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February 5, 1991

Mr. Steve Tribble, Director
Division of Records and Reporting
Florida Public Service Commission
101 East Gaines Street
Tallahassee, Florida 32399-0850

Re: Sandy Creek Airpark, Inc.; Complaint and
Petition against Sandy Creek Utilities, Inc.
Our File No. 28031.01

910111-WS

Dear Mr. Tribble:

Attached please find the original and fifteen (15) copies of
a Complaint and Petition of Sandy Creek Airpark, Inc., filed
against Sandy Creek Utilities, Inc.

The attorneys representing Sandy Creek Airpark are as follows:

ROSE, SUNDSTROM & BENTLEY
2548 Blairstone Pines Drive
Tallahassee, Florida 32301
(904) 877-6555
Attn: F. Marshall Deterding, Esquire

The Complainant/Petitioner's name and address is as follows:

Sandy Creek Airpark, Inc.
1C Airway
Panama City, Florida 32404

We request that a copy of the PSC Staff Recommendation and
other documents and correspondence in connection with this docket
be provided to us as Sandy Creek Airpark's attorneys in this case.

Sincerely,


F. Marshall Deterding
For the Firm

FMD:lcb
Enclosure
cc: Matthew Feil, Esquire

DOCUMENT 011110

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REC-RECORDS/REPORTS

service to a particular lot, or acceptance of facilities constructed by the Complainant/Petitioner for connection to facilities of the utility, both the utility and the Complainant/Petitioner herein are required to comply with Commission rules, policies and orders in the conduct of such business.

4. Complainant/Petitioner is not aware of any disputed issues of material fact at this time.

5. The facts alleged by Complainant/Petitioner in support of this filing are as follows:

(a) Sandy Creek Airpark consists of Phases I and II, each of approximately fifty (50) lots, both of which are located immediately adjacent to the water and sewer treatment plant facilities of Sandy Creek Utilities, Inc. Attached hereto as Exhibit "A" is a map showing the location of Sandy Creek Airpark, Phases I and II, in relation to the treatment plant facilities of Sandy Creek Utilities, Inc.

(b) Phase I of Sandy Creek Airpark is served by one water line and one sewer line currently connected to the facilities of the utility, and for which approximately six (6) lots are currently receiving service. The great majority of the lots in Phase I not receiving service are owned by individuals, with only eight (8) additional lots owned by the Complainant/Petitioner herein. The water and sewer mains contained in Phase I have been connected to the utility facilities of Sandy Creek Utilities, Inc., and several lots therein have been receiving service as and when requested since the utility facilities and the property currently known as Sandy Creek Airpark were under common ownership several years ago.

(c) Since August, 1987, Complainant/Petitioner has pursued attempts to obtain commitments for service to Phase II of Sandy Creek Airpark from the utility. The request for assurances that services can be provided by the utility have taken both verbal and written form. The written requests for service have, on numerous occasions over the last three years, complied with the requirements of Commission Rule 25-30.525, Florida Administrative Code.

(d) The utility has failed to comply with the requirements of Rule 25-30.530, Florida Administrative Code, in responding to these repeated requests for service, in that what little response has been received in writing has never stated whether or not such service can be provided, and when.

(e) Based upon verbal assurances from the utility that service can be provided to Phase II, the Complainant/Petitioner herein has constructed the necessary water and sewer mains in Phase II, and has extended those up to the location of the utility's existing facilities, and readied them for connection. At the utility's insistence, the Complainant/Petitioner herein has paid an engineering inspection fee to the utility's engineer for plan review and inspection of the facilities constructed by the Complainant/Petitioner, approximately eight (8) months ago, and the utility's engineer has approved of those facilities.

(f) In order to sell lots in Phase II of Sandy Creek Airpark, the Complainant/Petitioner must have some written assurances that the utility intends to provide service to the lots contained therein as each individual lot owner requests such service. In addition, Complainant/Petitioner must obtain immedi-

ate connection of the water and sewer facilities constructed by Complainant/Petitioner to those of the utility.

(g) While the currently described certificates of the utility do not include Sandy Creek Airpark, Inc., the continuous service to Phase I of the Airpark, and the continued assurances with relation to Phase II of the Airpark, lead to the conclusion that Sandy Creek Airpark in its entirety is de facto within this certificated service territory of the utility.

(h) Sandy Creek Utilities, Inc., has adequate existing excess capacity to provide water and sewer utility services to all of Sandy Creek Airpark, and no additions to its distribution or collection system will be necessary to provide such service beyond those already constructed by the Complainant/Petitioner herein. The utility currently owns the water and sewer mains servicing Phase I of Sandy Creek Airpark, and Complainant/Petitioner herein stands ready, willing and able to provide, by Bill of Sale, the facilities it has constructed on Phase II in order to enable the utility to provide service thereto.

(i) Unless the Commission requires Sandy Creek Utilities, Inc., to extend its official service territory to include Sandy Creek Airpark, and finds that the certificated territory does already de facto include the property of Complainant/Petitioner, the Complainant/Petitioner or each individual lot owner will have to petition for extension of service territory each time additional service is needed by them.

WHEREFORE, Sandy Creek Airpark, Inc., requests that the Florida Public Service Commission require Sandy Creek Utilities, Inc., to provide assurances to the Complainant/Petitioner that

service is available to Sandy Creek Airpark, Inc., Phase II; require connection of the already installed and inspected facilities within Sandy Creek Airpark, Phase II, to the existing facilities of Sandy Creek Utilities, Inc.; and require the immediate formalization of the extension of service territory of the utility so as to officially include Sandy Creek Airpark, Inc., Phase I and Phase II, as is de facto the case at present. The Commission is authorized to take such actions under the provisions of Section 367.045, Florida Statutes. In the alternative, should the Commission choose not to require the formal extension of the utility's existing service territory to include Sandy Creek Airpark, Phase II, the Complainant/Petitioner herein requests that the Florida Public Service Commission require the utility to provide service to Sandy Creek Airpark, Inc., Phases I and II, under its authority as expressed in Section 367.121(1)(d), Florida Statutes to require service by a regulated utility outside its certificated territory.

Respectfully submitted this 5th
day of February, 1991, by:

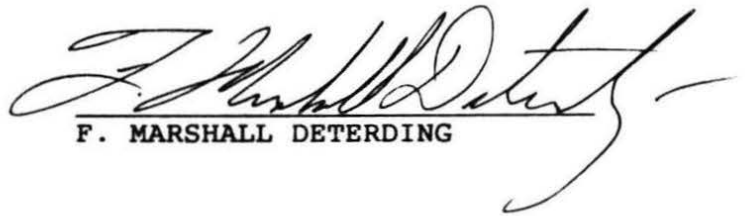
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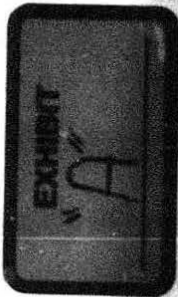
F. MARSHALL DETERDING

CERTIFICATE OF SERVICE

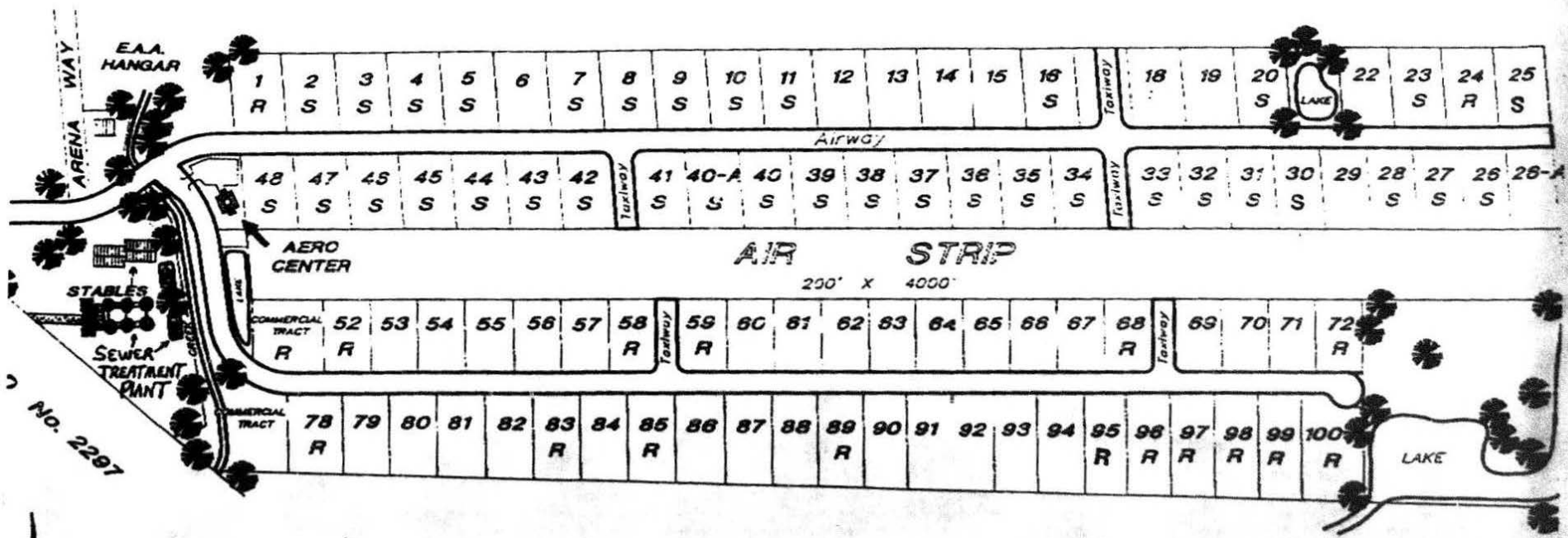
I HEREBY CERTIFY that a true and correct copy of the foregoing Complaint and Petition has been furnished by U.S. Mail to Sandy Creek Utilities, Inc., 1732 Highway 2297, Panama City, Florida 32404, and by hand delivery to Matthew Feil, Esquire, Division of Legal Services, Florida Public Service Commission, 101 East Gaines Street, Tallahassee, Florida 32399-0850 this 5th day of February, 1990.



F. MARSHALL DETERDING



SANDY CREEK AIRPARK PHASE I



SANDY CREEK AIRPARK PHASE II

No. 2297