

MEMORANDUM

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March 25, 1998

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12:00

FPSC - Records/Reporting

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (BRUBAKER, JAEGER) *JSB* *AI*

RE: DOCKET NO. 971498-WU - APPLICATION FOR AMENDMENT OF  
CERTIFICATE NOS. 347-W TO DELETE TERRITORY IN MARION  
COUNTY BY MARION UTILITIES, INC.

98-0429-FOF-WU

Attached is an ORDER AMENDING CERTIFICATE TO DELETE TERRITORY AND CLOSING DOCKET, to be issued in the above-referenced docket.

(Number of pages in order - 9)

JSB/lw

Attachment

cc: Division of Water and Wastewater (Redemann, Crouch)

I:971498or.jsb

*faxed - 1/0*  
*mailed -*

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for amendment  
of Certificate No. 347-W to  
delete territory in Marion  
County by Marion Utilities, Inc.

DOCKET NO. 971498-WU  
ORDER NO. PSC-98-0429-FOF-WU  
ISSUED: March 26, 1998

The following Commissioners participated in the disposition of this matter:

JULIA L. JOHNSON, Chairman  
J. TERRY DEASON  
SUSAN F. CLARK  
JOE GARCIA  
E. LEON JACOBS, JR.

ORDER AMENDING CERTIFICATE TO DELETE  
TERRITORY AND CLOSING DOCKET

BY THE COMMISSION:

Marion Utilities, Inc. (Marion or utility) provides water and wastewater service to approximately 4,311 water customers and 118 wastewater customers in Marion County, Florida. The utility's 1996 annual report shows an annual operating revenue of \$932,844 and a net operating income of \$80,004. Marion is a Class A utility and holder of Certificate No. 347-W.

Based on a settlement agreement with Decca Utilities, Inc. (Decca), on November 13, 1997, Marion applied for an amendment to delete three areas from Water Certificate No. 347-W, pursuant to Rule 25-30.036, Florida Administrative Code. 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 to delete area. The application contains a check in the amount of \$100, which is the correct filing fee pursuant to Rule 25-30.020, Florida Administrative Code.

Adequate service territory and system maps and a territory description have been provided as prescribed by Rule 25-30.036(4), Florida Administrative Code. A description of the three parcels of territory to be deleted by the utility is appended to this Order as Attachment A, which by reference is incorporated herein. Parcel A

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

ORDER NO. PSC-98-0429-FOF-WU  
DOCKET NO. 971498-WU  
PAGE 2

was granted to the utility in Docket No. 910770-WU, Parcel B was approved in Docket No. 970117-WU, and Parcel C was approved in Docket No. 880547-WU.

The utility has submitted an affidavit consistent with Section 367.045, 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 have been received and the time for such has expired. The local planning agency was provided notice of the application and did not file a protest to the amendment.

The utility states that the provision of service will be consistent with the utility section of the local comprehensive plan. No service is currently provided by the utility in these three areas. Parcels A and B are presently zoned commercial and will require water and wastewater service as well as fire flows in order to be developed. Marion can only provide water service to this area at this time. Decca Utilities has applied to provide water and wastewater service to these areas in Docket No. 971157-WS. Parcel C is being purchased by Decca and will become part of the Oak Run Development. As stated in the application, Decca is serving all of Oak Run, and it is logical that Decca be allowed to serve this area also. The addition of these areas into Decca's territory will be addressed in Docket No. 971157-WS.

The utility has filed revised tariff sheets incorporating the deletion of territory into its tariff and returned its certificate for entry reflecting the deletion of territory.

Based on the above information, we find it is in the public interest to grant Marion's application to delete the territory described in Attachment A from Water Certificate No. 347-W. No further action is required and this docket is hereby closed.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Certificate No. 347-W, held by Marion Utilities, Inc., 710 N.E. 30th Avenue, Ocala, Florida 34470, is hereby amended to delete the territory described in Attachment A of this Order, which by reference is incorporated herein. It is further

ORDERED that this docket is hereby closed.

ORDER NO. PSC-98-0429-FOF-WU  
DOCKET NO. 971498-WU  
PAGE 3

By ORDER of the Florida Public Service Commission this 26th  
day of March, 1998.

BLANCA S. BAYÓ, Director  
Division of Records and Reporting

By: Kay Flynn  
Kay Flynn, Chief  
Bureau of Records

( S E A L )

JSB

ORDER NO. PSC-98-0429-FOF-WU  
DOCKET NO. 971498-WU  
PAGE 4

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), 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.

MARION UTILITIES, INC.

MARION COUNTY

DELETION OF WATER SERVICE AREA - PARCEL A

Commence at the East 1/4 Corner of Section 25, Township 16 South, Range 20 East, Marion County, Florida; Thence North along the East Boundary of said Section 25 a Distance of 9.80 Feet to the Southerly Right-of-Way of S.W. 103rd Street Road (Hialeah Boulevard, 100' wide); Said Point being on a Curve Concave Northeasterly, having a radius of 1550.00 Feet and a Central Angle of 7°00'41"; Thence Northwesterly along said Right-of-Way curve a Chord Bearing and Distance of North 76°20'18" West, 189.56 Feet to the Point of Tangency of said Right-of-Way curve; Thence North 72°49'57" West along said Southerly Right-of-Way Line 1475.00 Feet to a Point of Curvature of a Curve Concave to the Northeast, having a radius of 1450.00 Feet and a Central Angle of 17°18'38"; Thence Northwesterly along said Right-of-Way curve, a Chord Bearing and Distance of North 81°29'16" West, 436.42 Feet to the Point of Tangency of Said Curve; Thence South 89°51'25" West, along said Southerly Right-of-Way Line 798.76 Feet to the Point of Curvature of a Curve Concave to the Northeast, having a radius of 800.00 Feet and a Central Angle of 41°42'47"; Thence Northwesterly along said Right-of-Way Curve through a Central Angle of 23°37'32", a Chord Bearing and Distance of North 78°19'49" West, 327.54 Feet to the Point of Beginning; Thence continue along said Right of Way Curve through a Central Angle of 18°05'15" a Chord Bearing and Distance of North 57°28'26" West, 251.50 Feet to the Point of Tangency of Said Curve; Then North 48°25'48" West along said Southerly Right-of-Way line 267.69 Feet to a Point on the Southerly Right-of-Way Line of State Road 200 (100 Feet wide); Thence South 41°34'12" West along said Southeasterly Right of Way Line of State Road 200 a Distance of 1327.64 Feet to a Point on the South Boundary of the North 1/2 of said Section 25; Thence North 89°12'16" West, along said South Boundary of the North 1/2 of aforesaid Section 25 a distance of 844.29 Feet; Thence North 00°47'44" West, 318.41 Feet; Thence North 35°27'53" East 275.00 Feet; Thence South 71°18'49" East 220.00 Feet; Thence North 23°28'58" East 214.59 Feet to the Point of Beginning.

Containing 12.50 Acres, more or less.

MARION UTILITIES, INC.

MARION COUNTY

DELETION OF WATER SERVICE AREA - PARCEL B

A portion of Sections 24 & 25, Township 16 South, Range 20 East, Marion County, Florida, more particularly described as follows: COMMENCE at the S.E. Corner of Section 24, Township 16 South, Range 20 East; Thence South  $88^{\circ}47'30''$  West, along the South Boundary of Said Section, 2076.37 Feet to the Point of Beginning, Said Point being on the Southeasterly Right-of-Way Line of State Road 200 (a 100.00 Foot Right-of-way); Thence South  $41^{\circ}34'12''$  West, along said Right-of-Way, 1332.02 Feet; Thence South  $48^{\circ}25'48''$  East, a distance of 250.00 Feet; Thence North  $41^{\circ}34'12''$  East, a distance of 200.00 Feet; Thence South  $48^{\circ}25'48''$  East, a distance of 249.08 Feet to a Point on Curve, concave to the Northwest, having a Radius of 1583.98 Feet, a Central Angle of  $04^{\circ}30'32''$ , and a chord of 124.62 Feet bearing North  $37^{\circ}21'16''$  East, said Point being on the Northwesterly Right-of-Way line of S.W. 84th Avenue Road (a 60.00 Foot Right-of-Way); Thence Northeasterly along said curve and Right-of-Way; 124.65 Feet to a Point of Tangency; Thence North  $35^{\circ}06'00''$  East, a distance of 238.14 Feet to the Point of Curvature of a Tangent Curve, concave to the Southeast, having a radius of 1505.00 Feet and a central angle  $12^{\circ}17'08''$ ; thence Northeasterly along said curve, a distance of 322.71 Feet to a Point of Tangency; Thence North  $47^{\circ}23'08''$  East, a distance of 283.64 Feet to the Point of Curvature of a Tangent Curve, concave to the Northwest, having a radius of 1946.86 Feet and a central angle of  $05^{\circ}48'56''$ ; thence Northeasterly along said curve, a distance of 197.61 Feet to a Point of Tangency; Thence North  $41^{\circ}34'12''$  East, a Distance of 137.56 Feet; Thence departing from the Northwesterly Right of Way of S.W. 84th Avenue Road, North  $48^{\circ}25'48''$  West, a distance of 250.00 Feet; Thence North  $41^{\circ}34'12''$  East, a distance of 300.00 Feet; Thence North  $48^{\circ}25'48''$  West, a distance of 250.00 Feet to the Northwesterly Right-of-Way of State Road 200, Thence South  $41^{\circ}34'12''$  West, along said Right-of-Way, 467.98 Feet to the Point of Beginning.

ORDER NO. PSC-98-0429-FOF-WU  
DOCKET NO. 971498-WU  
PAGE 7

ATTACHMENT A  
Page 3 of 5

MARION UTILITIES, INC.

MARION COUNTY

DELETION OF WATER SERVICE AREA - PARCEL B

Less and Except:

(Note: This area will remain in Marion Utilities, Inc. Service Area.)

COMMENCE at the S.E. Corner of Section 24, Township 16 South, Range 20 East; Thence S.88°47'30"W., along the South Boundary of Said Section, 2076.37 Feet to the Point of Beginning, Said Point Being on the Southeasterly Right of Way Line of State Road 200 (A 100.00 Foot Right of Way); Thence S.41°34'12"W., along Said Right of Way, 832.02 Feet; to the Point of Beginning; Thence Continue S.41°34'12"W., along Said Right of Way 300.00 Feet; Thence S.48°25'48"E., a Distance of 499.08 Feet, to a Point on Curve, Concave to the Northwest, Having a Radius of 1583.98 Feet, a Central Angle of 04°30'32", and a Chord of 124.62 Feet Bearing N.37°21'16"E., Said Point Being on the Northwesterly Right of Way Line of Said S.W. 84th Avenue Road; Thence Northeasterly along Said Curve and Right of Way, 124.65 Feet to a Point of Tangency; Thence N.35°06'00"E., a Distance of 176.84 Feet; Thence Departing from the Northwesterly Right of Way of S.W. 84th Avenue Road, N.48°25'48"W., a Distance of 499.08 Feet to the Point of Beginning.

MARION UTILITIES, INC.

MARION COUNTY

DELETION OF WATER SERVICE AREA - PARCEL C

A parcel of land lying in Section 30, Township 16 South, Range 21 East, Marion County, Florida, being more particularly described as follows:

COMMENCE at the S.W. Corner of Section 30, Township 16 South, Range 21 East, Marion County, Florida; Thence North  $00^{\circ}40'51''$  East along the West Boundary of said Section 30 and the West Boundary of "Palm Cay Unit II", a distance of 1096.97 Feet to a Point on the South Boundary of "Palm Cay", Thence North  $89^{\circ}53'31''$  East along a Common Boundary of aforesaid "Palm Cay" and "Palm Cay Unit II", 75.01 Feet, Thence North  $00^{\circ}40'51''$  East along said Common Boundary 125.00 Feet, Thence North  $89^{\circ}53'51''$  East along said common Boundary 125.01 Feet; Thence North  $00^{\circ}40'51''$  East along said Common Boundary 74.14 Feet; Thence North  $89^{\circ}55'51''$  East along said Common Boundary 13.23 Feet; Thence North  $00^{\circ}39'58''$  East along said Common Boundary 120.01 Feet; Thence North  $89^{\circ}55'51''$  East along the North Boundary of Aforesaid "Palm Cay Unit II", 1330.72 Feet to the Point of Beginning; Thence continue North  $89^{\circ}55'51''$  East along said North Boundary 59.78 Feet; Thence South  $00^{\circ}40'51''$  West along an East Boundary of "Palm Cay Unit II", 618.94 Feet; Thence North  $89^{\circ}55'31''$  East along a North Boundary of Palm Cay Unit II", 1196.53 Feet thence South  $00^{\circ}40'51''$  West along the East Boundary of "Palm Cay Unit II", 851.28 Feet to the South Line of the Said Section 30; thence North  $89^{\circ}39'32''$  West, along said South Line, 1296.56 Feet, Thence North  $00^{\circ}42'05''$  East along the Boundary of said described lands 3,981.53 Feet to the Southerly Right of Way Line of S.W. 103rd Street Road (Hialeah Boulevard, 100 Ft. Wide), said Point Being on a Curve Concave To the Northeast, having a radius of 868.45 Feet and a Central Angle of  $4^{\circ}16'53''$ ; Thence Northwesterly along Said Right of Way Curve an Arc Distance of 64.89 Feet, with a Chord Bearing and Distance of North  $78^{\circ}44'55''$  West, 64.88 Feet, to the N.E. Corner of "Kings Court"; Thence South  $00^{\circ}21'52''$  West along the East Boundary of said "Kings Court" 822.22 Feet to the

ORDER NO. PSC-98-0429-FOF-WU  
DOCKET NO. 971498-WU  
PAGE 9

ATTACHMENT A  
Page 5 of 5

MARION UTILITIES, INC.

MARION COUNTY

DELETION OF WATER SERVICE AREA - PARCEL C

S.E. Corner of Said "Kings Court" and a Point on the North Line of said Lands; Thence South  $89^{\circ}55'51''$  W along the South Boundary of said "Kings Court" and said North Line of said described Lands, 2026.42 Feet; Thence North  $00^{\circ}35'24''$  East along the East Boundary of Said Described Lands 1113.45 Feet to the Southerly Right-of-Way Line of Aforementioned S.W. 103rd Street Road; Thence North  $89^{\circ}47'34''$  West along said Southerly Right of Way Line 469.00 Feet; Thence South  $00^{\circ}35'24''$  West, a Distance of 1115.71 Feet to the S.W. corner of Said Described Lands and the Point of Beginning.