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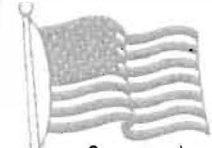
**MARYANNE MORSE**  
Clerk of the Circuit Court  
SEMINOLE COUNTY

P.O. Box 8099

Sanford, Florida 32772-8099

RETURN SERVICE REQUESTED  
CIRCUIT CIVIL

110192-GU  
Notice of proposed PAA order  
returned. Address updated  
in CMS and MCD.  
Letter remailed to:  
Clerk, Board of County Commissioners, Seminole County  
1101 East 1st Street  
Sanford, FL 32771-1468



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T CLASS



UNITED STATES POSTAGE  
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SEP 31 2011

Hong Wang  
2540 Shumard Oak Blvd  
Tallahassee, FL 32399

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DOCUMENT NUMBER-DATE

07197 OCT-3 =

FPSC-COMMISSION CLERK



**MARYANNE MORSE**  
Clerk of the Circuit Court  
Seminole County

11 OCT -3 AM 8 48

September 30, 2011

Hong Wang  
2540 Shumard Oak Blvd  
Tallahassee, FL 32399

RE: CASE #: N/A  
STYLE: Joint Petition for approval of territorial agreement, etc

**Please address the item(s) checked below so we may complete this matter for you:**

- The summons/subpoena issuance fee was not received. Please send \$\_\_\_\_\_.
- Please attach the original summons/subpoena to the original affidavit of service and return for filing. Summons must be completed pursuant to RCP Form 1.902(a)&(b).
- Pleading received was unsigned. Please sign and return for filing.
- Pleading received was a copy. Please provide the original for filing.
- A service charge is required for recording Notices of Lis Pendens in the Official Records. The recording fee is \$5.00 for the first page plus \$4.00 for each additional page. For indexing notices with more than four names, the charge is \$1.00 for each additional name. Amount due is \$\_\_\_\_\_.
- The filing fee received is incorrect. The correct filing fee is \$\_\_\_\_\_.
- We are returning check #\_\_\_\_\_ in the amount of \$\_\_\_\_\_.
- A re-open fee is not due at this time as your case is \_\_\_ pending/\_\_\_ still re-opened.
- A \$50.00 re-open fee is required to re-open your case, pursuant to F.S. 28.241(1)(b). Please remit payment along with your pleading for filing.
- A \$395.00 filing fee is required for a Counter/Cross/Third Party Complaint, pursuant to F.S. 28.241(1)(c)1. Please remit payment along with your pleading for filing.
- The filing fee for your Counter/Cross/Third Party Complaint has not been provided pursuant to F.S. 28.241(1)(c)2. Please remit payment along with your pleading for filing. See Value Sheet for Graduated Filing Fees.
- Please provide a \_\_\_ Civil Cover Sheet/\_\_\_ Value Sheet, as no further action can be taken until received by clerk.
- The \$100.00 fee for a Non-Resident Cost Bond must be paid in Cash, Certified Funds, or a Trust Account Check. Please resubmit bond with correct payment.
- The fee for copy(ies) you have requested is \$\_\_\_\_\_. Please remit payment along with a self addressed stamped envelope, and the copy(ies) will be forwarded to you.
- We are unable to locate this case. Please verify your records.  Pleading is styled for \_\_\_\_\_.
- Other: \_\_\_\_\_

**Please make checks or money orders payable to the Clerk of the Circuit Court.**

**MARYANNE MORSE**  
**CLERK OF THE CIRCUIT COURT**

By:   
Deputy Clerk

C10811.014

DOCUMENT NUMBER-DATE  
07197 OCT-3#  
FPSC-COMMISSIONER CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Joint petition for approval of territorial agreement in Volusia County by Peoples Gas System and Florida Public Utilities Company. | DOCKET NO. 110192-GU  
ORDER NO. PSC-11-0404-PAA-GU  
ISSUED: September 23, 2011

The following Commissioners participated in the disposition of this matter:

ART GRAHAM, Chairman  
LISA POLAK EDGAR  
RONALD A. BRISÉ  
EDUARDO E. BALBIS  
JULIE I. BROWN

NOTICE OF PROPOSED AGENCY ACTION  
AND ORDER APPROVING THE TERRITORIAL AGREEMENT BETWEEN FLORIDA  
PUBLIC UTILITIES COMPANY AND PEOPLES GAS SYSTEM

BY THE COMMISSION:

NOTICE is hereby given by the Florida Public Service Commission that the action discussed herein is preliminary in nature and will become final unless a person whose interests are substantially affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code (F.A.C.).

Case Background

Pursuant to Section 366.04(3)(a), Florida Statutes (F.S.), and Rule 25-7.0471, F.A.C., Florida Public Utilities Company (FPUC) and Peoples Gas System (Peoples) (Petitioners, jointly) filed a May 27, 2011 joint petition for approval of a territorial agreement between the Petitioners related to the provision of natural gas service in the eastern portion of Volusia County. Petitioners own and operate natural gas distribution facilities in various portions of Florida. Peoples operates a natural gas distribution system primarily in the northern portion of Volusia County with its greatest concentration of customers in the Daytona Beach area. FPUC operates a natural gas distribution system in the southern portion of Volusia County, with the greatest concentration of customers in the New Smyrna Beach area.

The Petition states that, in mid-2010, Peoples became aware that FPUC was in negotiations with Florida Gas Transmission Company, LLC (FGT) for the purchase of an FGT lateral transmission line. This line extended south from the FGT mainline in northern Volusia County through a portion of the areas currently identified as the service territory of Peoples, and continues generally south-southeast through the County to the New Smyrna Beach area currently identified as FPUC's service territory. The Petition indicates that FPUC is interested in obtaining the FGT lateral line in connection with planned improvements to its New Smyrna

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FPSC-COMMISSION CLERK

Beach distribution system, and does not intend to duplicate any existing Peoples facilities used to serve customers in the northern areas of Volusia County where Peoples operates. As a result of the discussions between Petitioners, a Territorial Agreement was ultimately made and submitted to us for approval. There is no existing territorial agreement between the Petitioners in Volusia County.

We have jurisdiction over the matter pursuant to Section 366.04, F.S.

#### Territorial Agreement

On May 27, 2011, Peoples and FPUC filed a Joint Petition for us to approve their Volusia County Territorial Agreement. Subsequent to the May 27, 2011 filing, Petitioners filed a July 14, 2001 Amended and Restated Agreement (Agreement), recognizing that FPUC purchased (as of December 2010) from FGT a lateral transmission line in Volusia County extending south-southeast towards its service territory, through an area that Peoples currently serves. The Agreement acknowledged our authority, pursuant to Section 366.04(3)(a), F.S., to approve territorial agreements. Pursuant to Rule 25-7.0471 F.A.C., it was also noted that the Petitioners have entered into the Agreement to avoid any unnecessary and uneconomic duplication of natural gas facilities which would be contrary to our policies, and detrimental to the interests of their customers and the general public. The Agreement includes maps of the agreed upon area along with a written territorial description showing Petitioners' respective service areas. The Agreement basically divides the eastern part of Volusia County in half by a natural boundary line known as the "Spruce Creek Boundary," with Peoples' territory to the north and FPUC's territory to the south.

According to the Petition, Peoples and FPUC shall have the authority to serve all customers within their respective designated areas. Also, Peoples and FPUC agree that each will not provide, offer to serve, or use equipment located in the service area of the other Party or to provide natural gas service to existing or potential customers within the service area reserved to the other Party. However, a circumstance could occur when good engineering practices or economic constraints indicate it is more reasonable for any small service area and/or future natural gas customer within one Party's service area to be served by the other Party. In that situation, the Agreement provides for the other Party to serve upon our approval.

Petitioners propose that, once our order approving the Agreement becomes final and effective, it will be in effect until its termination or modification is mutually agreed upon and approved by us. Also, the Agreement states that termination or modification of the Agreement may also result if mandated by a governmental entity or court with appropriate jurisdiction. The Agreement provides for the Parties to review the Agreement's status prior to second anniversary of its effective date, and no more than every fifth anniversary thereafter, with joint status reports of the Agreement to be filed with us.

FPUC serves a total of 11,160 customers in Volusia County; 4,275 customers are located in the Southeastern portion of Volusia County, south of the Spruce Creek Boundary. The remaining FPUC customers are in the Southwestern portion of Volusia County. All of Peoples 7,351 active customers are located in Northeastern Volusia County, north of the Spruce Creek

Boundary. The Agreement also noted that it does not provide for the transfer of any existing customers or facilities. Therefore, no existing customers will be affected by this Order approving the Agreement.

We find that the Amended Volusia County Territorial Agreement proposed by FPUC and Peoples eliminates existing or potential uneconomic duplication of facilities, and does not cause a decrease in the reliability of natural gas service to existing or future ratepayers. Therefore, we find that the Joint Petition for Approval of the Territorial Agreement between FPUC and Peoples is in the public interest and shall be approved.

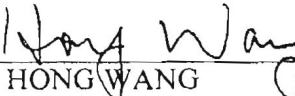
Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the Amended Volusia County Territorial Agreement between Florida Public Utilities Company and Peoples Gas System is hereby approved. It is further

ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective upon the issuance of a Consummating Order unless an appropriate petition, in the form provided by Rule 28-106.201, Florida Administrative Code, is received by the Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth in the "Notice of Further Proceedings" attached hereto. It is further

ORDERED that in the event this Order becomes final, this docket shall be closed.

By ORDER of the Florida Public Service Commission this 23rd day of September, 2011.

  
\_\_\_\_\_  
HONG WANG  
Chief Deputy Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399  
(850) 413-6770  
[www.floridapsc.com](http://www.floridapsc.com)

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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 that is available under Section 120.57, 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 will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

The action proposed herein is preliminary in nature. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, in the form provided by Rule 28-106.201, Florida Administrative Code. This petition must be received by the Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on October 14, 2011.

In the absence of such a petition, this order shall become final and effective upon the issuance of a Consummating Order.

Any objection or protest filed in this/these docket(s) before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Nuclear cost recovery clause.

DOCKET NO. 110009-EI  
ORDER NO. PSC-11-0406-CO-EI  
ISSUED: September 23, 2011

CONSUMMATING ORDER

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.

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 judicial review of Commission orders that is available pursuant to Section 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 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

By Order No. PSC-11-0361-PAA-EI, issued August 29, 2011, this Commission proposed to take certain action, subject to a Petition for Formal Proceeding as provided in Rule 25-22.029, Florida Administrative Code. No response has been filed to the order, in regard to the above mentioned docket. It is, therefore,

ORDERED by the Florida Public Service Commission that Order No. PSC-11-0361-PAA-EI has become effective and final. It is further

ORDERED that this docket shall remain open.

By ORDER of the Florida Public Service Commission this 23rd day of September, 2011.



HONG WANG  
Chief Deputy Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399  
(850) 413-6770  
www.floridapsc.com

ARN

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK



BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for quick-take amendment of  
Certificate No. 278-W in Seminole County by  
Utilities, Inc. of Florida

DOCKET NO. 110142-WU  
ORDER NO. PSC-11-0408-FOF-WU  
ISSUED: September 23, 2011

The following Commissioners participated in the disposition of this matter:

ART GRAHAM, Chairman  
LISA POLAK EDGAR  
RONALD A. BRISÉ  
EDUARDO E. BALBIS  
JULIE I. BROWN

ORDER APPROVING UTILITIES INC. OF FLORIDA'S QUICK TAKE APPLICATION TO  
AMEND CERTIFICATE NO. 278-W IN SEMINOLE COUNTY

BY THE COMMISSION:

+Background

On May 10, 2011, Utilities, Inc. of Florida (UIF or utility) applied for a "Quick Take" application to amend Water Certificate 278-W, in order to expand its existing territory to include three single family residences that are adjacent to the existing certificated area in Seminole County. The UIF water system that is subject to this amendment, the Jansen water system, provides water service to approximately 253 customers. We have jurisdiction pursuant to Section 367.045, Florida Statutes (F.S.).

UIF's Application

On May 10, 2011, UIF applied for a "Quick Take" amendment to Water Certificate No. 278-W in Seminole County, Florida, pursuant to Rule 25-30.036(2), Florida Administrative Code (F.A.C.). The application was completed on May 12, 2011. The requested territory is contiguous to the utility's existing service territory.

We find that the application is in compliance with the governing statute, Section 367.045, F.S., and other pertinent statutes and administrative rules concerning an application for amendment of certificate. Adequate service territory maps and a territory description have been provided as prescribed by Rule 25-30.036(3)(e) and (i), F.A.C. A description of the territory requested by the utility is appended to this Order as Attachment A. The utility has submitted an affidavit consistent with Section 367.045(2)(d), F.S., that it has tariffs and annual reports on file with us.

The "Quick Take" amendment is designed to provide water and/or wastewater service quickly for areas that serve less than 25 Equivalent Residential Connections (ERCs). In this

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case, a property owner has requested that UIF provide central water service. 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), F.A.C., and if no protest is timely filed to the notice of application. No protest was filed in this case, and the time for doing so has expired. The application contains proof of compliance with the noticing provisions set forth in Rule 25-30.030, F.A.C.

The utility states that the new territory will include three existing single family homes that currently receive water service from private wells. One of the homeowners contacted the Utility and requested central water service because they were constructing a new home and no longer wished to use their private well for water service. UIF included that homeowner's lot, as well as two additional lots that are adjacent to the existing service territory. All three homeowners were noticed, and no objection was received. According to UIF, no other utility in the area is willing and/or capable of providing reasonably adequate service to the territory. The application also included a letter of no objection from Seminole County, which expressed that the county is not the utility provider in the area and does not object to UIF providing service. The UIF Jansen water system provides service to the customers in the adjacent existing territory, and would be the system that would provide service to the extension area. The most recent sanitary survey for the UIF Jansen system, conducted by the Florida Department of Environmental Protection on May 11, 2011, lists no deficiencies and states that the water plant is in good operating condition. The rates and charges approved by us for UIF's service area shall be applied to the customers in the new service territory. The utility has filed revised tariff sheets incorporating the additional territory into its tariff.

We hereby approve UIF's application to expand its territory. The territory amendment is described in Attachment A to this Order and shall serve as UIF's amended certificate and shall be retained by the utility. UIF shall charge the customers in the added territory the rates and charges contained in its tariff until authorized to change by us in a subsequent proceeding.

Based on the foregoing, it is

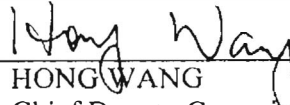
ORDERED by the Florida Public Service Commission that the application of Utilities Inc. of Florida to amend Water Certificate No. 278-W in Seminole County is hereby acknowledged. It is further

ORDERED that the proposed territory amendment, described in Attachment A to this Order, shall serve as Utilities Inc. of Florida's amended certificate and shall be retained by the utility. It is further

ORDERED that Utilities Inc. of Florida shall charge the customers in the added territory the rates and charges contained in its tariff until authorized to change in a subsequent proceeding. It is further

ORDERED that this docket shall be closed.

By ORDER of the Florida Public Service Commission this 23rd day of September, 2011.



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HONG WANG  
Chief Deputy Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399  
(850) 413-6770  
www.floridapsc.com

MFB

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.

**EXTENSION AREA**

A tract of land lying in Seminole County, Florida, being more particularly described as follows:

In Section 19, Township 21 South and Range 29 East

Commence from the Northwest corner of the Southeast 1/4 of Section 19 and run due East a distance of 1311 feet and due South 442.1 feet to the Point of Beginning, run North 64°4'26" East a distance of 387 feet; thence run North 46°39'39" West a distance of 57.4 feet; thence run North 13°58'28" West a distance of 180.2 feet to a point on the shoreline of Bear Lake; thence meander Southwesterly along said shoreline to a point 1,333.8 feet East and 132.8 feet South of the Northwest corner of the Southeast 1/4 of Section 19; thence run South 4°13'0" West a distance of 310.1 feet to the Point of Beginning.

**FLORIDA PUBLIC SERVICE COMMISSION**  
**Authorizes**  
**Utilities, Inc. Of Florida**  
**pursuant to**  
**Certificate Number 278-W**

to provide water service in Seminole 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>
7053	12-17-1975	750719-WS	Transfer of Certificate
7209	04-16-1976	760182-WS	Transfer of Certificate
7562	12-27-1976	760421-WS	Original Certificate
9317	04-04-1980	790969-W	Amendment
10643	03-04-1982	810389-WS	Partial Transfer of Territory to Government
17445	04-22-1987	870306-WU	Amendment
17445-A	05-04-1987	870306-WU	Amendatory Order
18508	12-08-1987	870057-WU	Deletion of Territory
PSC-99-2171-FOF-WU	11-08-1999	981589-WU	Partial Transfer of Territory to Government
PSC-99-2373-FOF-WS	12-06-1999	991288-WS	Partial Transfer of Territory to Government
PSC-04-0078-FOF-WU	01-26-2004	030958-WU	Amendment
PSC-07-0905-FOF-WS	11-08-2007	070325-WU	Amendment
PSC-07-0905-FOF-WS	11-08-2007	070360-WS	Amendment
PSC-11-0408-FOF-WU	09-23-2011	110142-WU	Amendment

