

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Territory correction for Hideaway water and wastewater systems held by FIMC Hideaway, Inc. in Levy County.	DOCKET NO. 100015-WS ORDER NO. PSC-10-0112-FOF-WS ISSUED: February 25, 2010
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The following Commissioners participated in the disposition of this matter:

NANCY ARGENZIANO, Chairman
LISA POLAK EDGAR
NATHAN A. SKOP
DAVID E. KLEMENT
BEN A. "STEVE" STEVENS III

ORDER CORRECTING LEGAL DESCRIPTION

BY THE COMMISSION:

FIMC Hideaway, Inc. (FIMC or Utility) is a Class C utility serving approximately 186 water and 148 wastewater customers in the Hideaway and Springside developments. The Utility was granted water and wastewater certificates in 1984 to serve the Hideaway development when Levy County turned jurisdiction over to this Commission in 1983.¹ The Hideaway systems were transferred in 1992,² and there was a subsequent transfer of majority organizational control to the current owners in 2005.³ In 2009, this Commission approved the transfer of the Springside water and wastewater systems from Par Utilities, Inc. to FIMC Hideaway, Inc.⁴

Following our approval of the Utility's most recent transfer, an error was discovered in the legal description of the original Hideaway service territory that was approved when the Hideaway water and wastewater service territory was initially granted by this Commission. This order corrects the legal description reflected in our prior orders. We have jurisdiction to consider this matter pursuant to Section 367.045, Florida Statutes.

¹ Order No. 13497, issued July 10, 1984, in Docket No. 830552-WS, In re: Application of Hideaway Service, Inc. for a certificate to operate a water and sewer utility in Levy County.

² Order No. 25584, issued January 8, 1992, in Docket No. 910672-WS, In re: Application for transfer of Certificates Nos. 426-W and 362-S from Hideaway Service, Inc. to FIMC Hideaway, Inc. in Levy County.

³ Order No. PSC-05-0298-PAA-WS, issued March 18, 2005, in Docket No. 040152-WS, In re: Application for transfer of majority organizational control of FIMC Hideaway, Inc. in Levy County from Florida Investors Mortgage Corporation, a Florida corporation, to Robert and Janet McBride.

⁴ Order No. PSC-09-0279-PAA-WS, issued April 29, 2009, in Docket No. 080268-WS, In re: Joint Application for transfer of the Springside water and wastewater systems from Par Utilities, Inc. in Levy County to FIMC Hideaway, Inc.; amendment of Certificates 426-W and 362-W held by FIMC Hideaway, Inc.; and amendment of Certificate 428-W and cancellation of Certificate 366-S held by Par Utilities, Inc.

DOCUMENT NUMBER-DATE

01274 FEB 25 09

FPSC-COMMISSION CLERK

The original territory description includes the Northeast 1/4 of the Northeast 1/4 of the Southeast 1/4 of Section 25 (approximately 10 acres). However, upon review of the Utility's original certificate application, it appears that the second "Northeast 1/4" was included in the legal description in error and the application was intended to have been for the Northeast 1/4 of the Southeast 1/4 of Section 25 (approximately 40 acres).

The approved legal description does not include all of the platted community that the Utility was serving in 1984 when the grandfather certificates were approved. Although the Utility's grandfather application described the lesser area (the Northeast 1/4 of the Northeast 1/4 of the Southeast 1/4 of Section 25), the acreage of the territory served, which was included in the grandfather application along with the legal description, and the number of lots served are in the Northeast 1/4 of the Southeast 1/4 of Section 25. The Utility has confirmed that the Hideaway systems have always served this entire area.

Since the Utility has been serving the affected customers since 1984, we believe that the customers would be confused by a notice of a corrected legal description at this time. In addition, we do not believe that a show cause is warranted because the Utility and its predecessors were only serving the area they believed was originally granted to the Hideaway systems. There does not appear to have been any attempt on the part of the Utility to deliberately serve territory different from that authorized by Commission orders. Also, the Utility has included the revenues for all the customers it serves in its Annual Reports and Regulatory Assessment Fees.

Based on the above, the corrected legal description of the original Hideaway water and wastewater service territory shown in Attachment A is hereby approved. This order shall serve as Certificate Nos. 426-W and 362-S and shall be retained by FIMC Hideaway, Inc.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the corrected legal description of the original FIMC Hideaway, Inc. development water and wastewater service territory shown in Attachment A is hereby approved. It is further

ORDERED that this order shall serve as Certificate Nos. 426-W and 362-S and shall be retained by FIMC Hideaway, Inc. It is further

ORDERED that this docket shall be closed.

By ORDER of the Florida Public Service Commission this 25th day of February, 2010.



ANN COLE
Commission Clerk

(S E A L)

LAH

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 Office of Commission Clerk, 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 Office of Commission Clerk, 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.

Territory Description
FIMC Hideaway, Inc.
Levy County

Township 11 South, Range 13 East
Section 25

The Northeast 1/4 of the Southeast 1/4 of Section 25.

FLORIDA PUBLIC SERVICE COMMISSION
authorizes
FIMC Hideaway, Inc.
pursuant to
Certificate Number 426-W

to provide water service in Levy County in accordance with the provisions of Chapter 367, Florida Statutes, and the Rules, Regulations, and Orders of this Commission in the territory described by the Orders of this Commission. This authorization shall remain in force and effect until superseded, suspended, cancelled or revoked by Order of this Commission.

<u>Order Number</u>	<u>Date Issued</u>	<u>Docket Number</u>	<u>Filing Type</u>
13497	07/10/84	830552-WS	Grandfather Certificate (H)
15432	12/09/85	840235-WS	Original Certificate (S)
23970	01/08/91	900408-WS	Transfer Certificate (S)
25584	01/08/92	910672-WS	Transfer Certificate (H)
PSC-99-2112-FOF-WS	10/25/99	991206-WS	Abandonment (S)
PSC-00-0088-PAA-WS	01/10/00	991206-WS	Appointment Receiver (S)
PSC-04-0610-PAA-WS	06/21/04	030407-WS	Transfer System (S)
PSC-05-0298-PAA-WS	03/18/05	040152-WS	Transfer Majority Control (H)
PSC-09-0279-PAA-WS	04/29/09	080268-WS	Transfer System (S)
PSC-10-0112-FOF-WS	02/25/10	100015-WS	Territory Correction (H)

“H” are the orders for the Hideaway systems
“S” are the orders for the Springside systems

FLORIDA PUBLIC SERVICE COMMISSION
authorizes
FIMC Hideaway, Inc.
pursuant to
Certificate Number 362-S

to provide wastewater service in Levy County in accordance with the provisions of Chapter 367, Florida Statutes, and the Rules, Regulations, and Orders of this Commission in the territory described by the Orders of this Commission. This authorization shall remain in force and effect until superseded, suspended, cancelled or revoked by Order of this Commission.

<u>Order Number</u>	<u>Date Issued</u>	<u>Docket Number</u>	<u>Filing Type</u>
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