

Commissioners:
SUSAN F. CLARK, CHAIRMAN
J. TERRY DEASON
JULIA L. JOHNSON
DIANE K. KIESLING
JOE GARCIA



DIVISION OF WATER &
WASTEWATER
CHARLES HILL
DIRECTOR
(904) 488-8482

ORIGINAL
FILE COPY

Public Service Commission

September 13, 1996

Mr. Wayne L. Schiefelbein, Esquire
Gatlin, Woods, & Carlson
The Mahan Station
1709-D Mahan Drive
Tallahassee, FL 32308

Re: Docket No. 960915-WS; Application for Amendment of Certificate
Nos. 7-W and 3-S by Florida Cities Water Company - Brevard
County Division.

Dear Mr. Schiefelbein:

After reviewing the application in the above referenced docket, the staff has identified the following deficiency as well as additional information that is needed to process the application.

As required by Rule 25-30.036(3) (e), Florida Administrative Code (F.A.C.), provide a description of the territory proposed to be served, using township, range and section references as specified in Rule 25-30.030(2). Although a description was provided, it appears that the distance in the description has a slight error. Along U.S. Highway 1 (State Road No. 5) the distance appears to be 1,260 feet rather than 960 feet as stated in the territory description submitted. If this description is not correct the utility needs to rewrite the description and may need to renotify. In addition, some angles and distances were omitted. Please measure the angles and distance and include them in the revised description. Attached is a copy of the description where the missing angles and distances are identified.

A composite description of the entire Barefoot Bay Development was submitted with the application. One angle and some distances were omitted in the composite description. Please measure the angle and distances and include them in a revised composite description. Attached is a copy of the description where the missing angle and distances are identified.

To verify the composite description an attempt was made to map the utility's territory that was granted by Orders Nos. 5016 and

ACK _____
AFA _____
APP _____
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DOCUMENT NUMBER-DATE

Letter to Mr. Schiefelbein
September 13, 1996

9526. However, I was not able to map the territory in the above mentioned orders on the map. Please, plot the above mentioned territory provided in the orders along with the current proposed territory on the map. Please label all angles and distances on the map. If the territory in the above orders have small errors they can be corrected in the final order resulting in this amendment. Also, in the final order the composite description will be listed, which will simplify your service area.

Please provide a copy of the proposed territory description and the composite territory description on a 3.5 inch disk in Word Perfect 5.1 format or other word processing format, if possible. This will prevent any typographical errors when we prepare the recommendation.

Please file an original and twelve copies of the requested information no later than October 11, 1996 with the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, FI 32399-0850.

If you have any questions please call.

Sincerely,



Richard Redemann, P.E.

C:\WP\960915A.RPR

cc: Florida Cities Water Company (Young)
Division of Water and Wastewater (Hill)
Division of Legal Services (Vaccaro)
Division of Records and Reporting (Bayo)

PROPERTY TO BE ADDED TO THE EXISTING WATER and WASTEWATER SERVICE AREAS

(description prepared June 4, 1996)

A parcel of land lying in said Section 11, Township 30 South, Range 38 East, Brevard County, Florida:

Begin at the Southwest corner of Said Section 11, thence East along the South line of said Section 11 for 1570 feet; thence Northwesterly parallel with the Florida East Coast Railroad right of way a distance of 175 feet; thence N 77°30' E, a distance of 720 (plus or -) feet to the Westerly boundary of U.S. Highway 1 (State Road No. 5); thence Northwesterly along said westerly boundary 760 feet (plus or -); thence West a distance of 270 feet (plus or -); thence South 260 feet (plus or -); thence West a distance of 250 feet (plus or -); thence Southwesterly parallel to Florida East Coast Railroad right of way a distance of 170 feet (plus or -); thence West a distance of 185 feet (plus or -); thence Northwesterly along the easternmost boundary of said railroad right of way a distance of 170 feet (plus or -); thence West along a line to a point being on the East boundary of Section 10, Township 30 South, Range 38 East; thence South along the West line of said boundary line to the POINT OF BEGINNING.

a. Angle?

b. I measure 1260

760?

c. Angle?

d. Angle?

e. Distance

f. Distance

WATER and WASTEWATER SERVICE AREA DESCRIPTION - Micco, Florida
(description revised July 8, 1996)

A portion of Sections 9, 10, 11, 15 and 16, Township 30 South, Range 38 East, Brevard County, Florida, being more particularly described as follows:

Begin at the Northeast corner of Section 15, Township 30 South, Range 38 East, proceed Southerly along the Eastern boundary line of said Section 15, a distance of 1334 feet, more or less, to the Southeast corner of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$; thence Westerly along the South boundary of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of said Section 15, a distance of 1331 feet, more or less, to the Southwest corner of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of said Section 15; thence N $00^{\circ} 32' 12''$ W, a distance of 11.20 feet; thence S $89^{\circ} 32' 20''$ W, a distance of 330.01 feet; thence N $00^{\circ} 32' 12''$ W, a distance of 330 feet to a line described as the North boundary of the South 330 feet of the North 1320 feet of the Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of said Section 15, thence S $89^{\circ} 32' 20''$ W, along said boundary line for a distance of 335.43 feet; thence S $00^{\circ} 32' 12''$ E, a distance of 330 feet to a line described as the South boundary of the North 1320 feet of the Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of said Section 15; thence S $89^{\circ} 32' 20''$ W, a distance of 343.26 feet; thence N $00^{\circ} 31' 40''$ W, along the East boundary of the West 10 acres of the Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of said Section 15 a distance of 1320.00 feet to a point on a line 50.00 feet south of and parallel with the North line of said Section 15 (the Southern boundary of Micco Road right-of-way); thence S $89^{\circ} 32' 20''$ W parallel with and 50.00 feet south of the North line of said Section 15 to a point on a line 40.00 feet west of and parallel with the west line of the Northeast $\frac{1}{4}$ of said Section 15 (the East line of Flemming Grant Road); thence S $00^{\circ} 31' 40''$ E along said line a distance of 1950 feet; thence S $89^{\circ} 32' 20''$ E, a distance of 1350 feet to the Southeast corner of the North $\frac{1}{2}$, Southwest $\frac{1}{4}$, Northeast $\frac{1}{4}$ of said Section 15; thence S $0^{\circ} 05' 00''$ E, a distance of 950 feet, more or less; thence S $89^{\circ} 46' 20''$ W, to the West line of the Southeast $\frac{1}{4}$ of said Section 15; thence northerly along the North-South centerline of said Section 15, a distance of 261.75 feet to the center of said Section 15; thence S $89^{\circ} 46' 20''$ W, along South boundary of the Northwest $\frac{1}{4}$ of said Section 15, for a distance of 2333.53 feet; thence N $44^{\circ} 37' 18''$ W, a distance of 475.72 feet, to the West line of said Section 15; thence N $0^{\circ} 32' 45''$ W, along said West line, a distance of 993.85 feet, to the South boundary of the North $\frac{1}{2}$ of the Northwest $\frac{1}{4}$, of said Section 15; thence N $89^{\circ} 53' 10''$ E, to Southwest corner of the East $\frac{1}{2}$, East $\frac{1}{2}$, Northeast $\frac{1}{4}$, Northwest $\frac{1}{4}$ of said Section 15; thence N $00^{\circ} 31' 49''$ W, along the West line of the East $\frac{1}{2}$, East $\frac{1}{2}$, Northeast $\frac{1}{4}$, Northwest $\frac{1}{4}$ of said Section 15, a distance of 1319.16 feet to a line lying 50.00 feet South of and parallel with the North line of said Section 15 (the South boundary of Micco Road right-of-way); thence Westerly parallel with and 50.00 feet South of the North lines of said Sections 15 and 16 to the West boundary of the Northeast $\frac{1}{4}$ of Section 16, Township 30 South, Range 38 East, thence N $00^{\circ} 33' 44''$ W along said boundary and the West boundary of the Southeast $\frac{1}{4}$ of Section 9, Township 30 South Range 38 East, to the center of said Section 9; thence N $89^{\circ} \text{ deg } 49' 31''$ W, along the South line of the Northwest $\frac{1}{4}$ of said Section 9 for a distance of 1326.90

feet, to the Southwest corner of the Southeast $\frac{1}{4}$, Northwest $\frac{1}{4}$, said Section 9; thence N $00^{\circ} 29' 39''$ W, along the West line of the Southeast $\frac{1}{4}$, Northwest $\frac{1}{4}$, said Section 9, for a distance of 1343.21 feet to the Northwest corner of the Southeast $\frac{1}{4}$, Northwest $\frac{1}{4}$, Section 9 of said Township and Range; thence S $89^{\circ} 44' 36''$ E, along the North boundary of the Southeast $\frac{1}{4}$ of Northwest $\frac{1}{4}$ of said Section 9 a distance of 1325.33 feet, more or less to the Northeast corner of the Southeast $\frac{1}{4}$ of Northwest $\frac{1}{4}$ of said Section 9; thence N $00^{\circ} 33' 44''$ W, along the West boundary of the Northeast $\frac{1}{4}$ of said Section 9 a distance of 1341, more or less to the North $\frac{1}{4}$ corner of said Section 9; thence Easterly along the North boundary of said Sections 9 and 10, Township 30 South, Range 38 East, to the North $\frac{1}{4}$ corner of said Section 10; thence S $00^{\circ} 38' 31''$ E, along the West boundary of the Northeast $\frac{1}{4}$ to the center point of said Section 10; thence Easterly along the East-West centerline of said Section 10 to the Northeast corner of the Southeast $\frac{1}{4}$ of said Section 10; thence East along the East-West centerline of said Section 11, to Westerly boundary of U.S. Highway 1 (State Road No. 5) right-of-way; thence Southeasterly along said westerly boundary a distance of 2368.9 feet (plus or -); thence S $77^{\circ} 30''$ W a distance of 720 (plus or -) feet; thence Southeasterly parallel to Florida East Coast Railroad right-of-way a distance of 175 (plus or -) feet to the South line of said Section 11; thence West along the South line of said Section 11, for a distance of 1,570 feet (plus or -) to the Southwest corner of said Section 11, said point also being the Northeast corner of said Section 15 and the POINT OF BEGINNING.

Filename: Legals96\Flacityf.lgl

- a. Distance?
- b. Distance?
- c. Distance?
- d. Distance?
- e. Distance?
- f. Distance?
- g. Distance?
- h. Distance?
- i. Distance?
- j. I measure 2,610' -
- k. Angle?

2,610' - 2368.9' ?

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application of Barefoot Bay)
 Division GAC Utilities Inc., of)
 Florida for certificates to operate)
 a water and sewer system in Brevard)
 County, Florida.)

DOCKET NO. 70394-W2

ORDER NO. 5016

The following Commissioners participated in the disposition of this matter:

WILLIAM T. MAYO, Chairman
 JERRY W. CARTER
 JESS YARBOROUGH

ORDER GRANTING CERTIFICATE

BY THE COMMISSION:

Pursuant to the provisions of Chapter 70-604, Laws of Florida, Chapter 367, Florida Statutes, the Water and Sewer Regulatory Law became effective in Brevard County, Florida, on July 2, 1970, insofar as the provisions of Chapter 367, Florida Statutes, are not inconsistent with Chapter 70-604, Laws of Florida. Subsection 367.04(1), Florida Statutes, requires that each public utility within a regulate county obtain a certificate of public convenience and necessity. Section 367.06, Florida Statutes, states the information required to be submitted by the applicant public utility prior to issuance of the certificate of public convenience and necessity by this Commission. Barefoot Bay Division of GAC Utilities Inc., has applied for a certificate of public convenience and necessity under the provisions of Section 367.06, Florida Statutes, and Chapter 70-604, Laws of Florida. This Commission has examined the application of Barefoot Bay Division of GAC Utilities Inc., and found it to be in accordance with requirements set out. It is, therefore,

ORDERED by the Florida Public Service Commission that the application of Barefoot Bay Division of GAC Utilities Inc., for authority to operate a water system and a sewer system in Brevard County, Florida, be and the same are hereby granted for the operation of a water system and a sewer system in the following described territory:

Beginning at the Northeast corner of Section 15, Township 30 South, Range 38 East; thence South a distance of 300 feet; thence South 89° 32 min. 20 sec. W a distance of 2370 ft.; thence N 230 feet to the South boundary of Micco Road right-of-way; thence Westerly along South boundary of said right-of-way to East boundary of Fleming Grant Road; thence Southerly along East boundary of said Road a distance of 1950 feet; thence South 89° 32 min. 20 sec. East a distance of 1350 feet to a point more particularly described as S.E. Corner N 1/2, SW 1/4, NE 1/4 of Section 15, of said Township and Range; thence South 0° 05 min. 20 sec. E a distance of 950 feet more or less; thence South 89° 46 min. 20 sec. West to centerline of Fleming Grant Road; thence Northerly along said centerline to the center of Section 15 of said Township and Range; thence South 89° 46 min. 20 sec. West along South boundary of NW 1/4 of said Section, Township and Range for a distance of 2333.53 feet; thence North 44° 37 min. 18 sec. West 475.72 feet; thence North 0° 32 min. 45 sec. West 993.85 feet, thence North 89° 53 min. 10 sec. East to Southwest corner of E 1/2, E 1/2, NE 1/2, NW 1/4 of said Section, Township and Range; thence North 0°

31 min. 49 sec. West to South boundary of Micco Road right-of-way; thence Westerly along said boundary of said right-of-way to a point, said point being the intersection of said boundary of said right-of-way with the extension of the West boundary of East Lark Drive; thence North 12° 10 min. 00 sec. East a distance of 1970 feet more or less; thence North 53° 40 min. 00 sec. West a distance of 820 feet more or less thence Southwesterly then Northwesterly along the North periphery of waterway a distance of 2560 ft. more or less to a point on the East-West centerline of Section 9, Township 30 South, Range 38 East; thence Westerly to center of Section 9 of said Township and Range; thence North 89° 49 min. 31 sec. West for a distance of 1326.90 feet; thence North 00° 29 min. 39 sec. West for a distance of 1343.21 feet to the Northwest corner SE 1/4, NW 1/4, Section 9 of said Township and Range; thence South 89° 44 min. 36 sec. East along a line to a point, said point being the intersection of said line with the Easterly boundary of East Barefoot Circle; thence South 15° 30 min. 00 sec. West a distance of 540 feet; thence South 51° 25 min. 00 sec. East a distance of 1700 feet more or less; thence South 89° 55 min. 00 sec. East a distance of 400 feet more or less; thence North 51° 25 min. 00 sec. East a distance of 1100 feet more or less; thence Southeasterly to the center of Section 10, Township 30 South, Range 38 East; thence Easterly along the East-West centerline of said Section 10 to the Northeast corner of the SE 1/4 of said Section 10; thence East to Westerly boundary of U.S. Highway No. 1 (S.R. No. 5) right-of-way; thence Southeasterly along said boundary a distance of 1390 (plus or -) feet; thence West a distance of 270 (plus or -) feet; thence South a distance of 260 (plus or -) feet; thence West a distance of 250 (plus or -) feet; thence Southeasterly parallel to Florida East Coast Railroad right-of-way a distance of 170 (plus or -) feet; thence West a distance of 185 (plus or -) feet; thence Northwesterly along Easterlymost boundary of said railroad right-of-way a distance of 170 (plus or -) feet; thence West along a line to a point, said point being on the West boundary of Section 11, Township 30 South, Range 38 East; thence South 77° 00 min. West a distance of 120 feet; thence West a distance of 1450 feet; thence South a distance of 200 feet; thence West a distance of 1150 feet; thence South along the North-South centerline of said Section 10 a distance 600 feet; thence East a distance of 2700 feet to the point of beginning.

ORDERED that certificates of public convenience and necessity Nos. SS-107 , and WS- 130 , be issued for the territory described in the first ordering paragraph of this order.

By Order of Chairman WILLIAM T. MAYO, Commissioner JERRY W. CARTER, and Commissioner JESS YARBOROUGH, as and constituting the Florida Public Service Commission, this 30th day of December, 1970.

William T. Mayo
ASSISTANT ADMINISTRATIVE SECRETARY

(S E A L)

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Docket No. 800485-WS
 Application of GAC Utilities, Inc.,
 of Florida Barefoot Bay Div. to
 Amend its water Certificate No. 7-W
 and Sewer Certificate No. 3-S

DOCKET NO. 800485-WS
 ORDER NO. 9526
 ISSUED: 9-9-80

The following Commissioners participated in the disposition of this matter:

ROBERT T. MAHN, CHAIRMAN
 WILLIAM T. MAYO
 GERALD L. GUNTER
 JOSEPH F. CRESSE
 JOHN R. MARKS, III

ORDER EXTENDING CERTIFICATE

BY THE COMMISSION:

On May 29, 1980, GAC Utilities Inc., of Florida filed an application with this Commission seeking to amend Certificate Nos. 7-W and 3-S to include territory in Brevard County, Florida.

The applicant has submitted proof of notification to all utilities registered with this Commission within ten miles of the area applied for and to the Brevard Board of County Commissioners pursuant to Section 367.061(3), Florida Statutes. Proof of publication of Notice in a newspaper of general circulation, once a week for three consecutive weeks on June 4, 11, and 18, 1980 in the area to be added was filed. There were no protests to the application and the time for filing same has expired.

The appropriate filing fee has been paid. We have considered the supportive data submitted and find it to be in compliance with applicable rules and statutes. It is, therefore,

ORDERED by the Florida Public Service Commission that Certificate Nos. 7-W and 3-S held by GAC Utilities, Inc., of Florida be and the same are hereby amended to include additional territory in Brevard County, Florida, as delineated in Exhibit "A", more particularly depicted as follows:

From the Northeast corner of Section 15, Township 30 South, Range 38 East proceed Southerly along the East boundary of Section 15 a distance of 300 feet to the Point of Beginning. Thence South 00 deg 32 min 45 sec East along the Northeast boundary of Section 15, a distance of 1,034 feet, more or less, to a point described as the Southeast corner of N.E. 1/4, N.E. 1/4 of Section 15 of said Township and Range; thence South 89 deg 39 min 20 sec West along the South boundary of the N.E. 1/4, N.E. 1/4 of said Section 15, a distance of 1331.17 feet to the Southwest corner of the N.E. 1/4, N.E. 1/4 of said Section 15; thence North 00 deg 32 min 12 sec for a distance of 11.20 feet; thence South 89 deg 32 min 20 sec West a distance of 330.01 feet along a line described as the South boundary of the North 1320 feet of the N.W. 1/4, N.E. 1/4 of said Section 15; thence North 00 deg 32 min 12 sec West a distance of 330 feet to a point on the North boundary of the South 330 feet of the North 1320 feet of the N.W. 1/4 of N.E. 1/4 of said Section 15; thence South 89 deg 32 min 20 sec West a distance of 335.43 feet from said point along said boundary line; thence South 00 deg 32 min 12 sec East a distance of 330 feet to a point on the South boundary of the North 1320 feet of the N.W. 1/4 of the N.E. 1/4 of said Section 15; thence South 89 deg 32 min 20 sec West along said boundary line a distance of 343.26 to a point on the East boundary of the West 10 acres of the

N.W. 1/4 of the N.W. 1/4 of said Section 15; thence North 00 deg 31 min 40 sec along said boundary line a distance of 1,050 feet, more or less, to a point 280 feet South of the North boundary line of said Section 15; thence North 89 deg 32 min 20 sec East a distance of 2335 feet, more or less to the Point of beginning.

Begin at a point, which is the intersection of the South boundary of Micco Road and the extension of the West boundary of East Lark Drive, said point lying within the Northeast quarter of Section 16, Township 30 South, Range 38 East, thence Westerly along the South boundary of Micco Road to the West boundary of the Southeast 1/4 of said Section 16, thence North 00 deg 33 min 44 sec West along said West boundary line to the centerpoint of Section 9. Township 30 South, Range 38 East; thence Easterly along the East-West centerline of said Section 9 to the North periphery of waterway; thence Southeasterly then Northeasterly along the North periphery of said waterway a distance of 2560 feet, more or less, to a point intersecting the extension of the West boundary of East Lark Drive and the North periphery of said waterway; thence South 53 deg 40 min 00 sec East a distance of 820 feet, more or less, then South 12 deg 10 min 00 sec West a distance of 1970 feet, more or less, along the West boundary of East Lark Drive to the point of beginning.

Begin at the Northeast corner of the S.E. 1/4 of the N.W. 1/4 of Section 9, Township 30 South, Range 38 East; proceed North 00 deg. 33 min, 44 sec West along the West boundary line of the N.W. 1/4 of said Section 9, a distance of 1341 feet, more or less, to the North 1/4 corner of said Section 9, thence North 89 deg 49 min 54 sec East along the North boundary of Section 9, continuing along said boundary line to the Northwest 1/4 corner of Section 10; thence South 00 deg 38 min 31 sec East along the West boundary of the N.E. 1/4 of said Section 10 to the centerpoint of Section 10; thence Northwesterly to the intersection of the extension of the center line of Block 119 with the Eastern boundary of South Waterway Drive; thence South 51 deg 25 min 00 sec West a distance of 1100 feet, more or less; thence North 89 deg 55 min 00 sec West a distance of 400 feet, more or less, thence North 51 deg 25 min 00 sec West a distance of 1,700 feet, more or less; thence North 15 deg 30 min 00 sec East a distance of 540 feet, more or less, to a point, said point being the intersection of the Easterly boundary of East Barefoot Circle and the North boundary of the S.E. 1/4 of the N.E. 1/4 of said Section 9; thence North 8 deg 44 min 36 sec West along said boundary line to the Point of Beginning.

Begin at the Southeast corner of Section 10, Township 30 South, Range 38 East, said corner being the intersection of the centerline of Micco Road and the Eastern boundary of Section 10; thence Westerly along the Southern boundary of Section 10 a distance of 2,700 feet, more or less, to the North-South center line of said Section 10; thence North 600 feet, more or less; along the North-South center line; thence East 1,150 feet, more or less; thence North 200 feet, more or less; thence East 1,400 feet, more or less; thence North 77 deg 00 min East a distance of 120 feet, more or less; to the Eastern boundary of Section 10; thence Southerly along said boundary line to the Point of Beginning

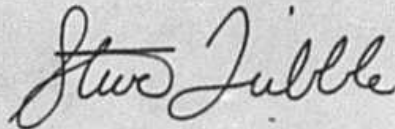
It is, further,

ORDER NO. 9526
DOCKET NO. 800485-WS
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ORDERED that GAC, Utilities, Inc., of Florida shall submit Certificate Nos. 7-W and 3-S to the Commission within twenty (20) days of the date of this order for appropriate amendatory entries.

By Order of the Florida Public Service Commission, this 9th day of September 1980,

ARS



Steve Tribble
COMMISSION CLERK