

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for) DOCKET NO. 950803-SU
Amendment of Certificate No.) ORDER NO. PSC-96-1086-FOF-SU
281-S by Bonita Country Club) ISSUED: August 22, 1996
Utilities, Inc., in Lee County)
_____)

ORDER AMENDING CERTIFICATE TO INCLUDE ADDITIONAL TERRITORY
AND
CLOSING DOCKET

BY THE COMMISSION:

Bonita Country Club Utilities, Inc. (Bonita or utility) provides wastewater service to approximately 750 customers in Lee County. In its 1995 annual report, Bonita listed operating revenues of \$185,132 and a net operating loss of \$3,907. The utility is a Class B utility company subject to our regulation.

On July 5, 1996, the utility applied for an amendment to Certificate No. 281-S. The application was 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 contained the correct filing fee of \$100, as prescribed by Rule 25-30.020, Florida Administrative Code. In addition, the utility 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(1)(e), (f) and (i), Florida Administrative Code. A description of the additional territory requested by the utility is appended to this order as Attachment A. The utility 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 were filed. The utility stated that the provision of service will be consistent with the wastewater section of the Lee County comprehensive plan. Service will be provided by the utility's new .500 million gallons per day (mgd) wastewater treatment plant. Current maximum peak daily flows at the treatment plant are approximately .210 mgd. Thus, the

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treatment plant has adequate capacity to accept the influent from the 55 single family residents and one community (non-commercial) center to be served in the added territory. Water service is to be provided by Bonita Springs Utilities, Inc.

The utility has two Class C licensed operators who have been employed by the utility for five years. The utility employs TKW Consulting Engineers, Inc., Fort Myers, Florida, on an as-needed basis. The Department of Environmental Protection has issued no outstanding notices of violation against the utility. The applicant stated that it has provided reasonably sufficient, adequate and efficient service for a period of many years. The developer will contribute the line extensions. The utility intends to file a service availability case before providing service to the developer. Its present plant capacity charge, set in Order No. 15549, issued January 14, 1986, is \$400. Further, the utility stated that with the revenues from the new customers it anticipates producing net operating income. Moreover, the utility was able to secure a loan for the plant expansion completed in December 1995. Thus, we find that the utility has demonstrated the ability to provide quality service to the customers in the new service territory.

The utility shall apply the rates and charges set in Order No. 15549 and last changed by index on September 29, 1995 to the customers in the new service territory. The utility has filed revised tariff sheets incorporating the additional territory into its tariff and returned its certificate for entry reflecting the additional territory.

Accordingly, we find it appropriate to grant the application of Bonita Country Club Utilities, Inc. for amendment of Certificate No. 281-S to include the additional service territory described in Attachment A.

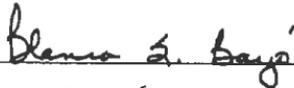
Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Certificate No. 281-S, held by Bonita Country Club Utilities, Inc., 10200 Maddox Lane, Bonita Springs, Florida 33923, is hereby amended to include the territory in Attachment A of this Order, which by reference is incorporated herein. It is further

ORDERED that Bonita Country Club Utilities, Inc., shall charge customers in the territory added herein the rates and charges approved in its tariff. It is further

ORDERED that this docket shall be closed.

By ORDER of the Florida Public Service Commission, this 22nd day of August, 1996.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

CJP

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.

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ATTACHMENT A

BONITA COUNTRY CLUB UTILITIES, INC.

LEE COUNTY

TOWNSHIP 47 SOUTH, RANGE 25 EAST

IN SECTION 23

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