

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for) DOCKET NO. 960699-WS
Amendment of Certificates Nos.) ORDER NO. PSC-96-1105-FOF-WS
511-W and 467-S by Spruce Creek) ISSUED: August 29, 1996
South Utilities, Inc. in Marion)
County.)
_____)

ORDER AMENDING CERTIFICATES TO INCLUDE
ADDITIONAL TERRITORY AND
CLOSING DOCKET

BY THE COMMISSION:

On June 3, 1996, Spruce Creek South Utilities, Inc. (Spruce Creek or Utility) filed an application with this Commission to amend Certificates Nos. 511-W and 467-S to include additional territory known as Spruce Creek Golf and Country Club in Marion County, Florida. Spruce Creek is a Class B utility which provides service to 1,000 customers in Marion County. The territory requested in Spruce Creek's application will add approximately 2,200 single family homes, commercial development and a community center. Spruce Creek proposes to serve this area by drilling new water wells and building a new wastewater treatment plant. Once flows at the wastewater treatment plant exceed 100,000 gallons a day, the effluent will be disposed of by spraying it on a golf course.

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 application contains a filing fee in the amount of \$3,500, as prescribed by Rule 25-30.020, Florida Administrative Code. In addition, Spruce Creek provided evidence, in the form of a recorded 99-year lease, that it has continued access to the land upon which its facilities are located, as required by Rule 25-30.036, Florida Administrative Code.

Adequate service territory and system maps and a territory description have been provided, as prescribed by Rule 25-30.036, Florida Administrative Code. The additional territory which Spruce Creek is requesting to serve in Marion County is described in Attachment A of this Order.

DOCUMENT NUMBER-DATE

09185 AUG 29 96

FPSC-RECORDS/REPORTING

Spruce Creek has provided 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.

Spruce Creek has been in operation under our jurisdiction since March 24, 1989, and has been providing satisfactory service to its customers during that time. Therefore, we believe that the Utility has demonstrated its ability to provide service to the additional territory. In addition, from the information filed with the application, it appears that Spruce Creek has the financial ability to serve the requested area.

Based on the above, we find that it is in the public interest to amend Certificates Nos. 511-W and 467-S to include the territory described in Attachment A of this Order, which by reference is incorporated herein. Spruce Creek has returned the Certificates to this Commission for entry reflecting the additional territory. The Utility has also filed revised tariff sheets reflecting the amendment.

Spruce Creek's existing rates and charges for water and wastewater service became effective on June 28, 1989, and December 6, 1991, respectively. The water rates became effective pursuant to Order No. 21340, issued in Docket No. 881597-WU. The wastewater rates became effective pursuant to Order No. 25331, issued in Docket No. 910746-SU. Spruce Creek shall charge the customers in the territory added herein the rates and charges approved in its tariff until authorized to change by this Commission in a subsequent proceeding.

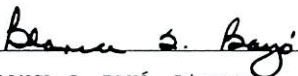
It is, therefore,

ORDERED by the Florida Public Service Commission that Certificates Nos. 511-W and 467-S, held by Spruce Creek South Utilities, Inc., 17585 Southeast 102nd Avenue, Summerfield, Florida 34491, 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 Spruce Creek South Utilities, Inc. shall charge the customers in the territory added herein the rates and charges approved in its tariff until authorized to change by this Commission. It is further

ORDERED that Docket No. 960699-WS is hereby closed.

By ORDER of the Florida Public Service Commission, this 29th
day of August, 1996.



BLANCA S. BAYÓ, 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, 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

SPRUCE CREEK SOUTH UTILITIES, INC.
MARION COUNTY - SPRUCE CREEK GOLF AND COUNTRY CLUB

The South 1/2 of the Northwest 1/4 and the West 1/2 of the Southwest 1/4 of the Northeast 1/4 and the West 1/2 of the Southeast 1/4 of the Northeast 1/4 and the South 1/2 except the East 30 feet thereof, all in Section 3, Township 17 South, Range 23 East, and,

Also the North 1/2 of Section 10, Township 17 South, Range 23 East, except the East 315 feet thereof, and except the Northwest 1/4 of the Southwest 1/4 of the Northwest 1/4 of said Section 10, and,

Also the North 1/2 of the South 1/2 of said Section 10, except the East 315 feet thereof, and,

Also the Southwest 1/4 of the Southeast 1/4 of said Section 10, except the South 40 feet thereof, and,

Also the North 1/2 of the South 1/2 of the Southwest 1/4 and the Southeast 1/4 of the Southwest 1/4 of the Southwest 1/4 of said Section 10, and,

Also the East 1/2 of the Northeast 1/4 of the Southeast 1/4 of Section 9, Township 17 South, Range 23 East except the North 1/2 thereof, and,

Also the West 3/4 of the North 1/2 of the Southeast 1/4 of said Section 9, except the North 893.54 feet thereof, and,

Also the South 1/2 of the Southeast 1/4 of said Section 9, except the Northwest 1/4 of the Southwest 1/4 of the Southeast 1/4 of said Section 9, and,

Also that part of the South 1/2 of the Southeast 1/4 of the Southwest 1/4 of said Section 9, lying East of U.S. Highways 441 and 27 (200 feet wide), and,

Also that part of the North 1/2 of the North 1/2 of Section 16, Township 17, Range 23 East, lying East of said Highways 441 and 27.

Also the South 1/2 of the Northeast 1/4 of the Northwest 1/4 of Section 16, Township 17 South, Range 23 East, except those lands

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lying within the right-of-way of State Road 500 - U.S. 441 (200 feet wide)

All being in Marion County, Florida, and containing 1190.27 acres more or less.