

**ORIGINAL
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MEMORANDUM

October 8, 1991

TO : DIVISION OF LEGAL SERVICES (GOLDEN)
 DIVISION OF RECORDS AND REPORTING

FROM : DIVISION OF WATER AND SEWER (REDEMANN) *RRR/gw*

RE : DOCKET NO. 910837-WS, APPLICATION BY SOUTH BROWARD
 UTILITY, INC. FOR AMENDMENT OF CERTIFICATES NOS. 359-W
 AND 290-S IN BROWARD COUNTY, FLORIDA.

South Broward Utility, Inc. (South Broward or utility) provides water and wastewater service in southwest Broward County. The utility serves approximately 1,542 water and 1,519 wastewater customers, respectively. The annual report for 1990 shows that the consolidated annual operating income is \$652,984 and the net operating income is (\$293,152). The utility is a Class B utility company under FPSC jurisdiction.

On August 8, 1991 the utility applied for an amendment to Water Certificate No. 359-W and Wastewater Certificate No. 290-S in Broward County, Florida. The utility anticipates that it will add 200 residential ERC's and 134 general service ERC's in the proposed water service area, and 50 residential ERC's and 134 general service ERC's in the proposed wastewater service area.

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 \$1,050 [\$900 (water) + \$150 (wastewater) = \$1,050] 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.

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 memorandum as Attachment A. Also, the utility has rewritten its entire legal description to include the old and new territory. This description includes the territory granted in the previous orders and the territory for this amendment. Staff has verified the rewritten legal description. The rewritten

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description is appended to this memorandum as Attachment B. 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 notice of application have been received and the time for filing such has expired.

South Broward has been regulated by the Florida Public Service Commission since 1981. The officers of South Broward possess the experience in the water and wastewater utility industry necessary to render sufficient, adequate, and efficient service. The cost of all distribution and collection lines will be paid by developers or homeowners requesting utility service. Upon completion and acceptance, the facilities will be conveyed to the utility as contributions in aid of construction. Therefore, there will be little impact on the utility's capital structure.

South Broward has received requests for service from potential customers in the territories, which are the subject of this application. According to the filing, the provision of service will be consistent with the approved local comprehensive plan. The local planning agency was provided notice of the application and did not file a protest to the amendment. Staff has contacted the Department of Environmental Regulation and learned that there are no outstanding notices of violation.

Based on the above information, staff believes it is in the public interest to grant the application of South Broward Utility, Inc. for amendment of Water Certificate No. 359-W and Sewer Certificate No. 290-S for the territory described in Attachment A. An administrative order should be issued within 30 days approving the application.

The utility's approved rates and charges were effective October 14, 1990 pursuant to Order No. 22844 issued in Docket No. 890360-WS. Docket No. 890360-WS was a rate case filing.

The utility has indicated that the proposed amendment will have no significant impact on its existing rates and charges. Staff recommends that these rates and charges be applied to customers in the new service territory.

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The utility has filed revised tariff sheets incorporating the additional territory into its tariffs and returned its certificates for entry reflecting the additional territory.

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ATTACHMENT A

SOUTH BROWARD UTILITY, INC.

WATER TERRITORY DESCRIPTION

The following described lands located in portions of Sections 27, 29, 32, 33, Township 50 South, Range 40 East, Broward County, Florida:

Section 27

All of the Southeast 1/4 lying South of the South New River Canal R/W.

Section 29

All of the East 1/2 of the Southeast 1/4 lying South of the South New River Canal R/W.

Section 32

The East 1/2 of the East 1/2, less the Northeast 1/4 of the Southeast 1/4 of the Southeast 1/4 less the South 165 feet, and less the South 1/2 of the Southeast 1/4 of the Northeast 1/4 of the Southeast 1/4.

Section 33

The North 990 feet of the Northwest 1/4 of the Southwest 1/4, and the West 1/2 of the Northwest 1/4 less the North 825 feet. And the North 1/2 of the North 1/2 of the Northwest 1/4 of the Southeast 1/4.

AND

The following described lands located in a portion of Sections 3, Township 51 South, Range 40 East, Broward County, Florida:

Section 29

The North 1/2, and North 330 feet of the South 1/2.

ATTACHMENT A

SOUTH BROWARD UTILITY, INC.

WASTEWATER TERRITORY DESCRIPTION

The following described lands located in portions of Sections 27, 29, 32, 33, Township 50 South, Range 40 East, Broward County, Florida:

Section 27

All of the Southeast 1/4 lying South of the South New River Canal R/W.

Section 28

The West 1/2 of the Southwest 1/4 lying South of the South New River Canal R/W, less the South 723.15 feet of the East 1/2 of the West 1/2 of the Southwest 1/4, and less the South 868.50 feet of the West 1/2 of the West 1/2 of the Southwest 1/4.

Section 29

All of the East 1/2 of the Southeast 1/4 lying South of the South New River Canal R/W.

Section 33

The North 1/2 of the North 1/2 of the Northwest 1/4 of the Southeast 1/4.

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ATTACHMENT B

SOUTH BROWARD UTILITY, INC.

WATER TERRITORY DESCRIPTION

Township 50 South, Range 40 East:

Section 27:

All of the South 1/2 lying South of the South New River Canal R/W in Section 27-50-40.

Section 28:

All of the South 1/2 lying South of the South New River Canal R/W in Section 28-50-40.

Section 29:

All of the East 1/2 of the Southeast 1/4 lying South of the South New River Canal R/W in Section 29-50-40.

Section 32:

All of the East 1/2 of the East 1/2 of Section 32-50-40.

Section 33:

All of Section 33-50-40.

Section 34:

All of Section 34-50-40.

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ATTACHMENT B

SOUTH BROWARD UTILITY, INC.

WATER TERRITORY DESCRIPTION

Township 51 South, Range 40 East:

Section 3:

The North 1/2 and the North 330 feet of the South 1/2 of Section 3-51-40.

Section 4:

All of Section 4-51-40, less the South 1/2 of the North 1/2 of the Northwest 1/4 of the Southwest 1/4; and also less the East 180 feet of the West 982 feet of the North 1/2 of the North 1/2 of the Northwest 1/4 of the Southwest 1/4 of Section 4, Township 51 South, Range 40 East.

Section 5:

The East 1/2 of Section 5-51-40.

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ATTACHMENT B

SOUTH BROWARD UTILITY, INC.

WASTEWATER TERRITORY DESCRIPTION

Township 50 South, Range 40 East:

Section 27:

All of the Southeast 1/4 lying South of the South New River Canal R/W in Section 27-50-40; and

Section 28:

All of the Southeast 1/4 lying South of the South New River Canal R/W; and all of the East 1/2 of the Southwest 1/4 lying South of the South New River Canal R/W; and the West 1/2 of the Southwest 1/4 lying South of the South New River Canal R/W, less the South 723.15 feet of the East 1/2 of the West 1/2 of the Southwest 1/4, and less the South 868.50 feet of the West 1/2 of the West 1/2 of the Southwest 1/4 of Section 28-50-40.

Section 29:

All of the East 1/2 of the Southeast 1/4 lying South of the South New River Canal R/W, less the South 330 feet in Section 29-50-40.

Section 33:

All of the East 1/2, and the East 1/2 of the West 1/2, and the South 1,650 feet of the West 1/2 of the West 1/2 of Section 33-50-40; and

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ATTACHMENT B

SOUTH BROWARD UTILITY, INC.
WASTEWATER TERRITORY DESCRIPTION

Township 51 South, Range 40 East:

Section 4:

All of Section 4-51-40, less the South 1/2 of the North 1/2 of the Northwest 1/4 of the Southwest 1/4; and also less the East 180 feet of the West 982 feet of the North 1/2 of the North 1/2 of the Northwest 1/4 of the Southwest 1/4 of Section 4, Township 51 South, Range 40 East.

Section 5:

The East 1/2 of Section 5-51-40.