

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application of Clay) DOCKET NO. 930205-WS
Utility Company for Amendment of) ORDER NO. PSC-93-1153-FOF-WS
Certificates Nos. 163-W and) ISSUED: August 9, 1993
113-S in Clay County.)
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)
_____)

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON, Chairman
THOMAS M. BEARD
SUSAN F. CLARK
JULIA L. JOHNSON
LUIS J. LAUREDO

ORDER AMENDING CERTIFICATES TO INCLUDE
ADDITIONAL TERRITORY AND CLOSING DOCKET

BY THE COMMISSION:

Background

On March 1, 1993, Clay Utility Company (Clay or Utility) filed an application with this Commission for amendment of Certificates Nos. 163-W and 113-S to include additional territory in Clay County, Florida. Clay consists of four systems: the Clay Water Treatment System; the Clay Wastewater Treatment System; the Clay Water Distribution System; and the Clay Wastewater Distribution System.

Clay currently serves approximately 3,100 residential customers in its service area, which covers approximately 4 square miles. The additional territory requested consists of approximately 4.3 square miles along both sides of State Road 220 in Clay County. Not all of the requested territory needs service at this time. However, because of the location, Clay believes that service will be required for a large portion of the area in the near future.

Clay is in a critical use area as defined by the St. Johns River Water Management District. The Utility currently discharges effluent from its Ridaught Landing wastewater treatment plant into Little Black Creek. Since the Ridaught plant will have to be

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FINANCIAL STATEMENT

expanded in the future to accommodate the additional territory, Clay has completed the Water Quality Based Effluent Limitations Study required by the Department of Environmental Protection for a new disposal point on the main body of Little Black Creek.

At present there are no golf courses or other public areas in reasonable proximity of the Ridaught plant that would be able to accept reclaimed water. However, should such a disposal point occur, Clay should consider sending the reclaimed water to such a point rather than discharging it in the Little Black Creek. According to the St. Johns River Water Management District and the Department of Environmental Protection, Clay is in compliance with their regulations with respect to water reuse and conservation.

Application

The application is in compliance with Section 367.045, Florida Statutes, and other pertinent statutes and administrative rules. In particular, the application contains a filing fee in the amount of \$4,500.00 in accordance with Rule 25-30.020, Florida Administrative Code. Clay also 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(1)(d), Florida Administrative Code.

Clay provided adequate service territory and system maps and a territory description as prescribed by Rule 25-30.036(1)(e), (f) and (i), Florida Administrative Code. A description of the additional territory is shown on Attachment A of this Order, which by reference is incorporated herein.

The Utility provided proof of compliance with the noticing provisions of Rule 25-30.030, Florida Administrative Code. No objections to the application have been received and the time for filing such has expired.

Since Clay has been in operation under our jurisdiction for several years, and has been providing satisfactory service to its customers, we believe that the Utility has demonstrated its ability to provide service to the additional territory. From the information filed with the application, it appears that Clay has the financial ability to serve the requested area. Therefore, we find that it is in the public interest to amend Certificates Nos. 163-W and 113-S to include the territory described in Attachment A of this Order. Clay has returned the Certificates to this

Commission for entry reflecting the additional territory. The Utility has also filed revised tariff sheets reflecting the amendment.

Clay's existing rates and charges became effective on July 11, 1992, pursuant to an index and pass-through rate adjustment. Clay 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.

It is, therefore,

ORDERED by the Florida Public Service Commission that Certificates Nos. 163-W and 113-S, held by Clay Utility Company, 83 Knight Boxx Road, Suite 103, Orange Park, Florida 32065, are hereby amended to include the territory described in Attachment A of this order, which by reference is incorporated herein. It is further

ORDERED that Clay Utility Company 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 Docket No. 930205-WS is hereby closed.

By ORDER of the Florida Public Service Commission this 9th day of August, 1993.



STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

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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 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 or sewer 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 Civil Procedure. The notice of appeal must be in the form specified in Rule 9.900 (a), Florida Rules of Appellate Procedure.

Page 1 of 5

ATTACHMENT A

Township 4 South, Range 25 East:

All of Section 19;
All of Section 20;
All of Section 21;
All of Section 30;
All of Section 29;
All of Section 28;
All of Section 27;
All of Section 31;
All of Section 32;
All of Section 33;
All of Section 22, lying Westerly and Southwesterly of the line described as "Line A" below.
All of Section 40, lying Westerly and Southwesterly of the line described as "Line A" below.
All of Section 26, lying Westerly and Southwesterly of the line described as "Line A" below.
All of Section 35, lying Westerly and Northerly of the line described as "Line A" below.
All of Section 34, lying Westerly and Northerly of the line described as "Line A" below.

Township 4 South, Range 24 East:

All of Section 24;
All of Section 25;
All of Section 36;

Township 5 South, Range 24 East:

All of Section 1;
All of Section 37, lying Northerly of Black Creek;

Township 5 South, Range 25 East:

All of Section 6;
All of Section 5;
All of Section 7, lying Northerly of Black Creek;
All of Section 8, lying Northerly of Black Creek;
All of Section 37, lying Northerly of Black Creek;

ATTACHMENT A

All of Section 17, lying Northerly of Black Creek;
All of Section 9, lying Northerly of Black Creek;
All of Section 4, lying Northerly of Black Creek;
All of Section 3, lying Westerly of the line described as "Line A".
All of Section 45;
All of Section 44;

Line A -

Begin at the Southeast corner of the Southwest 1/4 of Section 15, Township 4 South, Range 25 East; thence on the East line of said Southwest 1/4 of Section 15, North 00 degrees 20 minutes 50 seconds West 190.11 feet to the Southwesterly line of Lot 6, Section 18, Ridgewood, as recorded in Deed Book "Q", page 663, of the Public Records of said County; thence on last said line South 45 degrees 29 minutes 50 seconds East 353.05 feet; thence South 44 degrees 28 minutes 20 seconds West 42.20 feet to the most Northerly corner of Lot 48, Ridgewood Replat No. 5, as recorded in Plat Book 8, pages 51 and 52, of said Public Records; thence on the Northeasterly line of Lots 48, 47, 46, 45, 44, 43, 42, and 41, said Ridgewood Replat No. 5, South 45 degrees 31 minutes 40 seconds East 1056.00 feet to the Northwesterly right-of-way line of Washington Avenue; thence South 45 degrees 31 minutes 40 seconds East 50.00 feet to the Southeasterly right-of-way line of said Washington Avenue and the centerline of Block 2, Section 19, said Ridgewood; thence on last said line and then on the centerline of Block 6, said Section 19, Ridgewood, South 45 degrees 31 minutes 40 seconds East 2470.00 feet to the Southeasterly line of Lot 10, said Block 6; thence on last said line North 44 degrees 30 minutes 10 seconds East 186.30 feet to the Southwesterly line of lands known as "Park Lot "D" and described in Official Records Book 820, page 2, of said Public Records; thence on last said line South 45 degrees 31 minutes 35 seconds East 213.75 feet to the Northwesterly right-of-way of Kingswood Avenue; thence South 37 degrees 43 minutes 19 seconds East 100.93 feet to the Southeasterly right-of-way line of said Kingswood Avenue; thence on the Southwesterly line of those lands described in Official Records Book 232, page 24, and Official Records Book 460, page 164, of said Public Records, South 45 degrees 31 minutes 30 seconds East 377.53 feet to the Southeasterly line of said lands described in said Official Records Book 460, page 164; thence on last said line North 44 degrees 10 minutes 40 seconds East 0.78 feet to the Southwesterly line of those lands described in Official Records Book 189, page 489, of said Public

ATTACHMENT A

Records; thence on last said line and then on the Southwesterly line of those lands described in Official Records Book 295, page 45, of said Public Records, the following three (3) courses: (1) South 46 degrees 10 minutes 30 seconds East 216.24 feet; (2) South 55 degrees 45 minutes 30 seconds West 4.44 feet; (3) continue on last said line and then on a Southeasterly prolongation thereof South 46 degrees 10 minutes 30 seconds East 302.21 feet to the Southeasterly right-of-way line of Blanding Boulevard and/or State Road No. 21; thence on last said line South 55 degrees 45 minutes 30 seconds West 422.08 feet to the Southwesterly line of those lands described in Official Records Book 1185, page 29, of said Public Records; thence on last said line South 45 degrees 31 minutes 40 seconds East 504.34 feet to the centerline of Van Buren Avenue, now closed; thence on last said line South 44 degrees 30 minutes 10 seconds West 253.61 feet to the Northeasterly line of those lands described in Official Records Book 1148, page 242, of said Public Records; thence on last said line South 45 degrees 31 minutes 50 seconds East 506.22 feet to a Northwesterly line of said lands; thence on last said line North 44 degrees 29 minutes 28 seconds East 492.65 feet to the Northwesterly prolongation of the Northeasterly line of those lands described in Official Records Book 1256, page 292, of said Public Records; thence on last said line and said Northwesterly prolongation thereof South 45 degrees 31 minutes 40 seconds East 314.60 feet to the Westerly line of those lands described in Official Records Book 1323, page 25, of said Public Records; thence on last said line South 07 degrees 46 minutes 30 seconds West 265.71 feet to the Southerly line of last said lands; thence on last said line South 82 degrees 13 minutes 30 seconds East 170.00 feet; thence Northeasterly along the arc of a curve concave to the Northwesterly and having a radius of 30.00 feet, a chord distance of 42.43 feet, the bearing of said chord being North 52 degrees 46 minutes 30 seconds East, to the Westerly right-of-way line of College Drive and/or County Road No. 224; thence on last said line South 07 degrees 46 minutes 30 seconds West 4062.38 feet; thence continue on said line on the arc of a curve concave to the East and having a radius of 11509.20 feet, a chord distance of 1819.35 feet, the bearing of said chord being South 03 degrees 14 minutes 30 seconds West; thence continue on said line South 01 degree 17 minutes 30 seconds East 1022.51 feet; thence North 88 degrees 42 minutes 30 seconds East 100.00 feet to the East right-of-way line of said College Drive and/or County Road No. 224; also being the Northwest corner of Sandy Hollow, as recorded in Plat Book 17, pages 59 and 60, of said Public Records;

ATTACHMENT A

thence on the arc of a curve concave to the Northeast and having a radius of 30.00 feet, a chord-distance of 42.35 feet, the bearing of said chord being South 46 degrees 11 minutes 13 seconds East; thence on the boundary of said Sandy Hollow the following eight (8) courses: (1) North 88 degrees 55 minutes 25 seconds East 512.39 feet; (2) North 01 degree 04 minutes 57 seconds West 307.14 feet; (3) North 88 degrees 55 minutes 03 seconds East 113.14 feet; (4) North 01 degree 04 minutes 02 seconds West 337.47 feet; (5) North 88 degrees 54 minutes 23 seconds East 677.45 feet; (6) South 00 degrees 50 minutes 37 seconds East 1350.04 feet; (7) South 88 degrees 55 minutes 16 seconds West 672.18 feet; (8) North 01 degree 04 minutes 02 seconds West 337.47 feet; thence on the South line of said Sandy Hollow and a Westerly prolongation thereof, South 88 degrees 55 minutes 25 seconds West 753.50 feet to the West right-of-way line of said College Drive and/or County Road No. 224; thence on last said line South 01 degree 17 minutes 30 seconds East 1379.54 feet; thence North 88 degrees 42 minutes 30 seconds East 100.00 feet to the East right-of-way line of said College Drive and/or County Road No. 224; thence on last said line South 01 degree 17 minutes 30 seconds East 1699.62 feet to the intersection of said right-of-way line with the North line of the Southwest 1/4 of the Southwest 1/4 of said Section 35; thence on last said line South 88 degrees 56 minutes 16 seconds West 939.29 feet to the East line of those lands described in Official Records Book 418, page 326, of the Public Records of said County; thence on last said line North 00 degrees 42 minutes 37 seconds West 333.60 feet to the North line of said lands; thence on last said line North 89 degrees 47 minutes 47 seconds West 425.00 feet to the East line of said Section 34; thence on the South line of Greenwood Estates Unit Five, as recorded in Plat Book 19, pages 36 and 37, of said Public Records, also being the North line of the South 1/2 of the South 1/2 of the Northeast 1/4 of the Southeast 1/4 of said Section 34; thence on last said line North 89 degrees 49 minutes 19 seconds West 1001.12 feet; thence on the Northwesterly line of those lands described in Official Records Book 597, page 671, Official Records Book 1188, page 392, and Official Records Book 1065, page 315, of said Public Records, South 24 degrees 03 minutes 12 seconds West 790.47 feet to the West line of the Southeast 1/4 of the Southeast 1/4 of said Section 34; thence continue on the Northwesterly line of said lands described in Official Records Book 1065, page 315, and those lands described in Official Records Book 1160, page 598, of said Public Records, South 24 degrees 29 minutes 05 seconds West 302.26 feet to the Northerly right-of-way line of County Road No. 220, a 100-foot right-of-way as now established; thence on last said line North 61 degrees 39 minutes 00 seconds West 274.57 feet

ATTACHMENT A

to the intersection of said line with the Northerly prolongation of the Westerly line of those lands described in Official Records Book 245, page 13, of said Public Records; thence on last said line and the Northerly prolongation thereof, South 13 degrees 11 minutes 50 seconds West 2225.11 feet to the South line of the North 1/2 of the Northeast 1/4 of said Section 3; thence on last said line South 89 degrees 11 minutes 50 seconds West 182 feet, more or less, to the waters of Little Black Creek; thence Southerly by and along said waters, and following the meanderings thereof, 4865 feet, more or less, to the intersection of said waters with the North Bank of Black Creek, being the point of termination.

Portion of above legal to be excluded from territory to be added:

- (1) Duval Utility Company - McRae Landing Water System as described as follows:

A part of Section 5 and a part of the Andrew Brennan Grant, Section 37, all in Township 5 South, Range 25 East, Clay County, Florida, more particularly described as follows:

Begin at the Northeast corner of said Section 37; thence South 00 degrees 35 minutes 30 seconds West along the Easterly line of said Section 37, 1123.00 feet, more or less, to the waters of Black Creek; thence Southwesterly along said waters, 1240 feet, more or less; thence North 61 degrees 14 minutes 00 seconds West, 155 feet, more or less; thence North 83 degrees 04 minutes 45 seconds West, 319.73 feet to an iron pipe on the edge of a Cypress and Gum Swamp; thence Southwesterly, Westerly, Northwesterly, Northerly, Northeasterly, Easterly and Southeasterly along said edge of Cypress and Gum Swamp, 5750 feet, more or less, to an iron pipe; thence North 00 degrees 28 minutes 12 seconds East, 617.70 feet to the Northerly line of said Section 37; thence South 89 degrees 31 minutes 48 seconds East along said Northerly line, 1320.00 feet to the Point of Beginning.

- (2) All that property included above which was previously certificated to Clay Utility Company by the following Florida Public Service Commission Orders:

- (a) Order No. 5978, dated 12/19/73, Docket No. 73434-WS;
(b) Order No. 10960, dated 07/06/82, Docket No. 820076-WS;
(c) Order No. 13860, dated 11/19/84, Docket No. 840260-WS.