

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application by North) DOCKET NO. 951373-SU
Peninsula Utilities, Inc. for) ORDER NO. PSC-96-0262-FOF-SU
Amendment for Certificate No.) ISSUED: February 23, 1996
249-S in Volusia County, Florida)
_____)

ORDER AMENDING CERTIFICATE TO INCLUDE
ADDITIONAL TERRITORY AND CLOSING DOCKET

BY THE COMMISSION:

Background

North Peninsula Utilities, Inc. (NPU or utility) is a Class C utility which provides wastewater service in Volusia County. The annual report for 1994 indicates that the operating revenue for wastewater is \$130,126. The net operating loss for wastewater is \$6,191.

On November 15, 1995, the utility applied for an amendment to Wastewater Certificate No. 249-S. The proposed territory is immediately adjacent to the utility's existing territory in Volusia County.

NPU's proposed amendment is in a critical use area as defined by the St. Johns River Water Management District. NPU's wastewater system consists of a 181,000 gallons per day wastewater plant which provides wastewater service to customers in Volusia County. The proposed amendment which consists of adding two additional parcels is consistent with the Volusia County Comprehensive Plan and there will be no additional wastewater facilities built to serve the proposed territory. Service will be provided by extending existing transmission and distribution lines.

Application

The application is in compliance with the governing statute, Section 367.045, Florida Statutes, and other pertinent statutes and administrative rules concerning an application for amendment of certificate. The application contains a check in the amount of \$100.00 which is the correct filing fee pursuant to Rule 25-30.020, Florida Administrative Code. The applicant has provided evidence that the utility owns the land upon which the utility's facilities are located as required by Rule 25-30.036(1)(d), Florida Administrative Code, in the form of a warranty deed.

DOCUMENT NUMBER-DATE

02228 FEB 23 96

FPSO-REC'D LS/REPORTING

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 territory requested by the utility 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.

In addition, the application contains proof of compliance with the noticing provisions set forth in Rule 25-30.030, Florida Administrative Code. No objection to this application has been received and the time for filing such objection has expired.

Presently, NPU provides quality wastewater service to the residents of Volusia County. The utility has the capability and financial resources to adequately service the proposed additional territory. The proposed additional territory will have no substantial effect on the utility's financial status. NPU currently has no outstanding violation reported by the Department of Environmental Protection.

The utility has filed revised tariff sheets incorporating the additional territory into its tariff and has submitted Certificate No. 249-S for entry reflecting the additional territory.

Based on the above information, we find that it is in the public interest to grant the application of North Peninsula Utilities, Inc. for amendment of Wastewater Certificate No. 249-S for the territory described in Attachment A, which is incorporated herein by reference.

Rates and Charges

The utility's approved wastewater rates were effective August 11, 1995, pursuant to a 1995 Price Index and Ad Valorem Tax Pass-Through. Our approval of the utility's amendment application will have no impact on its existing rates and charges. The utility shall continue to charge its existing rates and charges until authorized to change by this Commission in a subsequent proceeding.

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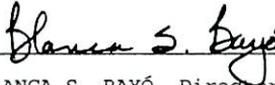
Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Certificate No. 249-S, held by North Peninsula Utilities, Inc., 1460 Oceanshore Boulevard, Ormond Beach, Florida 32176, is hereby amended to include the territory described in Attachment A of this Order. It is further

ORDERED that North Peninsula Utilities, Inc. 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 23rd day of February, 1996.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

MTR

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, 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.

ATTACHMENT A

WASTEWATER TERRITORY

Maderino Parcel

Township 13 South, Range 32 East, Volusia County, Florida.

In Section 21

Commence at the intersection of the North Line of Section 21 of the said Township and Range with the east shoreline of the Halifax River; thence South 25 degrees East, along the shoreline of the Halifax River 720 feet, more or less, thence due East 220 feet, more or less, to the **Point of Beginning**; thence continue due East a distance of 181.33 feet; thence South 25 degrees East and parallel to the shoreline of the Halifax River a distance of 122.17 feet; thence due West a distance of 181.33 feet, thence North 25 degrees West and parallel to the east shoreline of the Halifax River 122.17 feet to the **Point of Beginning**.

Ehringer Parcel

Township 13 South, Range 32 East, Volusia County, Florida.

In Section 16

Commence at the intersection of the North line of Section 16 of said Township and Range with the west Right of Way line of State Road A-1-A (Ocean Shore Blvd.), an 80 foot Right of Way as now laid out; Thence Southerly along the west Right of Way line of State Road A-1-A, a distance of 3,020 feet, more or less, to the **Point of Beginning**; thence continue southerly along said west Right of Way line of State Road A-1-A 218.29 feet to the north Right of Way line of Ocean Aire Terrace, a 50 foot Right of Way; thence due West, along the north line of Ocean Aire Terrace, 150 feet; thence North 25 degrees West and parallel to A-1-A right of way 218.29 feet; thence due East and parallel to Ocean Aire Terrace 150.00 feet to the **Point of Beginning**, except the public Right of Way outside of the curves at the corners of the Ocean Aire Terrace.