

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for ) DOCKET NO. 931040-SU  
Amendment of Certificate No. ) ORDER NO. PSC-93-1851-FOF-SU  
247-S in Lee County by NORTH ) ISSUED: December 30, 1993  
FORT MYERS UTILITY, INC. )  
\_\_\_\_\_ )

ORDER AMENDING CERTIFICATES TO INCLUDE  
ADDITIONAL TERRITORY AND CLOSING DOCKET

BY THE COMMISSION:

Background

North Fort Myers Utility, Inc. (NFMU or utility) is a Class B utility which provides wastewater service to approximately 2,000 customers in Lee County, Florida. The utility's 1992 annual report reflects an annual operating revenue of \$686,547, and a net operating loss of \$204,452.

On October 26, 1993, NFMU filed an application for amendment of its wastewater certificate, pursuant to Section 367.045, Florida Statutes, to provide service to the Northside Pavilion, a medical center. Also, there are many customers who are presently on septic tanks in this area, which will eventually require service. Water service is provided to the area by Lee County.

Application

The application is in compliance with the governing statute, Section 367.045, Florida Statutes, and other pertinent statutes and provisions of the Florida Administrative Code. The application contains a filing fee in the amount of \$150 for wastewater, as prescribed by Rule 25-30.020, Florida Administrative Code. In addition, NFMU provided evidence in the form of warranty deeds that it owns the land upon which its facilities are located, as required by Rule 25-30.036(1)(d), Florida Administrative Code.

Adequate service territory and system maps and a territory description have been provided as prescribed by Rule 25-30.036(1)(e), (f), and (i), Florida Administrative Code. A description of the additional territory is appended to this Order as Attachment A. The utility has submitted an affidavit consistent with Section 367.045(2)(d), Florida Statutes, that it has tariffs and annual reports on file with the Commission.

DOCUMENT NUMBER-DATE

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In addition, the application contains proof of compliance with the noticing provisions set forth in Rule 25-30.030, Florida Administrative Code. No objections to the application were received, and the time for such filings have expired. The local planning agency was provided notice of the application and did not file a protest to the amendment. According to the utility, the provision of water and wastewater service is consistent with the Lee County local comprehensive plan, which has been approved.

According to NFMU, Northside Pavilion will receive wastewater service from this amendment. The design capacity of the wastewater system is 2.0 millions gallons per day (mgd). The wastewater treatment system is currently treating approximately .537 mgd. The proposed customers will return approximately .006 mgd of wastewater. Therefore, it appears the utility has ample capacity to serve the development.

The utility has extensive experience in the wastewater industry. According to the Department of Environmental Protection (DEP), there are no outstanding notices of violation issued for the wastewater system. The Northside Pavilion will install the collection system and contribute the facilities. According to the utility, there will be no significant impact on the utility's capital structure. Upon consideration of the facts as represented to us, we find that NFMU has demonstrated the financial and technical expertise to provide quality service to these customers.

Based on the foregoing, we find that it is in the public interest to amend Certificate No. 247-S in Lee County, to include the territory described in Attachment A of this Order which by reference is incorporated herein. NFMU has returned the Certificate to the Commission for entry reflecting the additional territory. The utility has already filed revised tariff sheets reflecting the amended territory description.

#### Rates and Charges

NFMU's existing rates became effective on August 2, 1993, pursuant to an index adjustment in WS-93-0102. NFMU will assess a system capacity charge of \$635 per equivalent residential connection to offset the demand the additional area will be placing on the system. Since the cost of the extension will be borne by the prospective customer, the addition of this territory will have little impact on the utility's rates and charges.

ORDER NO. PSC-93-1851-FOF-SU  
DOCKET NO. 931040-SU  
PAGE 3

Based on the foregoing, it is, therefore,

ORDERED by the Florida Public Service Commission that, Certificate No. 247-S, held by North Fort Myers Utility, Inc., P.O. Box 2547, Fort Myers, Florida 33902-2547, 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 North Fort Myers Utility, Inc., shall charge the customers in the territory added herein the rates and charges approved in the body of this Order until authorized to change by this Commission. It is further

ORDERED that Docket No. 931040-SU is hereby closed.

By ORDER of the Florida Public Service Commission, this 30th day of December, 1993.

  
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STEVE TRIBBLE, Director  
Division of Records and Reporting

( S E A L )

MSN/LAJ/dl

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 Civil Procedure. The notice of appeal must be in the form specified in Rule 9.900 (a), Florida Rules of Appellate Procedure.

ORDER NO. PSC-93-1851-FOF-SU  
DOCKET NO. 931040-SU  
PAGE 5

ATTACHMENT A

NORTH FORT MYERS UTILITY, INC.

TERRITORY DESCRIPTION - LEE COUNTY

Northside Pavilion

In Section 3, Township 44 South, Range 24 East, Lee County

That property bounded on the South by County Road 78A, also known as Pondella Road, on the West by Yellow Fever Creek, on the North by State Road 78, also known as Pine Island Road, and on the East by U.S. Highway 41.