

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Application for amendment of Certificate No. 427-W to add territory in Marion County, by Windstream Utilities Company.	DOCKET NO. 050272-WU ORDER NO. PSC-05-0767-FOF-WU ISSUED: July 25, 2005
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The following Commissioners participated in the disposition of this matter:

BRAULIO L. BAEZ, Chairman
J. TERRY DEASON
RUDOLPH "RUDY" BRADLEY
LISA POLAK EDGAR

ORDER ACKNOWLEDGING AMENDMENT OF CERTIFICATE
NO. 427-W IN MARION COUNTY

BY THE COMMISSION:

Windstream Utilities Company (Windstream or utility) is a Class B water utility. According to its 2004 annual report, Windstream serves approximately 1,201 water customers with combined annual operating revenues of \$478,358 and a combined net income of \$7,918. Windstream has a number of noncontiguous water systems in Marion County. The proposed area is in the Southwest Florida Water Management District. The area is not in a water use caution area, but lawn watering is restricted to twice a week. On April 15, 2005, the utility filed an initial application for a "Quick Take" amendment to Water Certificate No. 427-W in Marion County, Florida, pursuant to Rule 25-30.036(2), Florida Administrative Code. The utility's completed application was filed on June 13, 2005. As explained below, we acknowledge Windstream's application to expand its certificated territory. We have jurisdiction pursuant to Section 367.045, Florida Statutes.

The "Quick Take" amendment is designed to provide water and/or wastewater service quickly for areas that serve less than 25 ERCs. Typically, a well or septic tank fails or service is otherwise not available and service is needed as soon as possible. The request for service territory expansion and amendment of an existing certificate is considered approved when the utility complies with Rule 25-30.036(2), Florida Administrative Code, and no protest is timely filed to the notice of application.

Windstream's application is the result of customers requesting service that need fire and water service from the Majestic Oaks water system. According to the application, Marion County's Utility Manual now requires fire flow capacity. Windstream installed a water tower in 2003, so it could provide fire flow in the area. The utility states that the new territory will not exceed a maximum of 25 ERCs at the time the territory is built out. The utility will provide service to a commercial park and a church that need potable water and fire protection service. According to Windstream, no other utility in the area is willing and/or capable of providing reasonably adequate service to the territory.

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FPSC-COMMISSION CLERK

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. Windstream's Majestic Oaks water system has three 12 inch wells. Disinfection is provided by liquid chlorine. Water pressure is provided by two hydro-pneumatic tanks and a 200,000 gallon elevated water tower.

Adequate service territory maps 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 proposed amendment territory is appended to this order as Attachment A. The utility 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 filing such has expired. The local planning agency was provided notice of the application and did not file a protest to the amendment.

Our staff has contacted the Department of Environmental Protection (DEP) and learned that there are no outstanding notices of violation issued for Windstream's Majestic Oaks water system. The utility has filed revised tariff sheets incorporating the additional territory into its tariff and returned its certificate for entry reflecting the additional territory.

Based on the above information, we find it is in the public interest to acknowledge the "Quick Take" amendment application filed by Windstream to add the additional territory described in Attachment A. The rates and charges approved by the Commission for Windstream's Majestic Oaks service area should be applied to the customers in the new service territory.


Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Windstream's application to amend Certificate No. 427-W to include territory described in Attachment A to this Order is acknowledged. It is further

ORDERED that Windstream shall charge the new customers the rates and charges contained in Windstream's tariff until authorized to change by this Commission. It is further

ORDERED that this docket shall be closed.

By ORDER of the Florida Public Service Commission this 25th day of July, 2005.



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

(S E A L)

JAR

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 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 COUNTY
WINDSTREAM UTILITIES COMPANY
MAJESTIC OAKS
EXTENTION OF WATER SERVICE TERRITORY

Southwest Christian Church

Parcel 1:

The West 584.50 feet of the North 440.00 feet of Section 21, Township 16 South, Range 21 East, Marion County, Florida, except the West 40 feet for Right-of-Way of S.W. 60th Avenue and except the North 40 feet thereof.

Parcel 2:

The East 544.50 feet of the West 1,129 .00 feet of the North 400 feet of Section 21, Township 16 South, Range 21 East, Marion County, Florida, except the North 40 feet thereof.

Boyd Commercial Park

Commence at the West 1/4 corner of Section 8, Township 16 South, Range 21 East, Marion County, Florida; thence North 89°55'54" East along the South boundary of the North 1/2 of said Section 8 a distance of 3,318.24 feet to the S.E. corner of the S.W 1/4 of the S.W. 1/4 of the N.E 1/4 of said Section 8 and the Point of Beginning; thence North 00°06'34" East along the East boundary of said S.W. 1/4 of the S.W 1/4 of the N.E. 1/4 a distance of 662.69 feet to a concrete monument on the monumented South boundary of "Bahia Oaks Unit No. Five" as per Plat thereof, recorded in Plat Book "L" Page 71 of the Public Records of aforesaid Marion County; thence North 89°54'32" East along said monumented South boundary 663.48 feet to a concrete monument; thence continuing along said monumented South boundary and along the South boundary of "Bahia Oaks Unit No. Four" as per Plat thereof, recorded in Plat Book "L", Page 70 of aforesaid Public Records, South 69°19'47" East a distance of 554.47 feet to a Non-tangent Intersection with the Westerly Right-of Way of State Road No. 200 (width varies) as per Florida Department of Transportation Right-of Way Map, Section 36110-2521, said Point being on a curve concave Northwesterly, having a radius of 22,833.31 feet and a Central Angle of 00°23'21"; thence Southwesterly along said Right-of-Way curve an arc distance of 155.05 feet; subtended by a chord bearing and distance of South 43°01'12" West 155.05 feet to the Point of Reverse curvature of a Right-of-Way curve concave Southeasterly, having a radius of 23, 003.31 feet and a Central Angle of 01°02'46" thence Southwesterly along said Right-of-Way curve an arc distance of 420.01 feet, subtended by a chord bearing and distance of South 42°41'29" West 420.01 feet; thence departing said Right-of-Way along a non-tangent line lying 45.00 feet North

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of (as measured at right angles) and Parallel to the aforesaid South boundary of the North 1/2 of Section 8, South 89°55'54" West 377.12 feet; thence North 00°05'31" East 125.15 feet to a concrete monument, thence South 89°59'12" West 150.08 feet to a concrete monument; thence South 00°05'31" West 170.29 feet to the aforesaid South boundary of the North 1/2 of Section 8, thence South 89°55'54" West along said South boundary 265.67 feet to the Point of Beginning. Containing 13.55 acres, more or less.