

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application of Aqua Pure Water)	DOCKET NO. 910115-WU
Company for amendment of Certificate)	ORDER NO. 25023
No. 395-W in Marion County.)	ISSUED: 9/6/91

The following Commissioners participated in the disposition of this matter:

SUSAN F. CLARK
J. TERRY DEASON
BETTY EASLEY

ORDER AMENDING CERTIFICATE TO
INCLUDE ADDITIONAL TERRITORY

BY THE COMMISSION:

On February 6, 1991, Aqua Pure Water Company (Aqua Pure or Utility) filed an application with this Commission for amendment of Certificate No. 395-W to include additional territory in Marion County. Aqua Pure has been serving the area since 1985. The Utility currently serves 129 customers, 60 of which reside in the additional territory.

Aqua Pure, A. P. Utilities, Inc. (A. P.) and Marico Properties, Inc. (Marico) were purchased by Philip Woods from Michael Blake on November 30, 1990. The Commission Staff became aware of the transfer in November, 1990. At that time, Mr. Woods was advised of the need to file applications for approval of the transfers. He was also advised of the need to file applications for amendment of Certificate No. 395-W to include all of the territory currently served by the Utility.

On February 6, 1991, Mr. Woods filed five applications. Two of the applications requested approval of the amendment of A. P. and Aqua Pure's certificated territory to include territory the systems are currently serving. Two applications requested approval of the transfers of Aqua Pure and Marico to A. P. The other application, which requested approval of the transfer of majority organizational control of A. P. from Mr. Blake to Mr. Woods, was approved by the Commission on August 6, 1991.

Aqua Pure's Evergreen System was granted a grandfather certificate in 1983. In 1984, after gasoline contaminated the system wells, Aqua Pure purchased water on a temporary basis from the Rolling Green Mobile Home Park. In 1985, the Indian Trails Distribution System was connected to the Evergreen System. However, the Utility's certificate was never amended to include

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this territory. In December of 1987, the Utility purchased the Peppertree Village System as a source of water, but did not amend its certificate. Shortly thereafter, Aqua Pure disconnected from the Rolling Green Mobile Home Park's water system.

We will not initiate a show cause proceeding against Aqua Pure for serving outside of its territory, since the present owner, Mr. Woods, filed the application for amendment upon being advised of the violation.

Application

Except as discussed previously, the application is in compliance with Section 367.045, Florida Statutes, and other pertinent statutes and administrative rules. In particular, the application contains:

1. A filing fee in the amount of \$150, as prescribed by Rule 25-30.020, Florida Administrative Code.
2. Adequate service territory and system maps and a territory description, as prescribed by Rule 25-30.036 (1)(e), (f) and (i), Florida Administrative Code.
3. Proof of compliance with the noticing requirements of Rule 25-30.030, Florida Administrative Code, including notice to the customers in the territory added herein. No objections to the application have been filed and the time for filing such has expired.

According to Rule 25-30.036(1)(d), Florida Administrative Code, a utility must own the land upon which its facilities are located. Although the warranty deed provided by Aqua Pure is in the name of A. P., it is acceptable since the transfer of Aqua Pure to A. P. was approved by the Commission on August 27, 1991.

Mr. Woods is a Registered Professional Engineer and has 20 years experience in developing water systems in Alabama, Florida and several foreign countries. He is in the process of obtaining a certified operators license. In the meantime, he has contracted with Enviro-Masters to operate Aqua Pure. Enviro-Masters operates several water and wastewater systems in Marion and Citrus Counties. In addition, according to the Department of Environmental

Regulation, there are no outstanding notices of violation against Aqua Pure.

An original cost study was performed because of the Utility's lack of records. The systems, when built, cost approximately \$178,318 and the estimated cost of the land is \$16,756. Since the 3 developments, Evergreen, Indian Trails and Peppertree Village, are growing rapidly, there is a need for service in the territory. At build-out, the Utility will serve approximately 150 residential customers in the 3 developments.

As discussed previously, the Evergreen System was granted a grandfather certificate in 1983. After the wells were contaminated by gasoline, the system purchased water from the Rolling Green Mobile Home Park on a temporary basis until a permanent water source was found. In 1985, the Indian Trails System was connected to the Evergreen System. In 1987, Mr. Blake purchased the Peppertree Village System. Mr. Blake did not amend Aqua Pure's certificate to include these systems. We discovered that the Utility was serving outside of its territory when the unregulated entities in Marion County were surveyed. Mr. Blake was advised of the violation, but sold the Utility before he filed for the amendments. The instant application was filed by Mr. Woods to bring Aqua Pure into compliance by amending Certificate No. 395-W to include Indian Trails and Peppertree Village.

Based on the above information, we find that it is in the public interest to amend Certificate No. 395-W to include the territory described in Attachment A of this Order, which by reference is incorporated herein. Aqua Pure has returned the Certificate to the Commission for entry reflecting the additional territory. The Utility has also filed revised tariff sheets reflecting the amendment.

Rates and Charges

The rates and charges currently approved in Aqua Pure's tariff are as follows:

Rates for All Customers

\$9.50 for the first 4,000 Gallons
\$1.00 for each additional 1,000 Gallons

Charges

<u>Meter Installation Fee</u>	<u>Amount</u>
<u>Meter Size</u>	
5/8" x 3/4"	\$ 250
1"	\$ 300
1-1/2"	\$ 325
2"	\$ 350
Over 2"	Actual Cost

Customer Connection (Tap-in) Charge is included with the meter installation fee.

Aqua Pure is directed to charge the customers in the additional territory the rates and charges set forth above until authorized to change by this Commission.

It is, therefore,

ORDERED by the Florida Public Service Commission that Certificate No. 395-W, held by Aqua Pure Water Company, 10865 East Highway 40, Post Office Box 1194, Silver Springs, Florida 32688, is hereby amended to include the territory described in Attachment A of this Order, which by reference is incorporated herein. It is further

ORDERED that Aqua Pure shall charge the customers in the additional territory the rates and charges approved in its tariff until authorized to change by this Commission. It is further

ORDERED that Docket No. 910115-WU is hereby closed.

By ORDER of the Florida Public Service Commission, this 6th day of SEPTEMBER, 1991.



STEVE TRIBBLE Director
Division of Records and Reporting

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), 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 Records and Reporting 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 or sewer utility by filing a notice of appeal with the Director, Division of Records and Reporting 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.

ATTACHMENT A

AQUA PURE WATER COMPANY

TERRITORY DESCRIPTION

The following described lands located in a portion of Section 24, Township 15 South, Range 22 East, Marion County, Florida:

Section 24 (Indian Trails)

The NE 1/4 of the NE 1/4

And the following described lands located in a portion of Section 18, Township 15 South, Range 23 East, Marion County, Florida:

Section 18 (Peppertree)

The SW 1/4 of the SW 1/4

The NW 1/4 of the SE 1/4 of the SW 1/4

The NE 1/4 of the SW 1/4, less and except the following parcel: Commence at the SW corner of the NE 1/4 of said Section, also the P.O.B. Thence run due South 150 feet; thence run due West 220 feet; thence run N 56 degrees West 300 feet to a point parallel to the South Boundary of said 1/4 Section; thence run due East 470 feet to the P.O.B.