

MACFARLANE FERGUSON & McMULLEN

ATTORNEYS AND COUNSELORS AT LAW

900 HIGHPOINT CENTER
106 EAST COLLEGE AVENUE
TALLAHASSEE, FLORIDA 32301
(850) 681-7381 FAX (850) 681-0281

400 NORTH TAMPA STREET, SUITE 2300
P.O. BOX 1531 (ZIP 33601)
TAMPA, FLORIDA 33602
(813) 273-4200 FAX (813) 273-4396

625 COURT STREET
P. O. BOX 1669 (ZIP 33757)
CLEARWATER, FLORIDA 33756
(813) 441-8966 FAX (813) 442-8470

IN REPLY REFER TO:

September 30, 1999

Tampa Office

Public Service Commission
Records and Reportings
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

DEPOSIT DATE
D199 OCT 04 1999

991486-WU

Gentlemen:

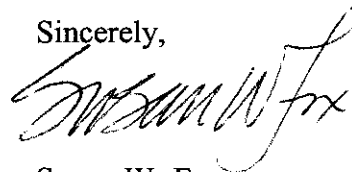
Enclosed please find an original and 15 copies of an Application For Deletion of Service Area -- Emergency or Temporary Relief Requested, a diskette, and the required filing fee of \$100.

We are uncertain if a filing fee is required, and therefore, we enclose a fee in the amount that would be required of a utility filing a similar petition.

Please notify us of the docket number assigned.

Also, please note that this Petition requests emergency or temporary relief. We hope that this can be placed on the November 2, 1999 Agenda Conference.

Sincerely,



Susan W. Fox

SWF/ce

Enclosures

MAIL ROOM
69 OCT - 1 AM 11:49
RECEIVED
FLORIDA PUBLIC
SERVICE COMMISSION

11876-99

IN THE PUBLIC SERVICE COMMISSION
OF THE STATE OF FLORIDA

DOCKET NO. 991486-44

In Re: Application of Ellis & Company, Ltd. (Holiday Mall) to be deleted
from territory in Pasco County served by Floralino Properties, Inc.

**APPLICATION FOR DELETION OF SERVICE AREA
- EMERGENCY OR TEMPORARY RELIEF REQUESTED**

- (1) The complete name and address of applicant is

Ellis & Company, Ltd.
23 E. Tarpon Ave.
Tarpon Springs, FL 34689
- (2) The complete name and address of the certificated utility affected by the
petition is:

Floralino Properties, Inc.
4157 Marine Parkway - Suite C
New Port Richey, FL 34652
- (3) Applicant is in need of potable water and fire safety service for property at:

Holiday Mall
3406 U.S. Hwy. 19
Holiday, FL
- (4) Floralino is unable to supply the needed service based on the following
facts:
 - a. In connection with designing a fire sprinkler system for Kash 'N Karry
Store No. 1848 due to open at the Holiday Mall on November 17,
1999, Taylor Fire Protection, a licensed fire safety contractor, deter-
mined that the fire protection water supply is insufficient to support

DOCUMENT NUMBER-DATE

11876 OCT-18

FPSC-RECORDS/REPORTING

the design requirement of a hydraulic system per NFPA 13, for occupancies of this kind (Exhibit 1). In these tests, available system PSI was well below system demand to supply the fire sprinklers for the new store, and marginal for existing fire sprinkler systems.

- b. A representative of Floralino Properties was present at the time the tests were taken and took steps to improve system PSI and verified that all pumps, wells and valves were operating, but the system still did not have sufficient PSI to meet demand.
 - c. During the course of testing, Taylor Fire Protection also discovered:
 - (i) that Floralino's existing firelines were not of approved materials in accordance with NFPA 24, local or state standards for underground fire mains; (ii) that 4" PVC schedule 40 piping was used to supply Floralino's fire hydrants, contrary to NFPA minimum standards (Exhibit 2). These materials create a danger of collapse when in use by fire pumper truck to activate the fire sprinklers.
- (5) Floralino has proposed to install a new 6" pressure sustaining valve to help maintain pressure, however, has not proposed to replace the materials that are below code. The proposed valve has not been shown to be effective in maintaining pressure, and will not be available within the time service is needed.
- (6) Pasco County Utilities provides service to the east side of the Holiday Mall and is willing to provide service if a release is obtained from Floralino or if permission is granted by the Commission. Pasco provides service of sufficient pressure to be reliable in the event of fire and meets the minimum fire safety standards discussed above.
- (7) Floralino has been plagued with chronic low water pressure problems, See Order Nos. PSC-95-0142-FOF-WU 20653 (1989), Order No. 17907 (1987). The public interest is not served by dependence on Floralino's small, unreliable system for fire protection for a large commercial facility.
- (8) The territory to be deleted from Floralino's service territory is:
- Tract 38 and that portion of Tract 39 of Tampa-Tarpon Springs Land Co. Subdivision of Section 19, Township 26 South, Range 16 East, as shown on plat recorded in Plat Book 1, Pages 68, 69, and 70 of the public records of Pasco County, Florida, lying East of U.S. Highway No. 19 (State Road No.

55) as it is now constructed; LESS AND EXCEPT the following described portions of said tracts:

1. Commence at the Northwest corner of the Southeast 1/4 of said Section 19; thence run along the North boundary of the Southeast 1/4 of said Section 19, N 89°-14'-00" E a distance of 404.21 feet; thence S 4°-26'-28" W a distance of 15.05 feet to the South right of way line of Moog Road for a POINT OF BEGINNING; thence continue S 4°-26'-28" a distance of 185.00 feet; thence S 89°-14'-00" W a distance of 150.00 feet to the Easterly right of way line of State Road No. 55, Section 14030 (U.S. Highway No. 19) as it is now constructed; thence along said right of way line a distance of 185.01 feet along the arc of a curve to the right, to the South right of way line of Moog Rd. said curve having a radius of 7,507.44 feet and a chord of 185.00 feet which bears N 4°-26'-28" E; thence N 89°-14'-00" E a distance of 150.00 feet to the POINT OF BEGINNING;
2. Commence at the intersection of the Southerly boundary of said Tract 39 and the Easterly right of way line of State Road No. 55 (U.S. Highway No. 19) as it is now constructed for a POINT OF BEGINNING; thence run along the said Easterly right of way line of State Road No. 55, N 1°-24'-23" E a distance of 150.00 feet; run thence N. 89°-16'-17" E a distance of 175.00 feet; thence run S 1°-24'-23" a distance of 150.00 feet; thence run S 89°-16'-17" W a distance of 175.00 feet along the Southerly boundary of said Tract 39 to the POINT OF BEGINNING at the Easterly right of way line of State Road No. 55;
3. Commence at the Northeast corner of Tract 38 for a POINT OF BEGINNING the Northeast corner of said Tract 38 being 15.0 feet South of the North boundary of the Southeast 1/4 of said Section 19; thence run S 0°-23'-57" W a distance of 975.56 feet; thence run S 89°-16'-17" W a distance of 90.0 feet; thence run N 0°-23'-57" E a distance of 360.00 feet; thence run N 89°-14'-00" E a distance of 60.00 feet; thence run W 0°-23'-57" E a distance of 370.00 feet; thence run S 89°-14'-00" W a distance of 80.00 feet; thence run N 0°-23'-57" E a distance of 245.0 feet, more or less, to the Southerly right of way line of Moog Road; thence run W 89°-14'-00" E along said Southerly right of way line of Moog Road a distance of 110.00 feet to the POINT OF BEGINNING.

- (9) The most recent order of the Commission establishing or changing the applicant's rates and charges is:

Order No. PSC-95-0142-FOF-WU in Docket No. 94-558-WU.

This order states that Floralino is a Class C Utility providing water service to approximately 730 customers in Pasco County. According to its 1997 Annual Report, the utility had operating revenues of \$128,805 and operating expenses of \$127,313, resulting in a net operating income of only \$1,492. The utility's service area is located in a water use caution area.

The utility was built out and had had no customer growth since 1987. The utility had not been in compliance with some of the PSC rules, and there were a number of complaints of low water pressure. Its facilities are 100% used and useful.


- (10) On an emergency or interim basis, applicant requests that Pasco County be allowed to provide fire protection service pending resolution of this petition for the following reasons:

- a. The applicant has completely renovated a portion of the Holiday Mall for lease to Kash 'N Karry Store No. 1848 on November 8, 1999.
- b. In order for the opening to proceed, Applicant must obtain a Certificate of Occupancy ("CO"), however, this certificate will be withheld until Applicant has adequate fire safety protection.
- c. If Applicant is unable to obtain the CO, it faces significant loss of lease revenue and potential cancellation of the lease; in addition, the local community will be adversely affected by the loss of jobs and economic activity.
- d. Both Applicant and the local community will be irreparably harmed by delay in resolution of this matter.

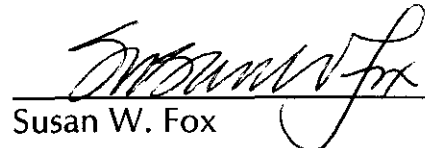
For these reasons, Applicant requests:

- (1) Deletion of Holiday Mall from certificated territory of Floralino Properties, Inc., as to fire safety, water supply, and wastewater service, or, in the alternative, fire safety service alone.

- (2) Temporary or emergency authority to obtain fire safety service from Pasco County effective November 1, 1999.



John F. Pace, Executive Vice President
ELLIS & Company, Ltd.
Post Office Box 1879
Tarpon Springs, Florida 34688



Susan W. Fox
MACFARLANE FERGUSON & McMULLEN
P. O. Box 1531
Tampa, FL 33601
813-273-4212

Attorneys for Ellis & Company, Ltd.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of this Application was served on Floralino Properties, Inc. 5147 Marine Parkway, Suite C, New Port Richey, FL, 34652; and, Pasco County Utilities, Attn: Douglas S. Bramlett, Asst. County Administrator, 7530 Little Road, New Port Richey, FL 34654, by regular U. S. mail on September 30, 1999.



Attorney

Taylor Fire Protection, Inc.

4647 Lown Street, St. Petersburg, FL 33714
Phone (813) 522-3812 • FAX (813) 522-3773



NEW AREA CODE 727

July 9, 1999

Anchor Construction of Tampa, Inc.
4501 West Ohio Avenue
Tampa, FL 33614
Attn: Kevin Halpin, Project Manager

Re: Kash N'Karry Store 1848
Holiday Mall & Tenant Space Alterations
Holiday, FL
Fire Protection Water Supply

Gentlemen:

It has come to our attention, through trying to develop our fire sprinkler design for the above referenced project, that the fire protection water supply is insufficient to support the design requirements of a hydraulic system per NFPA13, for occupancies of this type.

This is based on two (2) water flow tests on 6/24/99 at 2:30p.m. and 7/7/99 at 2:00p.m. All testing equipment used was calibrated and all tests were conducted to NFPA13 standards for determining water supplies for fire sprinkler system usage.

The first test on 6/24/99 was conducted by Taylor Fire Protection, Inc. and the local utility company with the assistance of Anchor Construction. Two hydrants located on the eastside of the job site were used for the testing since they are closest to the point of connection of the backflow preventor which supplies all of the existing and proposed new sprinkler systems in question.

All static and residual readings were taken from hydrant #1 (please refer to drawing 1 attached) and all pitot and flow readings were taken from hydrant #2.

Test #1 results: Static 70 psi
 Residual 35 psi
 Flow 686 gpm w/pitot of 14psi

Hydrant #2 was flowing for 7 minute with no change in pressure or flow.

NOTE: The local utility company representative went to the closest pump/well station to ensure that all 3 pumps were ready and online if needed.

Based on this information, Taylor Fire Protection Inc. hydraulically calculated the gridded sprinkler system, as was bid, for the Kash N'Karry store using both a 14.5 and 11.5 "K"-factor for extended coverage sprinklers. In both cases the water supply was insufficient. Please see below:

Sprinkler	Static PSI	Residual PSI	@	Flow GPM	System		
					Available PSI	Demand GPM	System PSI
K=14.5	70.0	35.0		686.0	32.4	713.4	35.7
K=11.5	70.0	35.0		686.0	32.6	711.2	48.1



Anchor Construction of Tampa, Inc.
Page Two

The system demand in both calculations are over the curve by 3.3psi and 13.5 psi respectively.

We changed the head to 8.10 "K" factor and changed all head spacing to standard 130 square foot increasing the number of lines in the grid system and the number of sprinklers. This system would work (See below):

Sprinkler	Static PSI	Residual PSI	@	Flow GPM	Available PSI	System Demand GPM	System PSI
K=8.10	70.0	35.0		686.0	44.0	584.1	37.0

As you can see this design would have a pressure demand that is 7psi below the curve of this water supply.

Note: Keep in mind this is with the pump/well station on-line because of the flow test.

The second test on 7/7/99 was conducted by Taylor Fire Protection and Anchor Construction (assisting) to reverify the first test. The same test equipment was used in the same testing manner to the same NFPA13 standards.

Test #2 results: Static	67 Psi
Residual	25 Psi
Flow	645 GPM w/Pilot of 12 Psi

Hydrant #2 was flowing for 7 minutes. The first two minutes residual pressure was at 35 psi. Then the pressure dropped to 25 psi and stayed.

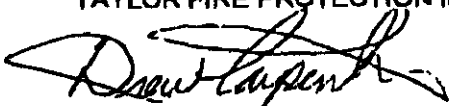
With this new data, Taylor Fire Protection Inc. recalculated the last system design utilizing the K=8.10 heads. It failed by exceeding the supply curve by 5 psi. We changed the sprinkler heads again using the standard head with a "K" factor of 5.60. Again the system design exceeded the water supply curve by 13.1 psi.

Understand that these flow tests may or may not have been conducted during the peak usage time for this area. We would like to suggest that the local utility company check to see that all utility valves supplying this project are fully opened and lines are unobstructed.

Please advise Taylor Fire Protection Inc. when and how this problem will be resolved so we can proceed with finishing our design. If we can be of further assistance in this matter, please feel free to contact us.

Respectfully,

TAYLOR FIRE PROTECTION INC.



Drew Carpenter
Design/Sales

cc: Frank Mudano/Mudano Associates Architects, Inc.

Taylor Fire Protection, Inc.

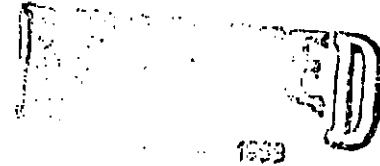
4647 Lown Street, St. Petersburg, FL 33714

Phone (813) 522-3812 • FAX (813) 522-3773



NEW AREA CODE 727

August 31, 1999



GOZA and HALL, P.A.]

Goza and Hall, P.A.
28050 U.S. 19 North
Suite 402, Corporate Square
Clearwater, FL 33761-2654

Re: Holiday Mall - Kash N' Karry/Retails
Fire Sprinkler System water supply/demand

Dear Mr. Hall:

In mid-May of this year, Taylor Fire Protection Inc. was contracted by Mudano Associates and Ellis & Company Ltd. to install an 8" x 8" wet tap and valve on the existing 8" fire line and extend a new 8" line north by 30 feet. (The existing 8" fire line does not have any shut-off valves.)

During our excavation, we found that the existing 8" fire line was not of approved materials in accordance with N.F.P.A. 24, local or state standards for underground fire mains. We also found 4" PVC, schedule 40 piping supplying fire hydrants. Again, this is clearly not in keeping with minimum standards requirements. This may account for some of the low flows recorded in our testing of June 24, 1999 and July 7, 1999. (Please refer to our letter of July 9, 1999 to Anchor Construction of Tampa, Inc. of which a copy is attached.)

Our review of H2O Utility Services, Inc. letter dated August 2, 1999 suggests that our fire flow tests were not representative of the full capacity of Colonial Manor water system when, in fact, it does represent what may occur in any 24 hour period should a fire break out as the system stands now. Not enough water and a system that doesn't meet standards!



Page Two
Goza and Hall, P.A.

One of the first things a fire company responding to an alarm will do will be to attach it's 2,000 GPM pumper truck to the nearest fire hydrant and to the buildings sprinkler riser siamese and charge the system with 150 - 200 pounds of pressure. This will create a suction on the underground system that could collapse the underground main. This is one of the reasons there are standards for underground fire mains, materials and installation.

This life safety system must be able to function 24 hours a day at designed capacity at minimum. The installation of a new 6" pressure sustaining valve may help to maintain pressure and volume, but it's still supplying an out of code system.

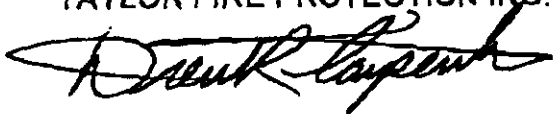
We have hydraulically calculated the most demanding area/hazard in the Kash N' Karry store to the current Pasco County water supply, through the new 8" proposed supply with a safety factor of 8 PSI. This is using high density/fire challenging sprinklers and allows for future development on the system.

We would like to suggest that the proposed 8" fire main from U.S. 19 North to the eastside of the property be considered as a first option because of the reliability of the source and system being installed in accordance with minimum fire standards.

We also recommend that the local fire authority be made aware of the current water supply situation for their own knowledge until this is rectified.

Respectfully,

TAYLOR FIRE PROTECTION INC.



Drew Carpenter
Designer

cc: Mudano Associates
Ellis & Co., Ltd.

MACFARLANE FERGUSON & McMULLEN

ATTORNEYS AND COUNSELORS AT LAW

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Please notify us of the docket number assigned.

Also, please note that this Petition requests emergency or temporary relief. We hope that

ELLIS & CO., LTD.
NATIONSBANK, BANK BLDG.
TARPON SPRINGS, FL 34689

NationsBank
NationsBank of Florida, N.A.
Tarpon Springs, Florida

63-27 230
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CHECK NO. 6214

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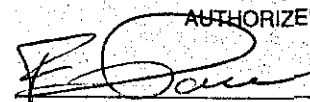
One Hundred And 00/100 Dollars***

PAY
TO THE
ORDER
OF

Clerk

119.07(1)(z), Florida Statutes: Bank account numbers or debit, charge, or credit card numbers given to an agency for the purpose of payment of any fee or debt owing are confidential and exempt from subsection (1) and s.24(a), Art. 1 of the State Constitution . . .

AUTHORIZED SIGNATURE



MP

Application

MACFARLANE FERGUSON & McMULLEN

ATTORNEYS AND COUNSELORS AT LAW

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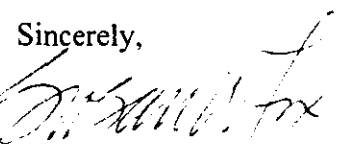
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Check received from person
forwarded to Public Service Commission.
Filing fee enclosed & enclosed check
to P.A.M. with proof of deposit.

Initials of person who forwarded check:
SWF

Sincerely,

Susan W. Fox

SWF/ce

Enclosures

MAIL ROOM
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NOV 2 1999
PUBLIC SERVICE COMMISSION
TALLAHASSEE, FLORIDA

11876-99

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FOR: Application

99 OCT -1 AM 11:49

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NATIONS BANK, BANK BLDG.
TARPON SPRINGS, FL 34689

NationsBank
NationsBank of Florida, N.A.
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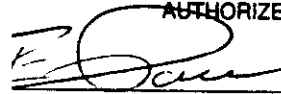
One Hundred And 00/100 Dollars***

Clerk of Florida Public Service Comm

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9/30/99

Clerk of Florida Public Service Comm

FOR: Application

STATE OF FLORIDA

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



DIVISION OF RECORDS & REPORTING
BLANCA S. BAYO
DIRECTOR
(850) 413-6770

Public Service Commission

October 11, 1999

Susan W. Fox, Attorney
Macfarlane Ferguson & McMullen Law Office
Post Office Box 1531
Tampa, Florida 33601

Re: Docket No. 991486-WU

Dear Ms. Fox:

This will acknowledge receipt of an application by Floralino Properties, Inc. for amendment of Certificate No. 153-W to delete Ellis & Company, Ltd. (Holiday Mall) from territory in Pasco County, which was filed in this office on October 1, 1999 and assigned the above-referenced docket number. Appropriate staff members will be advised.

Mediation may be available to resolve any dispute in this docket. If mediation is conducted, it does not affect a substantially interested person's right to an administrative hearing. For more information, contact the Office of General Counsel at (850) 413-6078 or FAX (850) 413-6079.

Division of Records and Reporting
Florida Public Service Commission