

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

DOCKET NO. 991104-WU
ORDER NO. PSC-02-1047-FOF-WU
ISSUED: August 2, 2002

ORDER AMENDING CERTIFICATE NO. 347-W, CONFORMING TERRITORY
DESCRIPTIONS AND CLOSING DOCKET

Marion Utilities, Inc. (Marion or utility) is a Class A utility which provides service in Marion County to approximately 4,724 water and 118 wastewater customers. The utility is primarily in the St. Johns River Water Management District all of which is considered a water use caution area. The utility's 2001 annual report shows a combined water and wastewater annual operating revenue of \$1,119,363 and a net operating income of \$115,889.

We assumed jurisdiction over the privately-owned utilities in Marion County on May 5, 1981. By Order No. 10566, issued February 3, 1982, in Docket No. 820018-W, the utility was granted an original certificate for a system it obtained after we assumed jurisdiction in Marion County. During this same time, we were processing the utility's application for a grandfather certificate for its systems that were in operation on the date we gained jurisdiction in Marion County. By Order No. 11568, issued on January 31, 1983, in Docket No. 810259-W, the utility's existing certificate was amended to reflect the territory for its twelve systems that were in operation on the date we assumed jurisdiction in Marion County. Over the years, there have been twenty-seven additional territory amendments to the utility's certificate.

Pursuant to Section 367.045, Florida Statutes, on August 13, 1999, the utility voluntarily applied for an amendment to Water Certificate No. 347-W to correct a legal description for one of its existing systems. The utility currently provides water service to approximately 22 customers in an area known as the Ponderosa. The legal description in Order No. 11568 which granted the utility the Ponderosa territory contained the wrong township, section, and range references. This problem appears to have been created at the time of certification for this territory. As a result of this discovery, we suspected that other areas served by Marion may be incorrectly described in our orders. An expanded review of the

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territory descriptions for all of the utility's service areas was performed. The territory descriptions for several additional systems were found to be in question.

The following is a description of the areas currently being served by the utility which are incorrectly described in or omitted from our orders. The descriptions also include the appropriate language to conform the utility's territory descriptions to its current service territory. In addition, we are revising existing territory descriptions using the section, township, and range format.

Ponderosa. Order No. 11568, issued on January 31, 1983, in Docket No. 810259-W, incorrectly describes a residential area known as Ponderosa "Tall Pines" which is located approximately twenty-five miles from the actual Ponderosa area served by the utility. The utility provided the correct legal description in its application in Docket No. 810259-W, although it contained references to government lots. In our effort to describe the legal description using section, township, and range references, we inadvertently described the Ponderosa "Tall Pines" area instead of the Ponderosa area served by the utility. Order No. 11568 describes the territory as Township 14 South, Range 26 East, Section 12. The correct legal description is Township 17 South, Range 24 East, Section 6. In addition, the utility has provided a metes and bounds description of the service area. Further, the utility has noticed the existing Ponderosa customers of its intent to conform the legal description.

The utility's approved service territory shall reflect the Ponderosa territory currently being served by the utility in Township 17 South, Range 24 East, Section 6, including the metes and bounds description as shown in Attachment A, and exclude the reference to Township 14 South, Range 26 East, Section 12.

Tall Pines and Pine Manor. Order No. 11568 incorrectly describes the Tall Pines and Pine Manor parcels of the Fore Acres service area as being the East 1/2 of the Southeast 1/4 of the Southeast 1/4 of Township 14 South, Range 22 East, Section 28 as a result of a typographical error. The utility provided the correct legal description and notice in its application in Docket No. 810259-W. The correct area is the West 1/2 of the Southeast

1/4 of the Southeast 1/4 of Township 14 South, Range 22 East, Section 28. Specifically, Tall Pines is located in the West 1/2 of the West 1/2 of the Southeast 1/4 of the Southeast 1/4 of Township 14 South, Range 22 East, Section 28, except commencing at the Southwest corner of the Southeast 1/4 of the Southeast 1/4, East 100 feet, North 218 feet, West 100 feet, and South 218 feet to the Point-of-Beginning, and except the South 25 feet thereof. Pine Manor is located in the East 1/2 of the West 1/2 of the Southeast 1/4 of the Southeast 1/4 of Township 14 South, Range 22 East, Section 28, except the South 25 feet of the Northeast 49th Street right-of-way.

The utility's approved service territory shall reflect the Tall Pines and Pine Manor territory currently being served by the utility in the West 1/2 of the Southeast 1/4 of the Southeast 1/4 of Township 14 South, Range 22 East, Section 28 as shown in Attachment A, and exclude the incorrect reference to the East 1/2 of the Southeast 1/4 of the Southeast 1/4 of Township 14 South, Range 22 East, Section 28.

Cedar Hills. Order No. 11568 incorrectly describes the Cedar Hills service area as being the Southeast 1/4 of Township 15 South, Range 22 East, Section 27, except the Northeast 1/4 of the Southeast 1/4 of Section 27. The utility provided the correct legal description and notice in its application in Docket No. 810259-W which clearly included the Northeast 1/4 of the Southeast 1/4 of Section 27.

The utility's approved service territory shall reflect the Northeast 1/4 of the Southeast 1/4 of Township 15 South, Range 22 East of Section 27 as shown in Attachment A.

Hillside Acres. Order No. 11568, issued on January 31, 1983, in Docket No. 810259-W, omitted the Hillside Acres parcel of the Fore Acres service area even though the utility clearly provided the correct legal description and notice for Hillside Acres in its application. The utility's approved service territory shall reflect the Hillside Acres parcel described as the West 1/2 of the South 1/2 of the Northeast 1/4 of the Southeast 1/4 of Township 14 South, Range 22 East, Section 28 as shown in Attachment A.

Georgetowne. Order No. 11568, issued on January 31, 1983, in Docket No. 810259-W, incorrectly omitted the territory description for the Georgetowne parcel of the Fore Acres service area even though the utility clearly requested and noticed the Georgetowne area in its application. The utility's approved service territory shall reflect the Georgetowne parcel described as the East 1/2 of the West 1/2 of the Northeast 1/4 of the Northeast 1/4 of Township 14 South, Range 22 East, Section 33 as shown in Attachment A.

Rainbow Lake Estates. A small area located in the Rainbow Lake Estates parcel was omitted from Order No. 11568. The order included portions of Sections 27, 34, 35, and 36 in Township 15 South, Range 18 East; however, it failed to include the South 200 feet of the Southwest 1/4 of Township 15 South, Range 18 East, Section 26 which was requested and noticed by the utility in its application. The utility's approved service territory shall reflect the portion of Rainbow Lake Estates that was omitted from Order No. 11568, which is described as the South 200 feet of the Southwest 1/4 of Township 15 South, Range 18 East, Section 26 as shown in Attachment A.

Kings Court, Hidden Oaks, and Glen Manor. The utility was authorized to serve Kings Court, Hidden Oaks, and Glen Manor in Order No. 19578, issued on June 28, 1988, in Docket No. 880547-WU. The territory was described in the order using references to Marion County Property Appraiser parcel numbers located in Township 16 South, Range 21 East, Section 30. Although we accepted this description at the time of the amendment, we find that the legal descriptions for these areas shall be revised using a metes and bounds format as shown in Attachment A.

The utility's application is in compliance with the governing statute, Section 367.045, Florida Statutes, and other pertinent statutes and administrative rules concerning applications for amendment of certificate. The application contained a check in the amount of \$100 which is the correct filing fee pursuant to Rule 25-30.020, Florida Administrative Code. The applicant has provided evidence 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 system maps and territory description have been provided as prescribed by Rule 25-30.036(3)(e), (f) and (i), Florida Administrative Code. A description of the affected territories is appended to this recommendation as Attachment A. The utility has filed an affidavit consistent with Section 367.045(2)(d), Florida Statutes, that it has tariffs and annual reports on file with the Commission.

Due to the nature of this case, no new utility plant additions will occur since all of the territories affected in this application have been served by the utility for an extended period of time. Therefore, no impact on the monthly rates and charges is expected.

The utility has demonstrated the financial and technical expertise to provide quality service to these customers. The Department of Environmental Protection has no outstanding violations, citations, or notices of violation issued to the utility and it has served the affected areas without difficulty for many years.

Based on the above information, we find that Marion Utilities, Inc.'s application to amend its territory, as described in Attachment A, is hereby granted. The rates and charges approved by us shall continue to be applied to customers of the affected areas as detailed in the body of this Order until changed by us. The utility has filed revised tariff sheets correcting the areas of concern and returned its certificate for entry reflecting the corrected territory.

Based on the foregoing, it is

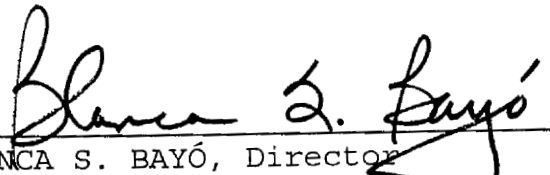
ORDERED by the Florida Public Service Commission that the application for amendment to Water Certificate No. 347-W by Marion Utilities, Inc., is hereby approved to include the territory described in Attachment A of this Order, which is incorporated herein by reference. It is further

ORDERED that the service territory of Marion Utilities, Inc. is conformed as described in the body of this Order and to the territory descriptions provided in Attachment A of this Order, which is incorporated herein by reference. It is further

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ORDERED that this docket is hereby closed.

By ORDER of the Florida Public Service Commission this 2nd day of August, 2002.



BLANCA S. BAYÓ, Director
Division of the Commission Clerk
and Administrative Services

(S E A L)

JKF

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

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the Commission Clerk and Administrative Services, 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 the Commission Clerk and Administrative Services 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.
Corrected Water Territory Descriptions
Marion County

Ponderosa:

Township 17 South, Range 24 East
Section 6

Thence South 87°55'37" West along the North boundary of said tract 444.36 feet to the Northwest corner of said tract, said point also being the Northeast corner of a tract of land as described in deed book 251, page 415, public records of said Marion County; thence continue South 87°55'07" West along the North boundary of said tract 369.77 feet to the Northwest corner of said tract, said point also being on the West boundary of a tract of land as described in deed book 305, page 5, public records of said Marion County; thence North 1°25'45" West along said West boundary and continuing along a Northerly projection of said West boundary 802.14 feet to a point West from the Point of Beginning; thence East 1,379.03 feet to the Point of Beginning.

Fore Acres:

Township 14 South, Range 22 East
Sections 28 and 33

Fore Acres:

The East 1/2 of the Southeast 1/4 of the Southwest 1/4 of said Section 28, and the West 1/2 of the Southeast 1/4 of said Section 28, and the South 998.0 feet of the Southwest 1/4 of Northeast 1/4, except the North 255.0 feet of the East 175.0 feet of the South 720.0 feet of said Southwest 1/4 of Northeast 1/4 of Section 28, and the Northwest 1/4 of the Northeast 1/4 of said Section 33.

Hillside Acres:

The West 1/2 of the South 1/2 of the Northeast 1/4 of the Southeast 1/4 of said Section 28.

Pine Manor:

The East 1/2 of the West 1/2 of the Southeast 1/4 of the Southeast 1/4 of Section 28, except the South 25 feet of the Northeast 49th Street Right-of-Way.

Tall Pines:

The West 1/2 of the West 1/2 of the Southeast 1/4 of the Southeast 1/4 of said Section 28, except commencing at the Southwest corner of the Southeast 1/4 of the Southeast 1/4, East 100 feet, North 218 feet, West 100 feet, and South 218 feet to the Point-of-Beginning, and except the South 25 feet thereof.

Georgetowne:

The East 1/2 of the West 1/2 of the Northeast 1/4 of the Northeast 1/4, except the North 25.0 feet of Road Right-of-Way, and except the East 132.0 feet of the North 190.0 feet of the East 1/2 of the West 1/2 of the Northeast 1/4 of the Northeast 1/4, in said Section 33.

Cedar Hills:

Township 15 South, Range 22 East

Section 27

The Southeast 1/4 of Section 27 of Township 15 South, Range 22 East, lying South of the CSX Transportation - Florida Northern Railroad tracks

Rainbow Lake Estates:

Township 15 South. Range 18 East.

Sections 26, 27, 34, 35, and 36

The South 1/4 of the East 3/4 of said Section 27,

AND

The North 1/6 of said Section 35

AND

The North 1/4 of said Section 36 West of U.S. Highway 41,

AND

The East 1/2 of the Northeast 1/4 of the Northeast 1/4 of said Section 34

AND

The South 200 feet of the Southwest 1/4 of said Section 26

Section 36

Rainbow Acres Unit One, and Rainbow Acres Second Addition
Replat.

Kings Court, Glen Manor, Hidden Oaks:

Township 16 South, Range 21 East

Section 30

Commence at the Southeast corner of Section 30, Township 16 South, Range 21 East;
thence West along the South boundary of said Section 1351.39 feet;
thence North $00^{\circ}42'05''$ East 2302.81 feet to the Southerly Right-of-Way Line of Southwest 103rd Street Road (Hialeah Boulevard, 100 feet 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 Point of Beginning which is the Northeast corner of Kings Court; thence South $00^{\circ}21'52''$ West along the East boundary of said "Kings Court" 822.22 feet to the Southeast corner of said "Kings Court"; thence West $89^{\circ}55'51''$ South; 3826.16 feet; thence North $00^{\circ}35'24''$ East 1234.03 feet to the Southerly Right-of-Way line of aforementioned Southwest 103rd Street Road; thence East along said Southerly Right-of-Way line 3833.32 feet; to the Point of Beginning.