

State of Florida



Public Service Commission

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TALLAHASSEE, FLORIDA 32399-0850

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COMMISSION
CLERK

-M-E-M-O-R-A-N-D-U-M-

DATE: May 12, 2011

TO: Office of Commission Clerk (Cole)

FROM: Division of Economic Regulation (Simpson)
Office of the General Counsel (Young)

RE: Docket No. 100398-SU – Application for amendment of Certificate No. 164-S to extend territory in Duval County by Commercial Utilities, Division of Grace and Company, Inc.

AGENDA: 05/24/11 – Regular Agenda – Interested Persons May Participate

COMMISSIONERS ASSIGNED: All Commissioners

PREHEARING OFFICER: Brisé

CRITICAL DATES: None

SPECIAL INSTRUCTIONS: None

FILE NAME AND LOCATION: S:\PSC\ECR\WP\100398.RCM.DOC

Case Background

On September 14, 2010, Commercial Utilities, Division of Grace and Company, Inc. (Commercial or Utility) filed an application with the Commission to amend Certificate No. 164-S to add wastewater territory to its service area in Duval County, pursuant to Section 367.045(2), Florida Statutes, (F.S.). Commercial is a Class C utility providing wastewater service to approximately 43 general service customers. The Utility's 2009 annual report shows annual operating revenue of \$246,308 and a net loss of \$65,633.

This application was filed in response to a recent review of the Utility's service territory during a recent staff assisted rate case (Docket No. 100326-SU), which revealed that the Utility is providing wastewater service to areas that are outside of its certificated area. The proposed

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FPSC-COMMISSION CLERK

Docket No. 100398-SU

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amendment is to add six parcels, which are adjacent to the Utility's authorized service territory. The Commission has jurisdiction pursuant to Section 367.045, F.S.

Discussion of Issues

Issue 1: Should Commercial be required to show cause, in writing, within 21 days why it should not be fined for its apparent violation of Section 367.045, Florida Statutes?

Recommendation: No. A show cause proceeding should not be initiated. (Young)

Staff Analysis: During staff's review of Commercial's service territory in a staff-assisted rate case, it was discovered that Commercial was providing service to 17 connections located within six parcels of land outside its certificated service territory. Upon learning of the violation Commercial filed an application to amend its certificate to include the areas outside its service territory. The last application deficiency was corrected on February, 2010.

Section 367.031, F.S., provides that "each utility subject to the jurisdiction of the commission must obtain from the commission a certificate of authorization to provide water or wastewater service." Moreover, Section 367.161(1), F.S., authorizes the Commission to assess a penalty of not more than \$5,000 for each offense, if a utility is found to have knowingly refused to comply with, or to have willfully violated any provision of Chapter 367, F.S. Utilities are charged with the knowledge of the Commission's statutes and rules. Thus, any intentional act, such as Commercial providing wastewater service to the public for compensation since March of 1983, without first obtaining a certificate of authorization from the Commission, would meet the standard for a "willful violation" of Section 367.161(1), F.S. In Order No. 24306, issued April 1, 1991, in Docket No. 890216-TL, In Re: Investigation Into The Proper Application of Rule 25-14.003, Florida Administrative Code, Relating to Tax Savings Refund For 1988 and 1989 For GTE Florida, Inc., having found that the company had not intended to violate the rule, the Commission nevertheless found it appropriate to order the utility to show cause why it should not be fined, stating that "in our view, 'willful' implies an intent to do an act, and this is distinct from an intent to violate a statute or rule." Additionally, "it is a common maxim, familiar to all minds that 'ignorance of the law' will not excuse any person, either civilly or criminally." Barlow v. United States, 32 U.S. 404, 411 (1833).

Although Commercial's failure to obtain certificates of authorization from the Commission prior to charging the public for service is an apparent violation of the statutes, there are circumstances which appear to mitigate the apparent violations. First, the 17 connections were made with the intent to assist developers and to provide a connection to JEA facilities through Commercial's wastewater line. Second, Commercial does not actively advertise for new customers. Third, upon discovery of the error, Commercial proactively took the necessary measures to come into compliance with the Commission's rules. Moreover, no objections to the extension of the territory have been filed. Thus, staff does not believe that the apparent violation of Section 367.031, F.S., rises to the level of warranting a show cause order.

In light of the foregoing, staff recommends that Commercial should not be show caused for providing wastewater service to the public for compensation without first obtaining certificates of authorization from the Commission in apparent violation of Section 367.031, F.S. In addition, staff recommends that Commercial should not be required to refund any portion of its previously unauthorized rates.

Docket No. 100398-SU
Date: May 12, 2011

Issue 2: Should the Commission approve Commercial's application for amendment of Certificate No. 164-S?

Recommendation: Yes. The Commission should approve Commercial's application for amendment of Certificate No. 164-S to include territory as reflected in Attachment A. The resultant order should serve as Commercial's amended certificate and should be retained by the Utility. Pursuant to Rule 25-9.044(1), Florida Administrative Code (F.A.C.), the Utility should charge the customers in the territory added herein the rates and charges contained in its current tariff until authorized to be changed by the Commission. (Simpson)

Staff Analysis: Commercial owns the wastewater collection system used to serve 43 general service customers near the intersection of I-10 and I-295 in Jacksonville. Bulk wastewater treatment service is provided by Jacksonville Electric Authority. Staff discovered that the Utility was serving customers not included in its authorized service territory during a recent staff assisted rate case (Docket No. 100326-SU).

The Utility filed an application with the Commission on September 14, 2010, to amend Certificate No. 164-S to add wastewater territory to its service area in Duval County. The proposed amendment includes six parcels, which are adjacent to the Utility's authorized service territory. The Utility's application is in compliance with governing statute, Section 367.045, F.S., and Rule 25-30.036, F.A.C. The application contains proof of compliance with the noticing provisions set forth in Rule 25-30.036, F.A.C. No objections to the application have been received, and the time for filing such has expired.

Maps of the territory to be served and territory descriptions, as required by Rule 25-30.036(3)(e), F.A.C., have been provided. Descriptions of the six parcels to be amended, in addition to a composite description, are shown in Attachment A. The Utility does not have any outstanding notices of violations. The Utility's wastewater collection system has sufficient capacity to serve the connections. Commercial submitted affidavits consistent with Section 367.045(2)(d), F.S., attesting that it has tariffs and annual reports on file with the Commission.

Based on the above information, staff recommends that it is in the public interest to approve Commercial's application for amendment of Certificate No. 164-S to include territory as reflected in Attachment A. The resultant order should serve as Commercial's amended certificate and should be retained by the Utility. Pursuant to Rule 25-9.044(1), F.A.C., the Utility should charge the customers in the territory added herein the rates and charges contained in its current tariff until authorized to be changed by the Commission.

Docket No. 100398-SU

Date: May 12, 2011

Issue 3: Should this docket be closed?

Recommendation: Yes. If the Commission approves staff's recommendation in Issues 1 and 2, no further action will be necessary, and this docket should be closed. (Young)

Staff Analysis: If the Commission approves staff's recommendations in Issues 1 and 2, no further action will be necessary, and this docket should be closed.

COMMERCIAL UTILITIES, INC.
DESCRIPTION OF TERRITORIES ADDED
DUVAL COUNTY
WASTEWATER

PARCEL 1:

A PORTION OF LAND LYING IN SECTION 24, TOWNSHIP 2 SOUTH, RANGE 25 EAST, AND IN SECTION 19, TOWNSHIP 2 SOUTH, RANGE 26 EAST, DUVAL COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE EASTERLY RIGHT OF WAY LINE OF LANE AVENUE WITH THE SOUTHERLY LIMITED ACCESS RIGHT OF WAY LINE OF INTERSTATE HIGHWAY 10; THENCE EASTERLY ALONG SAID SOUTHERLY LIMITED ACCESS RIGHT OF WAY LINE A DISTANCE OF 1328± FEET TO THE POINT OF BEGINNING; THENCE CONTINUE EASTERLY ALONG SAID SOUTHERLY LIMITED ACCESS RIGHT OF WAY, A DISTANCE OF 1372± FEET TO ITS INTERSECTION WITH THE WESTERLY RIGHT OF WAY LINE OF ELLIS ROAD; THENCE SOUTHERLY ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 330± FEET TO ITS INTERSECTION WITH THE NORTHERLY RIGHT OF WAY LINE OF RAMONA BOULEVARD; THENCE WESTERLY ALONG SAID NORTHERLY RIGHT OF WAY LINE A DISTANCE OF 762± FEET TO ITS INTERSECTION WITH THE NORTHERLY PROLONGATION OF THE WESTERLY LINE OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS VOLUME 14431, PAGE 1628 AS RECORDED IN THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA; THENCE SOUTHERLY ALONG SAID NORTHERLY PROLONGATION AND ALONG THE WESTERLY LINE THEREOF, A DISTANCE OF 265± FEET TO ITS INTERSECTION WITH THE NORTHERLY RIGHT OF WAY LINE OF AKRA AVENUE; THENCE WESTERLY ALONG SAID NORTHERLY RIGHT OF WAY LINE, A DISTANCE OF 513± FEET TO ITS INTERSECTION WITH THE WESTERLY LINE OF FIRST ADDITION TO BUENOS AIRES SUBDIVISION AS RECORDED IN PLAT BOOK 12 PAGE 45 OF SAID CURRENT PUBLIC RECORDS; THENCE NORTHERLY ALONG SAID WESTERLY LINE AND THE NORTHERLY PROLONGATION THEREOF, A DISTANCE OF 563± FEET; THENCE WESTERLY, A DISTANCE OF 26± FEET TO THE POINT OF BEGINNING.

PARCEL 2:

A PORTION OF LAND LYING IN SECTION 24, TOWNSHIP 2 SOUTH, RANGE 25 EAST, AND IN SECTION 19, TOWNSHIP 2 SOUTH, RANGE 26 EAST, DUVAL COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE INTERSECTION OF THE WESTERLY RIGHT OF WAY LINE OF ELLIS ROAD AND THE NORTHERLY RIGHT OF WAY LINE OF GRACE LANE; THENCE SOUTHERLY ALONG SAID WESTERLY RIGHT OF WAY LINE THEREOF, A DISTANCE OF 359± FEET TO ITS INTERSECTION WITH THE NORTHERLY RIGHT OF

WAY LINE OF NORMANDY BOULEVARD; THENCE SOUTHWESTERLY ALONG THE NORTHERLY RIGHT OF WAY LINE THEREOF BEING AN ARC OF A CURVE WITH A CHORD BEARING AND DISTANCE OF SOUTH 74° WEST, 2702± FEET TO ITS INTERSECTION WITH THE EASTERLY RIGHT OF WAY LINE OF LANE AVENUE; THENCE NORTHERLY ALONG THE EASTERLY RIGHT OF WAY LINE THEREOF, A DISTANCE OF 1161± FEET TO ITS INTERSECTION WITH THE NORTHERLY RIGHT OF WAY LINE OF GRACE LANE; THENCE EASTERLY ALONG THE NORTHERLY RIGHT OF WAY LINE THEREOF, A DISTANCE OF 2573± FEET TO THE POINT OF BEGINNING.

PARCEL 3:

OFFICIAL RECORDS VOLUME 8483, PAGE 928 OF THE CURRENT PUBLIC RECORDS DUVAL COUNTY, FLORIDA. A PARCEL OF LAND SITUATED, LYING AND BEING PART OF THE SOUTHWEST QUARTER (1/4) OF THE SOUTHWEST QUARTER (1/4) OF SECTION 19, TOWNSHIP 2 SOUTH, RANGE 26 EAST, CITY OF JACKSONVILLE, DUVAL COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 19; THENCE NORTH 00 DEGREES 44 MINUTES 00 SECONDS WEST ALONG THE WEST LINE OF SAID SECTION 19, 214.81 FEET TO ITS INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF NORMANDY BOULEVARD AND/OR STATE ROAD NO. 228 (AS SAID SOUTHERLY RIGHT-OF-WAY LINE IS NOW ESTABLISHED BY THE DEPARTMENT OF TRANSPORTATION), SAID AFOREMENTIONED RIGHT-OF-WAY LINE BEING A CURVE, CONCAVE TO THE SOUTHEAST AND HAVING A RADIUS OF 12,167.67 FEET; THENCE AROUND AND ALONG SAID CURVE AND ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF NORMANDY BOULEVARD NORTH 72 DEGREES 00 MINUTES 00 SECONDS EAST, 413.35 FEET (CHORD BEARING AND DISTANCE) TO ITS INTERSECTION WITH THE NORTH LINE OF THOSE CERTAIN LANDS DESCRIBED IN DEED, RECORDED IN OFFICIAL RECORDS VOLUME 122, PAGE 402 OF THE CURRENT PUBLIC RECORDS OF SAID COUNTY; THENCE NORTH 88 DEGREES 32 MINUTES 02 SECONDS EAST ALONG THE NORTH LINE OF SAID LAST MENTIONED LANDS, 72.25 FEET TO THE NORTHEAST CORNER OF SAID LAST MENTIONED LANDS; THENCE SOUTH 00 DEGREES 43 MINUTES 28 SECONDS EAST ALONG THE EAST LINE OF SAID LAST MENTIONED LANDS AND ALONG THE EAST LINE OF THOSE CERTAIN LANDS, DESCRIBED IN DEED, RECORDED IN DEED BOOK 1106, PAGE 451 OF SAID PUBLIC RECORDS, 333.48 FEET TO A POINT SITUATE IN THE SOUTH LINE OF SAID SECTION 19; THENCE SOUTH 88 DEGREES 37 MINUTES 02 SECONDS WEST ALONG SAID SOUTH LINE OF SECTION 19, 467.07 FEET TO THE POINT OF BEGINNING.

PARCEL 4:

A PORTION OF LAND LYING IN SECTION 24, TOWNSHIP 2 SOUTH, RANGE 25 EAST, DUVAL COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT AND THE EASTERLY RIGHT OF WAY LINE OF LANE AVENUE AND THE EASTERLY PROLONGATION OF THE SOUTHERLY LINE OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS VOLUME 7182, PAGE 796 OF SAID CURRENT PUBLIC RECORDS; THENCE WESTERLY ALONG SAID EASTERLY PROLONGATION AND ALONG THE SOUTHERLY LINE THEREOF AND THE SOUTHERLY LINE OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS VOLUME 10274, PAGE 2132 OF SAID CURRENT PUBLIC RECORDS, A DISTANCE OF 379± FEET TO THE SOUTHWEST CORNER THEREOF; THENCE NORTHERLY ALONG THE WESTERLY LINE THEREOF, A DISTANCE OF 105± FEET TO THE NORTHWEST CORNER THEREOF; THENCE WESTERLY ALONG THE NORTHERLY LINE OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS VOLUME 9256, PAGE 1 OF SAID CURRENT PUBLIC RECORDS, A DISTANCE OF 346± FEET TO ITS INTERSECTION WITH THE EASTERLY RIGHT OF WAY LINE OF GRANDVILLE ROAD; THENCE NORTHEASTERLY ALONG THE EASTERLY RIGHT OF WAY LINE THEREOF, A DISTANCE OF 370± FEET TO ITS POINT OF TERMINATION; THENCE WESTERLY ALONG THE SOUTHERLY LINE OF THOSE LANDS DESCRIBED OFFICIAL RECORDS VOLUME 3927, PAGE 349 OF SAID CURRENT PUBLIC RECORDS, A DISTANCE OF 557± FEET TO THE SOUTHWEST CORNER THEREOF; THENCE NORTH 04° EAST ALONG THE WESTERLY LINE THEREOF, A DISTANCE OF 495± FEET TO THE NORTHWEST CORNER OF SAID LANDS; THENCE EASTERLY, A DISTANCE OF 1170± FEET TO ITS INTERSECTION WITH THE EASTERLY RIGHT OF WAY LINE OF SAID LANE AVENUE; THENCE SOUTHERLY ALONG THE EASTERLY RIGHT OF WAY LINE THEREOF, A DISTANCE OF 958± FEET TO THE POINT OF BEGINNING.

PARCEL 5:

OFFICIAL RECORDS VOLUME 12059, PAGE 1065 OF THE CURRENT PUBLIC RECORDS DUVAL COUNTY, FLORIDA. A PORTION OF THE NORTHERLY 432 FEET OF LOT 4 OF A SUBDIVISION OF THE ESTATE OF JOHN H. GARNER ACCORDING TO THE PLAT RECORDED IN THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA, IN PLAT BOOK 2, PAGE 52, SAID PORTION BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE S.R.D. RIGHT OF WAY MARKER AT THE INTERSECTION OF THE WESTERLY RIGHT OF WAY LINE OF LANE AVENUE (COUNTY ROAD NO.58) WITH THE SOUTHERLY RIGHT OF WAY LINE OF STUART AVENUE (COUNTY ROAD NO. 605) AND RUN SOUTH 0 DEGREES 11 MINUTES 18 SECONDS WEST ALONG THE WESTERLY RIGHT OF WAY LINE OF LANE AVENUE (COUNTY ROAD NO. 58) A DISTANCE OF 125.04 FEET TO A POINT BEING THE POINT OF BEGINNING; THENCE

SOUTH 89 DEGREES 27 MINUTES 36 SECONDS WEST A DISTANCE OF 150.01 FEET TO A POINT; THENCE SOUTH 0 DEGREES 11 MINUTES 18 SECONDS WEST A DISTANCE OF 272.11 FEET TO AN IRON PIN; THENCE NORTH 89 DEGREES 27 MINUTES 01 SECONDS EAST A DISTANCE OF 84.65 FEET TO AN IRON PIN; THENCE NORTH 70 DEGREES 06 MINUTES 17 SECONDS EAST A DISTANCE OF 20.73 FEET TO AN IRON PIN; THENCE NORTHEAST ALONG THE ARC OF A CURVE, CONCAVE TO THE NORTHWEST AND HAVING A RADIUS OF 70.00 FEET (SAID CURVE HAVING A CHORD OF NORTH 35 DEGREES 08 MINUTES 48 SECONDS EAST A DISTANCE OF 80.22 FEET) A DISTANCE OF 85.42 FEET TO S.R.D. RIGHT OF WAY MARKER; THENCE NORTH 0 DEGREES 11 MINUTES 18 SECONDS EAST A DISTANCE OF 200.00 FEET TO A POINT, SAID POINT BEING THE POINT OF BEGINNING.

PARCEL 6:

THAT CERTAIN TRACT OR PARCEL OF LAND BEING ALL OF LOT 5 AND LOT 6, IN BLOCK 51, AS SHOWN ON PLAT OF CARNEGIE, AS RECORDED IN PLAT BOOK 4, PAGE 89, OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA, EXCEPT THAT PORTION CONVEYED TO THE JACKSONVILLE EXPRESSWAY AUTHORITY IN OFFICIAL RECORDS BOOK 813, PAGE 171, OFFICIAL RECORDS BOOK 813, PAGE 173, AND OFFICIAL RECORDS BOOK 815, PAGE 74 OF SAID COUNTY.

BEGIN AT THE INTERSECTION OF THE SOUTHERLY RIGHT OF WAY LINE OF STUART AVENUE (A 50 FOOT RIGHT OF WAY AS PRESENTLY ESTABLISHED) WITH THE EASTERLY RIGHT OF WAY LINE OF LANE AVENUE (A 100 FOOT RIGHT OF WAY AS PRESENTLY ESTABLISHED); THENCE NORTH 89°25'10" EAST ALONG SAID SOUTHERLY RIGHT OF WAY LINE OF STUART AVENUE, THE SAME BEING THE NORTHERLY LINE OF SAID LOTS 5 AND 6, BLOCK 51, A DISTANCE OF 283± FEET TO THE NORTHEAST CORNER OF SAID LOT 6; THENCE SOUTH 00°19'32" WEST ALONG THE EASTERLY LINE OF SAID LOT 6, A DISTANCE OF 305± FEET TO THE SOUTHEAST CORNER OF SAID LOT 6, THENCE SOUTH 89°25'10" WEST ALONG THE SOUTHERLY LINE OF SAID LOTS 5 AND 6, A DISTANCE OF 282± FEET TO ITS INTERSECTION WITH THE EASTERLY RIGHT OF WAY LINE OF LANE AVENUE; THENCE NORTH 00°11'18" EAST ALONG SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 305± TO THE POINT OF BEGINNING.

TOGETHER WITH A NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS OVER THE EASTERLY 25 FEET OF THE WESTERLY 41.93 FEET OF THE NORTHERLY 101.67 FEET OF LOT 6, BLOCK 51, CARNEGIE, ACCORDING TO PLAT THEREOF RECORDED IN PLAT BOOK 4, PAGE 89, OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA, WHICH EASEMENT WAS RESERVED IN OFFICIAL RECORDS BOOK 4701, PAGE 866, PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.

SAID LANDS ALSO BEING THOSE LAND DESCRIBED IN OFFICIAL RECORDS 15209, PAGE 2432 AND OFFICIAL RECORDS 10281, PAGE 77, OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.

COMMERCIAL UTILITIES, INC.
COMPOSITE WASTEWATER TERRITORY
DUVAL COUNTY
WASTEWATER

A PORTION OF LAND LYING IN SECTION 24, TOWNSHIP 2 SOUTH, RANGE 25 EAST, AND IN SECTION 19, TOWNSHIP 2 SOUTH, RANGE 26 EAST, DUVAL COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE INTERSECTION OF THE EASTERLY RIGHT OF WAY LINE OF LANE AVENUE WITH THE SOUTHERLY LIMITED ACCESS RIGHT OF WAY LINE OF INTERSTATE HIGHWAY 10; THENCE EASTERLY ALONG SAID SOUTHERLY LIMITED ACCESS RIGHT OF WAY LINE A DISTANCE OF 2700± FEET TO ITS INTERSECTION WITH THE WESTERLY RIGHT OF WAY LINE OF ELLIS ROAD; THENCE SOUTHERLY ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 330± FEET TO ITS INTERSECTION WITH THE NORTHERLY RIGHT OF WAY LINE OF RAMONA BOULEVARD; THENCE WESTERLY ALONG SAID NORTHERLY RIGHT OF WAY LINE A DISTANCE OF 762± FEET TO ITS INTERSECTION WITH THE NORTHERLY PROLONGATION OF THE WESTERLY LINE OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS VOLUME 14431, PAGE 1628 AS RECORDED IN THE CURRENT PUBLIC RECORDS OF SAID COUNTY, FLORIDA; THENCE SOUTHERLY ALONG SAID NORTHERLY PROLONGATION AND ALONG THE WESTERLY LINE THEREOF, A DISTANCE OF 265± FEET TO ITS INTERSECTION WITH THE NORTHERLY RIGHT OF WAY LINE OF AKRA AVENUE; THENCE WESTERLY ALONG SAID NORTHERLY RIGHT OF WAY LINE, A DISTANCE OF 513± FEET TO ITS INTERSECTION WITH THE WESTERLY LINE OF FIRST ADDITION TO BUENOS AIRES SUBDIVISION AS RECORDED IN PLAT BOOK 12 PAGE 45 OF SAID CURRENT PUBLIC RECORDS; THENCE SOUTHERLY ALONG SAID WESTERLY LINE, A DISTANCE OF 468± FEET TO THE SOUTHWEST CORNER OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS VOLUME 11600, PAGE 1075 OF SAID CURRENT PUBLIC RECORDS; THENCE WESTERLY, A DISTANCE OF 26± FEET TO ITS INTERSECTION WITH THE NORTHERLY PROLONGATION OF THE WESTERLY LINE OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS VOLUME 3030, PAGE 743 OF SAID CURRENT PUBLIC RECORDS; THENCE SOUTHERLY ALONG SAID NORTHERLY PROLONGATION AND ALONG THE WESTERLY LINE THEREOF, A DISTANCE OF 643± FEET TO THE SOUTHWEST CORNER THEREOF; THENCE EASTERLY ALONG THE SOUTHERLY LINE THEREOF AND THE EASTERLY PROLONGATION THEREOF, A DISTANCE OF 1299± FEET TO ITS INTERSECTION WITH THE WESTERLY RIGHT OF WAY LINE OF SAID ELLIS ROAD; THENCE SOUTHERLY ALONG THE WESTERLY RIGHT OF WAY LINE THEREOF, A DISTANCE OF 669± FEET TO ITS INTERSECTION WITH THE NORTHERLY RIGHT OF WAY LINE OF NORMANDY BOULEVARD; THENCE SOUTHWESTERLY ALONG THE NORTHERLY RIGHT OF WAY LINE THEREOF BEING AN ARC OF A CURVE WITH A CHORD BEARING AND DISTANCE OF SOUTH 74° WEST, 2702± FEET TO ITS INTERSECTION WITH THE EASTERLY RIGHT OF WAY LINE OF LANE AVENUE;

THENCE NORTHERLY ALONG THE EASTERLY RIGHT OF WAY LINE THEREOF, A DISTANCE OF 1349± FEET TO ITS INTERSECTION WITH THE EASTERLY PROLONGATION OF THE SOUTHERLY LINE OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS VOLUME 7182, PAGE 796 OF SAID CURRENT PUBLIC RECORDS. THENCE NORTH 89°10'19" WEST ALONG SAID EASTERLY PROLONGATION AND ALONG THE SOUTHERLY LINE THEREOF AND THE SOUTHERLY LINE OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS VOLUME 10274, PAGE 2132 OF SAID CURRENT PUBLIC RECORDS, A DISTANCE OF 379± FEET TO THE SOUTHWEST CORNER THEREOF; THENCE NORTHERLY ALONG THE WESTERLY LINE THEREOF, A DISTANCE OF 105± FEET TO THE NORTHWEST CORNER THEREOF; THENCE WESTERLY ALONG THE NORTHERLY LINE OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS VOLUME 9256, PAGE 1 OF SAID CURRENT PUBLIC RECORDS, A DISTANCE OF 346± FEET TO ITS INTERSECTION WITH THE EASTERLY RIGHT OF WAY LINE OF GRANDVILLE ROAD; THENCE NORTHEASTERLY ALONG THE EASTERLY RIGHT OF WAY LINE THEREOF, A DISTANCE OF 370± FEET TO ITS POINT OF TERMINATION; THENCE WESTERLY ALONG THE SOUTHERLY LINE OF THOSE LANDS DESCRIBED OFFICIAL RECORDS VOLUME 3927, PAGE 349 OF SAID CURRENT PUBLIC RECORDS, A DISTANCE OF 557± FEET TO THE SOUTHWEST CORNER THEREOF; THENCE NORTH 04° EAST ALONG THE WESTERLY LINE THEREOF, A DISTANCE OF 657± FEET TO THE SOUTHWEST CORNER OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS VOLUME 11263, PAGE 514 OF SAID CURRENT PUBLIC RECORDS; THENCE EASTERLY ALONG THE SOUTHERLY LINE THEREOF, A DISTANCE OF 380± FEET TO THE SOUTHEAST CORNER THEREOF; THENCE NORTHERLY ALONG THE EASTERLY LINE THEREOF AND THE NORTHERLY PROLONGATION THEREOF, A DISTANCE OF 409± FEET TO ITS INTERSECTION WITH THE NORTHERLY RIGHT OF WAY LINE OF SAID RAMONA BOULEVARD; THENCE WESTERLY ALONG THE NORTHERLY RIGHT OF WAY LINE THEREOF, A DISTANCE OF 116± FEET TO THE SOUTHWEST CORNER OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS VOLUME 10174, PAGE 2280 OF SAID CURRENT PUBLIC RECORDS; THENCE NORTHERLY ALONG THE WESTERLY LINE THEREOF, A DISTANCE OF 329± FEET TO ITS INTERSECTION WITH SAID SOUTHERLY LIMITED ACCESS RIGHT OF WAY LINE OF INTERSTATE HIGHWAY 10; THENCE EASTERLY ALONG SAID SOUTHERLY LIMITED ACCESS RIGHT OF WAY LINE, A DISTANCE OF 900± FEET TO ITS INTERSECTION WITH THE WESTERLY RIGHT OF WAY LINE OF SAID LANE AVENUE; THENCE NORTHERLY ALONG THE WESTERLY RIGHT OF WAY LINE THEREOF, A DISTANCE OF 823± FEET TO ITS INTERSECTION WITH THE NORTHERLY LIMITED ACCESS RIGHT OF WAY LINE OF SAID INTERSTATE HIGHWAY 10; THENCE SOUTHWESTERLY ALONG SAID LIMITED ACCESS RIGHT OF WAY LINE, A DISTANCE OF 106± FEET TO ITS INTERSECTION WITH THE SOUTHERLY LINE OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS VOLUME 12059, PAGE 1065 OF SAID CURRENT PUBLIC RECORDS; THENCE WESTERLY ALONG THE SOUTHERLY LINE THEREOF AND THE SOUTHERLY LINE OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS VOLUME 12067, PAGE 2131 OF SAID CURRENT PUBLIC RECORDS, A DISTANCE OF 477± FEET TO A POINT IN THE SOUTHERLY LINE OF LAST SAID LANDS; THENCE NORTHERLY, A DISTANCE OF 441± FEET TO ITS INTERSECTION WITH THE

NORTHERLY RIGHT OF WAY LINE OF STUART AVENUE; THENCE WESTERLY ALONG THE NORTHERLY RIGHT OF WAY LINE THEREOF, A DISTANCE OF 20± FEET TO THE SOUTHWEST CORNER OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS VOLUME 13770, PAGE 1003 OF SAID CURRENT PUBLIC RECORDS; THENCE NORTHERLY ALONG THE WESTERLY LINE THEREOF ALSO BEING THE EASTERLY RIGHT OF WAY LINE OF FOX STREET, A DISTANCE OF 294± FEET TO A NORTHWEST CORNER THEREOF; THENCE EASTERLY ALONG THE NORTHERLY LINE THEREOF AND ALONG THE EASTERLY PROLONGATION THEREOF, A DISTANCE OF 645± FEET TO ITS INTERSECTION WITH THE EASTERLY RIGHT OF WAY LINE OF SAID LANE AVENUE; THENCE SOUTHERLY ALONG THE EASTERLY RIGHT OF WAY LINE THEREOF, A DISTANCE OF 343± FEET TO ITS INTERSECTION WITH THE SOUTHERLY RIGHT OF WAY LINE OF SAID STUART AVENUE; THENCE EASTERLY ALONG THE SOUTHERLY RIGHT OF WAY LINE THEREOF, A DISTANCE OF 283± FEET TO THE NORTHEAST CORNER OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS VOLUME 10281, PAGE 77 OF SAID CURRENT PUBLIC RECORDS; THENCE SOUTHERLY ALONG THE EASTERLY LINE THEREOF, A DISTANCE OF 305± FEET TO THE SOUTHEASTERLY CORNER THEREOF; THENCE WESTERLY ALONG THE SOUTHERLY LINE THEREOF, A DISTANCE OF 282± FEET TO ITS INTERSECTION WITH THE SAID EASTERLY RIGHT OF WAY LINE OF SAID LANE AVE; THENCE SOUTHERLY ALONG THE EASTERLY RIGHT OF WAY LINE THEREOF, A DISTANCE OF 824± TO THE POINT OF BEGINNING.

TOGETHER WITH OFFICIAL RECORDS VOLUME 8483, PAGE 928 OF THE CURRENT PUBLIC RECORDS DUVAL COUNTY, FLORIDA. A PARCEL OF LAND SITUATED, LYING AND BEING PART OF THE SOUTHWEST QUARTER (1/4) OF THE SOUTHWEST QUARTER (1/4) OF SECTION 19, TOWNSHIP 2 SOUTH, RANGE 26 EAST, CITY OF JACKSONVILLE, DUVAL COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 19; THENCE NORTH 00 DEGREES 44 MINUTES 00 SECONDS WEST ALONG THE WEST LINE OF SAID SECTION 19, 214.81 FEET TO ITS INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF NORMANDY BOULEVARD AND/OR STATE ROAD NO. 228 (AS SAID SOUTHERLY RIGHT-OF-WAY LINE IS NOW ESTABLISHED BY THE DEPARTMENT OF TRANSPORTATION), SAID AFOREMENTIONED RIGHT-OF-WAY LINE BEING A CURVE, CONCAVE TO THE SOUTHEAST AND HAVING A RADIUS OF 12,167.67 FEET; THENCE AROUND AND ALONG SAID CURVE AND ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF NORMANDY BOULEVARD NORTH 72 DEGREES 00 MINUTES 00 SECONDS EAST, 413.35 FEET (CHORD BEARING AND DISTANCE) TO ITS INTERSECTION WITH THE NORTH LINE OF THOSE CERTAIN LANDS DESCRIBED IN DEED, RECORDED IN OFFICIAL RECORDS VOLUME 122, PAGE 402 OF THE CURRENT PUBLIC RECORDS OF SAID COUNTY; THENCE NORTH 88 DEGREES 32 MINUTES 02 SECONDS EAST ALONG THE NORTH LINE OF SAID LAST MENTIONED LANDS, 72.25 FEET TO THE NORTHEAST CORNER OF SAID LAST MENTIONED LANDS; THENCE SOUTH 00 DEGREES 43 MINUTES 28 SECONDS EAST ALONG THE EAST LINE OF SAID LAST MENTIONED LANDS AND ALONG THE EAST

LINE OF THOSE CERTAIN LANDS, DESCRIBED IN DEED, RECORDED IN DEED BOOK 1106, PAGE 451 OF SAID PUBLIC RECORDS, 333.48 FEET TO A POINT SITUATE IN THE SOUTH LINE OF SAID SECTION 19; THENCE SOUTH 88 DEGREES 37 MINUTES 02 SECONDS WEST ALONG SAID SOUTH LINE OF SECTION 19, 467.07 FEET TO THE POINT OF BEGINNING.

**FLORIDA PUBLIC SERVICE COMMISSION
authorizes
Commercial Utilities, Inc.
pursuant to
Certificate Number 164-S**

to provide sewer service in Duval County in accordance with the provision of Chapter 367, Florida Statutes, 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>
6704	06/05/75	74787-W, 74788-S	Original Certificate
*	*	100398-SU	Amendment

*** Order Number and date to be provided at time of issuance.**