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IN REPLY REFER TO:

November 29, 2000

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Public Service Commission
Records and Reportings
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Re: Docket No. 99-1486-WS

Gentlemen:

Enclosed please find the following for proper filing in the above-captioned case:

Amended Application of Ellis & Company, Ltd. (Holiday Mall) to be deleted from territory in Pasco County served by Floralino Properties, Inc. (Original and 15 copies, plus diskette)

Would you please be so kind as to stamp the enclosed copy of this transmittal letter when received and return same to this office in the enclosed stamped self-addressed envelope. Thank you.

Sincerely,

Susan W. Fox

Susan W. Fox

(Signed for attorney to avoid delay)

RECORDED & FILED
Mrs
TAMPA, FLORIDA
NOV 30 2000

- APP _____
- CAF _____ SWF/ce
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- CTR _____ Enclosures
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- LEG _____ cc: Patricia Christiansen
- OPC _____ Tom Walden
- PAI _____
- RGD _____ *Resteman*
- SEC _____
- SER _____
- OTH _____ *Cover letter*

DOCUMENT NUMBER - DATE

~~XXXXXXXXXX~~ DEC-4 8

FPSC-RECORDS/REPORTING

IN THE PUBLIC SERVICE COMMISSION
OF THE STATE OF FLORIDA

DOCKET NO. 99-1486-WS

In Re: Amended Application of Ellis & Company, Ltd. (Holiday Mall) to be deleted from territory in Pasco County served by Floralino Properties, Inc.

AMENDED APPLICATION FOR DELETION OF SERVICE AREA
-- EMERGENCY OR TEMPORARY RELIEF REQUESTED

(1) The complete name and address of applicant is

Ellis & Company, Ltd.
23 E. Tarpon Ave.
Tarpon Springs, FL 34689

(2) The complete name and address of the certificated utility affected by the petition is:

Floralino Properties, Inc.
4157 Marine Parkway - Suite C
New Port Richey, FL 34652

(3) Applicant is in need of potable water and fire safety service for property at:

Holiday Mall
3406 U.S. Hwy. 19
Holiday, FL

(4) Floralino is unable to supply adequate service based on the following facts:

- a. After a pressure test conducted by Taylor Fire Protection, a licensed fire safety contractor, determined that Floralino's fire protection water supply is insufficient to support the design requirement per NFPA 13 for a fire sprinkler system for Kash 'N Karry Store No. 1848 (which opened at the Holiday Mall in November 1999), an application was filed with this Commission to delete Holiday Mall from Floralino's service area;

DOCUMENT NUMBER-DATE

15442 DEC-48

FPSC-RECORDS/REPORTING

Floralino then filed a request to delete its fire protection tariff for Holiday Mall as of October 18, 1999.

- b. Holiday Mall accordingly installed a water line for fire protection purposes to connect to Pasco County Utilities, and paid the tap in fee and had the plans approved by the County, but was informed on November 11, 1999, that Pasco County Utilities would not provide partial service, and that no fire protection service would be provided unless a full release were obtained from Floralino so that Pasco County Utilities could provide potable water service as well.
 - c. Holiday Mall cannot revert back to fire protection service from Floralino because of the inadequate water pressure, and because Taylor Fire Protection also discovered, during the course of testing, (i) that Floralino's existing firelines were not of approved materials in accordance with NFPA 24, local or state standards for underground fire mains; and (ii) that 4" PVC schedule 40 piping was used to supply Floralino's fire hydrants, contrary to NFPA minimum standards. These materials create a danger of collapse when in use by fire pumper truck to activate the fire sprinklers.
 - d. Floralino has abdicated its duty to provide adequate service. Floralino has made no efforts to improve or upgrade its system to meet Applicant's known or anticipated needs.
 - e. In response to directions from PSC Staff, Applicant made a formal request to Floralino to determine whether it had the ability to provide adequate fire service; Floralino refused to respond to that request unless Applicant paid a \$5,000 deposit for "engineering, inspections, and plan review."
- (6) Pasco County Utilities provides service to the east side of the Holiday Mall and has granted emergency temporary fire service under an indemnification agreement dated November 23, 1999, but under the agreement, will only provide such service during the pendency of this application for a period of twenty-four (24) months, and will terminate such service unless this application is granted or unless a release is obtained from Floralino.

- (7) According to Pasco County, the integrity of the water system cannot be maintained unless a single utility provides all forms of water service. Thus, it is Pasco County's official policy not to provide partial utility service.
- (8) Floralino would be unable to provide adequate potable water service to Holiday Mall in any event. Floralino has been plagued with chronic low water pressure problems, See Order Nos. PSC-95-0142-FOF-WU 20653 (1989), Order No. 17907 (1987). The public interest is not served by dependence on Floralino's small, unreliable system for potable water for a large commercial facility. Recent testing has shown that water pressure on Floralino's system does not comply with Rule 62-555.320 (Treatment Plants, Storage, and Distribution Facilities), Fla. Admin. Code.
- 8) The territory to be deleted from Floralino's service territory is:

Tract 38 and that portion of Tract 39 of Tampa-Tarpon Springs Land Co. Subdivision of Section 19, Township 26 South, Range 16 East, as shown on plat recorded in Plat Book 1, Pages 68, 69, and 70 of the public records of Pasco County, Florida, lying East of U.S. Highway No. 19 (State Road No. 55) as it is now constructed; LESS AND EXCEPT the following described portions of said tracts:

1. Commence at the Northwest corner of the Southeast 1/4 of said Section 19; thence run along the North boundary of the Southeast 1/4 of said Section 19, N 89°-14'-00" E a distance of 404.21 feet; thence S 4°-26'-28" W a distance of 15.05 feet to the South right of way line of Moog Road for a POINT OF BEGINNING; thence continue S 4°-26'-28" a distance of 185.00 feet; thence S 89°-14'00" W a distance of 150.00 feet to the Easterly right of way line of State Road No. 55, Section 14030 (U.S. Highway No. 19) as it is now constructed; thence along said right of way line a distance of 185.01 feet along the arc of a curve to the right, to the South right of way line of Moog Rd. said curve having a radius of 7,507.44 feet and a chord of 185.00 feet which bears N 4°-26'-28" E; thence N 89°-14'-00" E a distance of 150.00 feet to the POINT OF BEGINNING:
2. Commence at the southerly boundary of said Tract 39 and the Easterly right of way line of State Road No. 55 (U.S. Highway No. 19) as it is now constructed for a POINT OF BEGINNING; thence run along the said Easterly right of way line of State Road No. 55, N 1°-24'-23" E a distance of 150.00 feet; run thence N. 89°-16'-17" E a

distance of 175.00 feet; thence run S 1°-24'-23" a distance of 150.00 feet; thence run S 89°-16'-17" W a distance of 175.00 feet along the Southerly boundary of said Tract 39 to the POINT OF BEGINNING at the Easterly right of way line of State Road No. 55:

3. Commence at the Northeast corner of Tract 38 for a POINT OF BEGINNING the Northeast corner of said Tract 38 being 15.0 feet South of the North boundary of the Southeast 1/4 of said Section 19; thence run S 0°-23'-57" W a distance of 975.56 feet; thence run S 89°-16'-17: Wi a distance of 90.0 feet; thence run N 0°-23'-57" E a distance of 360.00 feet; thence run N 89°-14'-00" E a distance of 60.00 feet; thence run W 0°-23'-57" E a distance of 370.00 feet; thence run S 89°-14'-00" W a distance of 80.00 feet; thence run N 0°-23'-57" E a distance of 245.0 feet, more or less, to the Southerly right of way line of Moog Road; thence run W 89°-14'-00" E along said Southerly right of way line of Moog Road a distance of 110.00 feet to the POINT OF BEGINNING.

- (9) The most recent order of the Commission establishing or changing the applicant's rates and charges is:

Order No. PSC-95-0142-FOF-WU in Docket No. 94-558-WU.

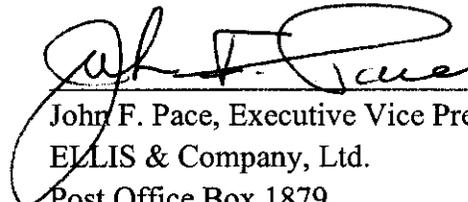
This order states that Floralino is a Class C Utility providing water service to approximately 730 customers in Pasco County. According to its 1997 Annual Report, the utility had operating revenues of \$128,805 and operating expenses of \$127,313, resulting in a net operating income of only \$1,492. The utility's service area is located in a water use caution area.

The utility was built out and had had no customer growth since 1987. The utility had not been in compliance with some of the PSC rules, and there were a number of complaints of low water pressure. Its facilities are 100% used and useful.

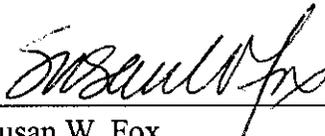
- (10) The service to existing customers may be improved by removing the water demands of Holiday Mall from the Floralino system.

For these reasons, Applicant requests:

- (1) Deletion of Holiday Mall from certificated territory of Floralino Properties, Inc., as to both potable water supply and fire protection service.
- (2) Addition of Holiday Mall to certificated territory of Pasco County effective immediately.
- (3) Emergency or temporary relief in the event needed to maintain service pending this application.



John F. Pace, Executive Vice President
ELLIS & Company, Ltd.
Post Office Box 1879
Tarpon Springs, Florida 34688

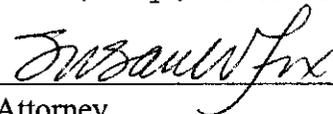


Susan W. Fox
MACFARLANE FERGUSON & McMULLEN
P. O. Box 1531
Tampa, FL 33601
813-273-4212

Attorneys for Ellis & Company, Ltd.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of this Application was served on Floralino Properties, Inc. 5147 Marine Parkway, Suite C, New Port Richey, FL, 34652; and, Pasco County Utilities, Attn: Douglas S. Bramlett, Asst. County Administrator, 7530 Little Road, New Port Richey, FL 34654, by regular U. S. mail on November 29, 2000., and to Gerald T. Buhr, Esq., P. O. Box 1657, Lutz, FL 33548.



Attorney