47''$ East, along said West line, a distance of 4921.01 feet, to the intersection with the Southerly Right-of-Way line of S.E. Seabranh Boulevard, as recorded in official record book 914, pages 2437 and 2443, public records, Martin County, Florida; thence Westerly along said Southerly Right-of-Way the following courses; North $85^{\circ}55'36''$ West, a distance of 1505.49 feet, to the beginning of a curve, concave Southeasterly, having a radius of 1906.53 Feet and a central angle of $40^{\circ}29'59''$; thence

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HYDRATECH UTILITIES, INC.

TERRITORY DESCRIPTION - MARTIN COUNTY

WATER AND WASTEWATER AREA ADDITION

(continued)

Southwesterly along the arc of said curve to the left, a distance of 1347.64 feet, to the end of said curve; thence South $53^{\circ}34'23''$ West, a distance of 172.36 feet, to the Beginning of a curve, concave to the Northwest, having a radius of 2011.15 feet and a central angle of $13^{\circ}22'33''$; thence Southwesterly along the arc of said curve to the right, a distance of 469.50 feet to the intersection with a non tangent line and the end of said Right-of-Way; thence North $23^{\circ}27'37''$ West, a distance of 2738.37 feet to the Point of Beginning.

Containing 889.91 Acres, more or less.

ATTACHMENT C

HYDRATECH UTILITIES, INC.

TERRITORY DESCRIPTION - MARTIN COUNTY

WATER AND WASTEWATER AREA ADDITION

A parcel of land lying in Sections 1 and 2, Township 39 South, Range 41 East, Martin County, Florida, being more particularly described as follows:

Commencing at the Northwesterly Corner of the Gomez Grant, said point also being the Northwesterly Corner of "The preserve plat No. 3", As recorded in Plat Book 12, Page 02, Public Records, Martin County, Florida, and the Point of Beginning; thence South 66°32'23" West, along the Westerly extension of the Northerly line of said Gomez Grant, a distance of 5465.82 feet; thence North 23°27'37" West, a distance of 1131.24 feet; thence North 78°13'58" East, a distance of 5581.66 feet, to the Point of Beginning; containing 70.97 Acres, more or less.

ATTACHMENT D

HYDRATECH UTILITIES, INC.
TERRITORY DESCRIPTION - MARTIN COUNTY
WASTEWATER SERVICE AREA ADDITION

Being a parcel of land lying in Sections 26, 27, and 28, Township 39 South, Range 42 East and the Gomez Grant, Martin County, Florida, being more particularly described as follows:

That portion of the Northwest one-quarter (NW 1/4) of said Section 26 West of the Shore line of Hobe Sound

Together with:

That portion of the Northeast one-quarter (NE 1/4) of said Section 27, lying South of the Southerly boundary of the Gomez Grant

Together with:

A portion of the Gomez Grant lying South of a line 1500.00 feet North of and parallel with Bridge Road (S.R. 708) To the Southern limits of the Gomez Grant, and East of a curvilinear line, 2500.00 feet West of and parallel with Federal Highway (U.S. 1) To the intracoastal waterway.

Together with:

Beginning at the Southeast Corner of said Section 28; thence North 89°34'36" West, along the South line of said Section 28, a distance of 2,283.30 feet to the centerline of S.E. Flora Avenue as now laid out in and in use; thence North 22°33'46" East, along said centerline a distance of 395.89 feet to an angle point in said centerline; thence North 11°21'55" East, continuing along said centerline, a distance of 1,051.75 feet to the South line of the Gomez Grant; thence North 66°24'43" East, along said South line, a distance of 2,124.11 feet to the East line of said Section 28; thence continuing North 66°25'43" East, a distance of 1,444.14 feet; thence South 0°31'43" West, a distance of 200.00 feet; thence South 89°24'13" East, a distance of 1,317.93 feet; thence South 0°28'47" West, a distance of 1,325.68 feet; thence North 89°29'26" West a distance of 2,638.12 feet to the Northwest Corner of Papaya Village, as recorded in Plat Book 3, Page 60, Public Records of Martin County, Florida; thence South 0°34'38" West, along the West line of said Papaya Village, a distance of 1,324.68 feet to the Point of Beginning.

ATTACHMENT E
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HOBE SOUND WATER COMPANY

TERRITORY DESCRIPTION - MARTIN COUNTY

DELETION OF WATER SERVICE AREA

Being a parcel of land lying in the Gomez Grant, Martin County, Florida, being more particularly described as follows:

Bounded on the North by a line that is 1500.00 feet North of as measured perpendicular to and parallel with the Northern Right-of-Way of S.E. Bridge road (State Road 708); bounded on the East by the Westerly Right-of-Way line of U.S. Highway No. 1, (State Road No. 5) (A 200 foot Right-of-Way); to the South, by Northerly Right-of-Way line of said S.E. Bridge Road; and bounded of the West, by a line that is 2500.00 feet West of, as measured perpendicular to, and parallel with the Westerly Right-of-Way line of said U.S. Highway No. 1.

Less and excepting therefrom the following described parcel:

Beginning at the intersection of the centerline of State Road No. 4, A 200 foot Right-of-Way, as now laid out and in use, with the centerline of State Road 708, an 80 foot Right-of-Way, as now laid out and in use; thence Northerly, along the centerline of said State Road No. 4, A distance of 16.5 Feet more or less, to the intersection with the Southerly line of Lot 87, Gomez Grant, or the Westerly extension thereof, according to the plat of said Gomez Grant and Jupiter Island, West of the Indian River, on file in plat book 1, page 80, public records of Palm Beach (now Martin) County, Florida, thence run Westerly along said Westerly extension of the Southerly line of Lot 87, and parallel with said State Road 708 a distance of 500.00 feet; thence run Northwesterly along a line 400 feet Southwesterly of and parallel to the Southwesterly Right-of-Way line of State Road No. 4 (U.S. No. 1) A distance of 238.73 feet, thence run Northeasterly to a point in the centerline of said State Road No. 4, (U.S. No. 1), which point is 238.60 feet Northwesterly from the Point of Beginning; thence Southeasterly to the Point of Beginning;

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HOBE SOUND WATER COMPANY

TERRITORY DESCRIPTION - MARTIN COUNTY

DELETION OF WATER SERVICE AREA

(continued)

Also less and excepting therefrom the following described parcel:

Commencing at intersection of State Road No. 4 (U.S. Hwy No. 1), As now laid out and in use, with the centerline of State Road No. 708 (Bridge Road) as now laid out and in use; thence South $68^{\circ}43'48''$ West, along said centerline of State Road No. 708, A distance of 1720 feet more or less, to the intersection with the Southerly prolongation of the East line of Lot 10, Block 16, amended plat of Gomez Homes and Groves, plat book 3, page 3, public records, Martin County, Florida; thence North $20^{\circ}59'42''$ West, along said Southerly prolongation, a distance of 40.00 feet, to the Southeasterly Corner of said Lot 10, and the Point of Beginning; thence continue North $20^{\circ}59'42''$ West, along the Easterly line of Lots 10 and 7, block 16, of said amended plat of Gomez Homes and Groves, a distance of 260.00 feet, to the intersection with the centerline of third street as shown in amended plat of Gomez Homes and Groves; thence South $68^{\circ}43'48''$ West, along said centerline, a distance of 390.00 feet, to the intersection with the Northerly prolongation of the Westerly line of Lot 5, Block 15, as shown on said amended plat of Gomez Homes and Groves; thence South $20^{\circ}59'42''$ East, along the said Westerly line, a distance of 260.00 feet, to the Southwesterly Corner of Lot 12, Block 15 of said amended plat of Gomez Homes and Groves; thence North $68^{\circ}43'48''$ East, along the Northerly Right-of-Way of said State Road No. 708, a distance of 390.00 feet to the Point of Beginning.