

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for amendment
of Certificates Nos. 223-W and
167-S to add territory in Duval
County By Ortega Utility
Company.

DOCKET NO. 980298-WS
ORDER NO. PSC-98-1150-FOF-WS
ISSUED: August 25, 1998

ORDER AMENDING CERTIFICATES TO INCLUDE
ADDITIONAL TERRITORY AND CLOSING DOCKET

BY THE COMMISSION:

Background

Ortega Utility Company (Ortega or utility), is a Class B utility located in Duval County, Florida. Ortega owns and operates water and wastewater systems in three separate communities: Blanding, Herlong, and Airport. According to its 1997 annual report, Ortega serves approximately 1,400 water and wastewater customers with combined annual operating revenues of \$1,404,551 and a combined net income of \$237,690.

Application

On February 26, 1998 the utility applied for a "quick take" amendment to Water Certificate No. 223-W and Wastewater Certificate No. 167-S in Duval County, Florida pursuant to Rule 25-30.036(2), 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. The application contains a check in the amount of \$200 which is the correct filing fee pursuant to Rule 25-30.020, Florida Administrative Code. The applicant has provided evidence, in the form of warranty deeds, that the utility owns the land upon which the utility's facilities are located as required by Rule 25-30.036(3)(d), Florida Administrative Code.

Adequate service territory and a territory description have been provided as prescribed by Rule 25-30.036(3)(e), and (i), Florida Administrative Code. A description of the territory requested by the utility is described in Attachment A of this Order.

DOCUMENT NUMBER-DATE

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Ortega 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 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. As evidence of the need for service, the utility has received a copy of a consent order between the Department of Health and the customer in the service area.

The utility states that the new territory will not exceed a maximum of 25 ERCs at the time the territory is built out. No other utility is in the area, or is willing and/or capable of providing reasonably adequate service to the territory.

We have contacted the Department of Environmental Protection and learned that there are no outstanding notices of violation issued for this system. The rates and charges approved by the Commission shall be applied to customers in the new service territory. The utility has filed revised tariff sheets incorporating the additional territory into its tariff and returned its certificate for entry reflecting the additional territory.

In accordance with Rule 25-30.030, Florida Administrative Code, a request for service expansion shall be considered approved if no protest is timely filed to the application. As stated earlier, no protests have been filed and the time for such has expired.

Based on the above information, we find that it is in the public interest to acknowledge the quick take amendment application for Ortega Utility Company and amend Certificates Nos. 223-W and 167-S to add the additional territory described in Attachment A, which by reference, is incorporated herein.

It is, therefore,

ORDERED by the Florida Public Service Commission that Certificates Nos. 223-W and 167-S, held by Ortega Utility Company are hereby amended to include the territory described in Attachment A of this Order, which by reference is incorporated herein. It is further

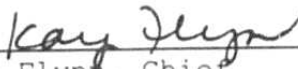
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ORDERED that Ortega Utility Company, Inc., shall charge the customers in the territory added herein the rates and charges approved in its tariff until authorized to change by this Commission. It is further

ORDERED that Docket No. 980298-WS is hereby closed.

By ORDER of the Florida Public Service Commission this 25th day of August, 1998.

BLANCA S. BAYÓ, Director
Division of Records and Reporting



Kay Flynn, Chief
Bureau of Records

(S E A L)

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(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

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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.

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ATTACHMENT A

ORTEGA UTILITY COMPANY

DUVAL COUNTY

SERVED FROM THE BLANDING WATER AND WASTEWATER TREATMENT PLANTS

WATER AND WASTEWATER SERVICE

The Department of Navy, DRMO FACILITY

Township 3 South, Range 26 East

In Section 44

A parcel of land located in Section 44, Township 3 South, Range 26 East, being a portion of the John H. McIntosh Grant, being more particularly described as follows:

Beginning at the intersection of the westerly right-of-way of U.S. Highway 17 (State Road No. 15) and the southerly boundary of Section 44, Township 3 South, Range 26 East; thence North 85°44'10" West, 644.54 feet; thence North 15°13'00" East, 2757.98 feet; to the westerly right-of-way of said U.S. Highway 17; thence along the westerly right-of-way of said U.S. Highway 17 in a southerly direction, along a curve concave eastward, having a chord of length 2710.42 feet and bearing South 01°42'59" West, a length of 2735.67 feet to the Point of beginning, containing 12.36 acres more or less.