

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application of Naples Sewer)	DOCKET NO. 900955-SU
Company for amendment of Certificate)	ORDER NO. 24331
No. 397-S in Collier County, Florida.)	ISSUED: 4/4/91
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ORDER AMENDING CERTIFICATE TO INCLUDE
ADDITIONAL TERRITORY AND CLOSING DOCKET

BY THE COMMISSION:

On December 3, 1990, Naples Sewer Company d/b/a Naples Industrial Park, Ltd. (Naples or Utility) filed an application with this Commission to amend Certificate No. 397-S to include additional territory in Collier County, Florida. Order No. 23965, issued on January 7, 1991, changed the Utility's name to Naples Sewer Company.

The legal description filed with the application was incorrect in that it referred to territory previously granted to the Utility. Naples filed a revised legal description. Further, Exhibit L of the application incorrectly stated that "There is no other utility which is presently capable of providing the new service to satisfy the existing demand." Since Collier County is in the area, this is an incorrect statement; Naples resubmitted Exhibit L.

The application is now in compliance with Section 367.045, Florida Statutes, and other statutes and administrative rules concerning an application for amendment of certificate. In particular, the notarized application contains:

1. A filing fee in the amount of \$150.00, 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 25-30.035, Florida Administrative Code. The additional territory in Collier County is described in Attachment A of this Order.
3. Proof of notice to interested governmental and regulatory agencies and utilities within a four-mile radius of the territory, and proof of advertisement in a newspaper of general circulation in Collier County, as prescribed by Rule 25-30.030, Florida Administrative Code.
4. Evidence that the Utility owns the land upon which its facilities are located as required by Rule 25-30.035, Florida Administrative Code.

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No objections to the notice of application have been received and the time for filing such has expired.

At the present time, Naples provides sewer service to 81 customers in Collier County. The Utility appears to have the technical and financial ability to provide service to the additional territory. Therefore we find that it is in the public interest to amend Certificate No. 397-S to include the territory described in Attachment A of this Order, which by reference is incorporated herein.

It is, therefore,

ORDERED by the Florida Public Service Commission that Certificate No. 397-S, held by Naples Sewer Company, 5534-A 27th Court, S. W., Naples, Florida 33999, is hereby amended to include the territory described in Attachment A of this Order. The Utility is directed to return Certificate No. 397-S to this Commission within 30 days of the date of this Order for appropriate entry. It is further

ORDERED that the customers in the territory added herein shall be charged the rates approved in the Utility's tariff. It is further

ORDERED that Naples Utility Company shall file revised tariff sheets reflecting the additional territory within 30 days of the date of this Order. The tariff sheets should also reflect the name change approved in Order No. 23965. It is further

ORDERED that Docket No. 900955-SU is hereby closed.

By ORDER of the Florida Public Service Commission, this 4th day of APRIL, 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.

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ATTACHMENT A

Township 49 South, Range 25 East, Collier County, Florida

All that part of Section 36, Township 49 South, Range 25 East, Collier County, Florida, being more particularly described as follows;

BEGINNING at the northeast corner of said Section 36;
thence along the east line of Section 36, South $0^{\circ}-00'-36''$ East 1298.32 feet;
thence leaving said line, South $89^{\circ}-21'-02''$ West 509.97 feet;
thence North $0^{\circ}-00'-36''$ West 1296.16 feet to the north line of said Section 36;
thence along said north line, North $89^{\circ}-06'-30''$ East 510.00 feet to the Point of Beginning of the parcel herein described;

subject to easements and restriction of records;
bearings are assumed and based on the east line of the northeast 1/4 of said Section 36, being North $0^{\circ}-00'-36''$ West;
containing 15.19 acres more or less.