

MEMORANDUM

March 4, 1998

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FPSC - Records Reporting

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (BRUBAKER) *JSB*

RE: DOCKET NO. 971236-WS - APPLICATION FOR AMENDMENT OF CERTIFICATES NOS. 7-W AND 3-S TO EXTEND SERVICE AREA IN BREVARD COUNTY BY FLORIDA CITIES WATER COMPANY (BAREFOOT BAY DIVISION).

98-0360-FOFMS

Attached is an ORDER AMENDING CERTIFICATE AND CLOSING DOCKET, to be issued in the above-referenced docket.

(Number of pages in order -8)

See Pg 2

JSB/lw

Attachment

cc: Division of Water and Wastewater (Redemann)

I:971236or.jsb

forward - 2/c.
incited -

CK - ~~Redemann~~ forward.

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for
amendment of Certificates Nos.
7-W and 3-S to extend service
area in Brevard County by
Florida Cities Water Company
(Barefoot Bay Division).

DOCKET NO. 971236-WS
ORDER NO. PSC-98-0360-FOF-WS
ISSUED: March 5, 1998

ORDER AMENDING CERTIFICATE AND CLOSING DOCKET

BY THE COMMISSION:

On September 23, 1997, Florida Cities Water Company - Barefoot Bay Division (Barefoot Bay or utility) filed an application with this Commission to amend Certificates Nos. 7-W and 3-S in Brevard County, Florida. 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. In particular, the application contains a check in the amount of \$1,000, as prescribed by Rule 25-30.020, Florida Administrative Code. In addition, the utility has provided evidence, in the form of a warranty deed, that it owns the land upon which its facilities are located, as required by Rule 25-30.036, Florida Administrative Code.

Adequate service territory and system maps and a territory description have been provided, as prescribed by Rule 25-30.036, Florida Administrative Code. Descriptions of the water and wastewater territory are appended to this Order as Attachments A and B. Attachment A consists of a description of the additional water and wastewater territory only. Attachment B consists of a composite water and wastewater description, and includes the area granted in Order No. 5016, issued December 30, 1970, in Docket No. 70394-WS; Order No. 9526, issued on September 9, 1980, in Docket No. 800485-WS; Order No. PSC-97-0141-FOF-WS, issued on February 11, 1997, in Docket No. 960915-WS; and the new area in this docket.

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. 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 have been received and the time for such has

DOCUMENT NUMBER DATE

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expired. The Department of Environmental Protection has been contacted and there are no outstanding notices of violation regarding the utility.

Barefoot Bay has been in operation under our jurisdiction since 1965, and has been providing satisfactory service to its customers. From the information filed with the application, it appears that the utility has the financial and technical ability, as well as sufficient water and wastewater treatment capacity to serve the proposed additional territorial expansion. The developer will provide reuse by taking back and reusing as reclaimed water at least the same amount of wastewater that is generated by the parcel. The developer will construct all necessary reclaimed water mains and dedicate them to the utility. Based on the above information, we find that Barefoot Bay has demonstrated the financial and technical ability to render adequate and efficient service to the additional territory. Therefore, we find that it is in the public interest to amend Certificates Nos. 7-W and 3-S to include the territory described in Attachment A of this Order, resulting in the composite territory described in Attachment B of this Order, which attachments are by reference incorporated herein. The utility has returned the certificates to this Commission for entry reflecting the additional territory. The utility has also filed revised tariff sheets reflecting the amendment.

We approved Barefoot Bay's most recent rate increase by Order No. PSC-97-0516-FOF-WU, issued May 5, 1997 in Docket No. 951258-WS. Service availability charges for water and wastewater became effective on September 29, 1994, by Order No. PSC-94-0961-FOF-WS, issued August 9, 1994, in Docket No. 940106-WS. We approved an increase in Barefoot Bay's service availability charges for wastewater by Order No. PSC-96-0935-FOF-SU, issued July 18, 1996, in Docket No. 951311-SU. Barefoot Bay shall charge the customers in the territory added herein the rates and charges approved in its tariff until authorized to change by this Commission in a subsequent proceeding. Since no further action is necessary, this docket shall be closed.

It is, therefore,

ORDERED by the Florida Public Service Commission that Certificates Nos. 7-W and 3-S, held by Florida Cities Water Company, Barefoot Bay Division, are hereby amended to include the territory described in Attachment A of this Order, resulting in the

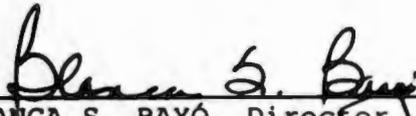
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composite territory described in Attachment B of this Order, which attachments are by reference incorporated herein. It is further

ORDERED that Florida Cities Water Company, Barefoot Bay Division, shall charge the customers in the territory added herein the rates and charges approved in its tariff until authorized to change by this Commission. It is further

ORDERED that this docket is hereby closed.

By ORDER of the Florida Public Service Commission this 5th day of March, 1998.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

JSB

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), 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, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, 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 and/or wastewater 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

FLORIDA CITIES WATER COMPANY - BREVARD COUNTY DIVISION

BAREFOOT BAY

WATER AND WASTEWATER ADDITIONAL AREA

In Township 30 South, Range 38 East

Part of Sections 3 and 10

Begin at the southwest corner of Section 3, Township 30 South, Range 38 East; proceed N 00°32'48" W, along the west line of the southwest 1/4 of said Section 3, a distance of 2,656.30 feet to a concrete monument at the northwest corner of said southwest 1/4; thence S 89°50'47" E, along the north line of said southwest 1/4 a distance of 1320.29 feet; thence S 00°52'46" E a distance of 331.12 feet, thence S 89°53'14" E a distance of 660.91 feet, thence S 00°27'56" E a distance of 1250.41 feet, thence S 89°50'47" E a distance of 2021.86 feet to the east line of the southwest 1/4 of the southeast 1/4 of said Section 3, Township 30 South, Range 38 East; thence S 01°13'26" E a distance of 1053.18 feet to the northeast corner of the northwest 1/4 of the northeast 1/4 of Section 10, Township 30 South, Range 38 East; thence S 89°50'45" W a distance of 375.00 feet; thence S 00°35'41" E a distance of 1329.38 feet to the south line of the northwest 1/4 of the northeast 1/4 of Section 10, Township 30 South, Range 38 East; thence S 89°42'50" W a distance of 968.12 feet to the eastern boundary of the northeast 1/4 of said Section 10, Township 30 South, Range 38 East; thence N 00°38'31" W a distance of 1331.62 feet to the south 1/4 corner of Section 3, Township 30 South, Range 38 East; thence S 89°49'49" W along the south line of the southwest 1/4 of said Section 3 a distance of 2,671.22 feet to the Point of Beginning.

Located in Brevard County, Florida.

FLORIDA CITIES WATER COMPANY - BREVARD COUNTY DIVISION

BAREFOOT BAY

COMPOSITE WATER AND WASTEWATER DESCRIPTION

The following composite description includes (1) the areas granted by Orders Nos. 5016 and 9526, as corrected by Order Nos. PSC-97-0141-FOF-WS, with certain angles and distances added to make the description more clear and concise; and (2) additional areas approved by Order No. PSC-97-0141-FOF-WS, and (3) the new area.

A portion of Sections 3, 9, 10, 11, 15 and 16, Township 30 South, Range 38 East, Brevard County, Florida, being more particularly described as follows:

Begin at the Northeast corner of Section 15, Township 30 South, Range 38 East, proceed Southerly along the Eastern boundary line of said Section 15, a distance of 1334 feet, more or less, to the Southeast corner of the Northeast 1/4 of the Northeast 1/4; Thence Westerly along the South boundary of the Northeast 1/4 of the Northeast 1/4 of said Section 15, a distance of 1331 feet, more or less to the Southwest corner of the Northeast 1/4 of the Northeast 1/4 of said Section 15; thence North $00^{\circ}32'12''$ West, a distance of 11.20 feet; thence South $89^{\circ}32'20''$ West, a distance of 330.01 feet; thence North $00^{\circ}32'12''$ West, a distance of 330 feet to a line described as the North boundary of the South 330 feet of the North 1320 feet of the Northwest 1/4 of the Northeast 1/4 of said Section 15, thence South $89^{\circ}32'20''$ West, along said boundary line for a distance of 335.43 feet; thence South $00^{\circ}32'12''$ East, a distance of 330 feet to a line described as the South boundary of the North 1320 feet of the Northwest 1/4 of the Northeast 1/4 of said Section 15; thence South $89^{\circ}32'20''$ West, a distance of 343.26 feet; thence North $00^{\circ}31'40''$ West, along the East boundary of the West 10 acres of the Northwest 1/4 of the Northeast 1/4 of said Section 15 a distance of 1320.00 feet to a point on a line 50.00 feet south of and parallel with the north line of said Section 15 (the Southern boundary of Micco Road right-of-way); thence South $89^{\circ}32'20''$ West parallel with and 50.00 feet south of the North line of said Section 15, a distance of 287.9 feet, to a point on a line 40.00 feet west of and parallel with the west line of the Northeast 1/4 of said Section 15 (the East line of Flemming Grant Road); thence South $00^{\circ}31'40''$ East along said line a distance of 1950 feet; thence South $89^{\circ}32'20''$ East, a distance of 1350 feet to the Southeast corner of the North 1/2, Southwest 1/4, Northeast of said Section 15; thence South $0^{\circ}05'00''$ East, a distance of 950 feet, more or less; thence South $89^{\circ}46'20''$ West, a distance of 1331.43 feet, to the West line of the Southeast 1/4 of said Section 15; thence northerly along the North-South centerline of said Section 15, a distance of

FLORIDA CITIES WATER COMPANY - BREVARD COUNTY DIVISION

BAREFOOT BAY

COMPOSITE WATER AND WASTEWATER DESCRIPTION

261.75 feet to the center of said Section 15; thence South $89^{\circ}46'20''$ West, along South boundary of the Northwest 1/4 of said Section 15, for a distance of 2333.53 feet; thence North $44^{\circ}37'18''$ West a distance of 475.72 feet, to the West line of said Section 15; thence North $0^{\circ}32'45''$ West, along said West line, a distance of 993.85 feet, to the South boundary of the North 1/2 of the Northwest 1/4, of said Section 15; thence North $89^{\circ}53'10''$ East, a distance of 2331.8 feet, to Southwest corner of the East 1/2, East 1/2, Northeast 1/4, Northwest 1/4 of said Section 15; thence North $00^{\circ}31'49''$ West, along the West line of the East 1/2, East 1/2, Northeast 1/4, Northwest 1/4 of said Section 15, a distance of 1319.16 feet to a line lying 50.00 feet South of and parallel with the North line of said Section 15 (the South boundary of Micco Road right-of-way); thence Westerly parallel with and 50.00 feet South of the North lines of said Sections 15 and 16, a distance 4992.7 feet, to the West boundary of the Northeast 1/4 of Section 16, Township 30 South, Range 38 East, thence North $00^{\circ}33'44''$ West along said boundary and the West boundary of the Southeast 1/4 of Section 9, Township 30 South, Range 38 East, a distance of 2732.1 feet, to the center said Section 9; thence North $89^{\circ}49'31''$ West, along the South line of the Northwest 1/4 of said Section 9 for a distance of 1326.90 feet, to the Southwest corner of the Southeast 1/4, Northwest 1/4, said Section 9; thence North $00^{\circ}29'39''$ West, along the West line of the Southeast 1/4, Northwest 1/4, said Section 9, for a distance of 1343.21 feet to the Northwest corner of the Southeast 1/4, Northwest 1/4, Section 9 of said Township and Range; thence South $89^{\circ}44'36''$ East, along the North boundary of the Southeast 1/4 of the Northwest 1/4 of said Section 9 a distance of 1325.33 feet, more or less to the Northeast corner of the Southeast 1/4 of Northwest 1/4 of said Section 9; thence North $00^{\circ}33'44''$ West, along the West boundary of the Northeast 1/4 of said Section 9 a distance 1341 feet, more or less to the North 1/4 corner of said Section 9; thence Easterly along the North boundary of said Section 9, Township 30 South, Range 38 East, a distance of 2647.27 feet to the Southwest corner of Section 3, Township 30 South, Range 38 East; proceed N $00^{\circ}32'48''$ W, along the west line of the Southwest 1/4 of said Section 3, a distance of 2,656.30 feet to a concrete monument at the northwest corner of said Southwest 1/4; thence S $89^{\circ}50'47''$ E, along the north line of said Southwest 1/4 a distance of 1320.29 feet; thence S $00^{\circ}52'46''$ E a distance of 331.12 feet, thence S $89^{\circ}53'14''$ E a distance of 660.91 feet, thence S $00^{\circ}27'56''$ E a distance of 1250.41 feet, thence S $89^{\circ}50'47''$ E distance of 2021.86 feet to the East line of the Southwest 1/4 of the Southeast 1/4 of said Section 3, Township

FLORIDA CITIES WATER COMPANY - BREVARD COUNTY DIVISION

BAREFOOT BAY

COMPOSITE WATER AND WASTEWATER DESCRIPTION

30 South, Range 38 East; thence S 01°13'26" E a distance of 1053.18 feet to the Northeast corner of the Northwest 1/4 of the Northeast 1/4 of Section 10, Township 30 South, Range 38 East; thence S 89°50'45" W a distance of 375.00 feet; thence S 00°35'41" E a distance of 1329.38 feet to the south line of the Northwest 1/4 of the Northeast 1/4 of Section 10, Township 30 South, Range 38 East; thence S 89°42'50" W a distance of 968.12 feet to the eastern boundary of the Northeast 1/4 of said Section 10, Township 30 South, Range 38 East; thence S 00°38'31" East a distance of 1331.98 feet to the center point of said Section 10; thence Easterly along the East-West centerline of Sections 10 and 11 a distance of 3764.6 feet, to the Westerly boundary of US Highway 1 (State Road No. 5) right-of-way; thence Southeasterly along said westerly boundary a distance of 2619.3 feet (plus or -); thence South 77°07'44" West a distance of 681.4 (plus or -) feet; thence South 23°53'16" East parallel to Florida East Coast Railroad right-of-way a distance of 190.7 (plus or -) feet to the South line of said Section 11; thence West along the South line of said Section, for a distance of 1,617.4 feet (plus or -) to the Southwest corner of said Section 11, said point also being the Northeast corner of said Section 15 and the POINT OF BEGINNING.