

FLORIDA PUBLIC SERVICE COMMISSION
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Tallahassee, Florida 32399-0850

MEMORANDUM

FEBRUARY 26, 1998

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FPSC - Records/Reporting

TO: DIRECTOR, DIVISION OF RECORDS AND REPORTING (BAYO)
FROM: DIVISION OF WATER & WASTEWATER (REDEMANN, CROUCH)
DIVISION OF LEGAL SERVICES (BRUBAKER, JAEGER)
RE: DOCKET NO. 971498-WU - APPLICATION FOR AMENDMENT OF
CERTIFICATE NO. 347-W TO DELETE TERRITORY BY MARION
UTILITIES, INC.
COUNTY: MARION

AGENDA: MARCH 10, 1998 - REGULAR AGENDA - INTERESTED PERSONS MAY
PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: S:\PSC\WAW\WP\971498WU.RCM

DOCKETS NOS. 961531-WU, 971498-WU, AND 971157-WS SHOULD BE
PLACED ON THE AGENDA IN CONSECUTIVE ORDER AS LISTED.

DOCUMENT NUMBER-DATE

971498 FEB 25 98

FPSC-RECORDS/REPORTING

DOCKET NO. 971498-WU
DATE: FEBRUARY 26, 1998

CASE BACKGROUND

Marion Utilities, Inc. (Marion or utility) provides water and wastewater service to approximately 4,311 water customers and 118 wastewater customers in Marion County, Florida. The utility's 1996 annual report shows an annual operating revenue of \$932,844 and a net operating income of \$80,004. The utility is a Class A utility company under FPSC jurisdiction.

On November 13, 1997 the utility applied for an amendment to delete three areas from Water Certificate No. 347-W in Marion County, Florida. Based on a settlement agreement between Decca Utilities, Inc. (Decca) and Marion, this case was filed on November 13, 1997. Part of the agreement was that Marion would delete three parcels of land that were originally granted to Marion and Decca would serve these areas with water and wastewater.

This docket is the second of three interrelated dockets filed with the Commission. Decca filed an amendment application in Docket No. 971157-WS to serve the area that Marion is deleting in this docket. Staff believes that the area should be deleted from Marion's certificate before it can be added to Decca's certificate in Docket No. 971157-WS. Therefore, Docket No. 971157-WS should be considered subsequent to the Commission's decision in this docket.

Staff has authority to administratively approve applications for amendment when no objections have been filed and the application is without controversy. This case is being brought to the attention of the Commission because staff does not have authority to delete an area from a certificate. The deletion will be addressed in Issue 1.

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DISCUSSION OF ISSUES

ISSUE 1: Should Marion's application for amendment to delete three areas from Water Certificate No. 347-W be approved?

RECOMMENDATION: Yes, Marion's application should be approved for the deletion of territory described in Attachment A. (REDEMANN, CROUCH)

STAFF ANALYSIS: As stated previously, on November 13, 1997, the utility filed an application for a deletion of territory to Certificate No. 347-W in Marion County, Florida, pursuant to Rule 25-30.036(4), Florida Administrative Code. 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 to delete area. The application contains a check in the amount of \$100 which is the correct filing fee pursuant to Rule 25-30.020, Florida Administrative Code.

Adequate service territory and system maps and a territory description have been provided as prescribed by Rule 25-30.036(4)(b), (c) and (e), Florida Administrative Code. A description of the territory to be deleted by the utility is appended to this memorandum as Attachment A. Parcel A was approved in Docket No. 910770-WU. Parcel B was approved in Docket No. 970117-WU, and Parcel C was approved in Docket No. 880547-WU. 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 application have been received and the time for such has expired. The local planning agency was provided notice of the application and did not file a protest to the amendment.

The utility states that the provision of service will be consistent with the utility section of the local comprehensive plan. No service is currently provided by the utility in these three areas. Parcels A and B are presently zoned commercial and will require water and wastewater service as well as fire flows in order to be developed. Marion can only provide water service to this area at this time. Decca Utilities has applied to provide water and wastewater service to these areas in Docket No. 971157-WS. Parcel C is being purchased by Decca and will become part of the Oak Run Development. As stated in the application, Decca is serving all of Oak Run, and it is logical that Decca be allowed to serve this area also. The addition of these areas into Decca's

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territory will be addressed in Docket No. 971157-WS. As stated previously, staff believes that Docket No. 971157-WS should be addressed following the Commission's decision regarding this docket.

The utility has filed revised tariff sheets incorporating the deletion of territory into its tariff and returned its certificate for entry reflecting the deletion of territory.

Based on the above information, staff believes it is in the public interest to grant Marion's application to delete the territory described in Attachment A from Water Certificate No. 347-W.

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ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes, this docket should be closed. (BRUBAKER)

STAFF ANALYSIS: No further action will be required and the docket should be closed.

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ATTACHMENT A
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MARION UTILITIES, INC.

MARION COUNTY

DELETION OF WATER SERVICE AREA - PARCEL A

Commence at the East 1/4 Corner of Section 25, Township 16 South, Range 20 East, Marion County, Florida; Thence North along the East Boundary of said Section 25 a Distance of 9.80 Feet to the Southerly Right-of-Way of S.W. 103rd Street Road (Hialeah Boulevard, 100' wide); Said Point being on a Curve Concave Northeasterly, having a radius of 1550.00 Feet and a Central Angle of 7°00'41"; Thence Northwesterly along said Right-of-Way curve a Chord Bearing and Distance of North 76°20'18" West, 189.56 Feet to the Point of Tangency of said Right-of-Way curve; Thence North 72°49'57" West along said Southerly Right-of-Way Line 1475.00 Feet to a Point of Curvature of a Curve Concave to the Northeast, having a radius of 1450.00 Feet and a Central Angle of 17°18'38"; Thence Northwesterly along said Right-of-Way curve, a Chord Bearing and Distance of North 81°29'16" West, 436.42 Feet to the Point of Tangency of Said Curve; Thence South 89°51'25" West, along said Southerly Right-of-Way Line 798.76 Feet to the Point of Curvature of a Curve Concave to the Northeast, having a radius of 800.00 Feet and a Central Angle of 41°42'47"; Thence Northwesterly along said Right-of-Way Curve through a Central Angle of 23°37'32", a Chord Bearing and Distance of North 78°19'49" West, 327.54 Feet to the Point of Beginning; Thence continue along said Right of Way Curve through a Central Angle of 18°05'15" a Chord Bearing and Distance of North 57°28'26" West, 251.50 Feet to the Point of Tangency of Said Curve; Then North 48°25'48" West along said Southerly Right-of-Way line 267.69 Feet to a Point on the Southerly Right-of-Way Line of State Road 200 (100 Feet wide); Thence South 41°34'12" West along said Southeasterly Right of Way Line of State Road 200 a Distance of 1327.64 Feet to a Point on the South Boundary of the North 1/2 of said Section 25; Thence North 89°12'16" West, along said South Boundary of the North 1/2 of aforesaid Section 25 a distance of 844.29 Feet; Thence North 00°47'44" West, 318.41 Feet; Thence North 35°27'53" East 275.00 Feet; Thence South 71°18'49" East 220.00 Feet; Thence North 23°28'58" East 214.59 Feet to the Point of Beginning.

Containing 12.50 Acres, more or less.

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MARION UTILITIES, INC.

MARION COUNTY

DELETION OF WATER SERVICE AREA - PARCEL B

A portion of Sections 24 & 25, Township 16 South, Range 20 East, Marion County, Florida, more particularly described as follows: COMMENCE at the S.E. Corner of Section 24, Township 16 South, Range 20 East; Thence South $88^{\circ}47'30''$ West, along the South Boundary of Said Section, 2076.37 Feet to the Point of Beginning, Said Point being on the Southeasterly Right-of-Way Line of State Road 200 (a 100.00 Foot Right-of-way); Thence South $41^{\circ}34'12''$ West, along said Right-of-Way, 1332.02 Feet; Thence South $48^{\circ}25'48''$ East, a distance of 250.00 Feet; Thence North $41^{\circ}34'12''$ East, a distance of 200.00 Feet; Thence South $48^{\circ}25'48''$ East, a distance of 249.08 Feet to a Point on Curve, concave to the Northwest, having a Radius of 1583.98 Feet, a Central Angle of $04^{\circ}30'32''$, and a chord of 124.62 Feet bearing North $37^{\circ}21'16''$ East, said Point being on the Northwesterly Right-of-Way line of S.W. 84th Avenue Road (a 60.00 Foot Right-of-Way); Thence Northeasterly along said curve and Right-of-Way; 124.65 Feet to a Point of Tangency; Thence North $35^{\circ}06'00''$ East, a distance of 238.14 Feet to the Point of Curvature of a Tangent Curve, concave to the Southeast, having a radius of 1505.00 Feet and a central angle $12^{\circ}17'08''$; thence Northeasterly along said curve, a distance of 322.71 Feet to a Point of Tangency; Thence North $47^{\circ}23'08''$ East, a distance of 283.64 Feet to the Point of Curvature of a Tangent Curve, concave to the Northwest, having a radius of 1946.86 Feet and a central angle of $05^{\circ}48'56''$; thence Northeasterly along said curve, a distance of 197.61 Feet to a Point of Tangency; Thence North $41^{\circ}34'12''$ East, a Distance of 137.56 Feet; Thence departing from the Northwesterly Right of Way of S.W. 84th Avenue Road, North $48^{\circ}25'48''$ West, a distance of 250.00 Feet; Thence North $41^{\circ}34'12''$ East, a distance of 300.00 Feet; Thence North $48^{\circ}25'48''$ West, a distance of 250.00 Feet to the Northwesterly Right-of-Way of State Road 200, Thence South $41^{\circ}34'12''$ West, along said Right-of-Way, 467.98 Feet to the Point of Beginning.

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MARION UTILITIES, INC.

MARION COUNTY

DELETION OF WATER SERVICE AREA - PARCEL B

Less and Except:

(Note: This area will remain in Marion Utilities, Inc. Service Area.)

COMMENCE at the S.E. Corner of Section 24, Township 16 South, Range 20 East; Thence S.88°47'30"W., along the South Boundary of Said Section, 2076.37 Feet to the Point of Beginning, Said Point Being on the Southeasterly Right of Way Line of State Road 200 (A 100.00 Foot Right of Way); Thence S.41°34'12"W., along Said Right of Way, 832.02 Feet; to the Point of Beginning; Thence Continue S.41°34'12"W., along Said Right of Way 300.00 Feet; Thence S.48°25'48"E., a Distance of 499.08 Feet, to a Point on Curve, Concave to the Northwest, Having a Radius of 1583.98 Feet, a Central Angle of 04°30'32", and a Chord of 124.62 Feet Bearing N.37°21'16"E., Said Point Being on the Northwesterly Right of Way Line of Said S.W. 84th Avenue Road; Thence Northeasterly along Said Curve and Right of Way, 124.65 Feet to a Point of Tangency; Thence N.35°06'00"E., a Distance of 176.84 Feet; Thence Departing from the Northwesterly Right of Way of S.W. 84th Avenue Road, N.48°25'48"W., a Distance of 499.08 Feet to the Point of Beginning.

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MARION UTILITIES, INC.

MARION COUNTY

DELETION OF WATER SERVICE AREA - PARCEL C

A parcel of land lying in Section 30, Township 16 South, Range 21 East, Marion County, Florida, being more particularly described as follows:

COMMENCE at the S.W. Corner of Section 30, Township 16 South, Range 21 East, Marion County, Florida; Thence North 00°40'51" East along the West Boundary of said Section 30 and the West Boundary of "Palm Cay Unit II", a distance of 1096.97 Feet to a Point on the South Boundary of "Palm Cay", Thence North 89°53'31" East along a Common Boundary of aforesaid "Palm Cay" and "Palm Cay Unit II", 75.01 Feet, Thence North 00°40'51" East along said Common Boundary 125.00 Feet, Thence North 89°53'51" East along said common Boundary 125.01 Feet; Thence North 00°40'51" East along said Common Boundary 74.14 Feet; Thence North 89°55'51" East along said Common Boundary 13.23 Feet; Thence North 00°39'58" East along said Common Boundary 120.01 Feet; Thence North 89°55'51" East along the North Boundary of Aforesaid "Palm Cay Unit II", 1330.72 Feet to the Point of Beginning; Thence continue North 89°55'51" East along said North Boundary 59.78 Feet; Thence South 00°40'51" West along an East Boundary of "Palm Cay Unit II", 618.94 Feet; Thence North 89°55'31" East along a North Boundary of Palm Cay Unit II", 1196.53 Feet thence South 00°40'51" West along the East Boundary of "Palm Cay Unit II", 851.28 Feet to the South Line of the Said Section 30; thence North 89°39'32" West, along said South Line, 1296.56 Feet, Thence North 00°42'05" East along the Boundary of said described lands 3,981.53 Feet to the Southerly Right of Way Line of S.W. 103rd Street Road (Hialeah Boulevard, 100 Ft. Wide), said Point Being on a Curve Concave To the Northeast, having a radius of 868.45 Feet and a Central Angle of 4°16'53"; Thence Northwesterly along Said Right of Way Curve an Arc Distance of 64.89 Feet, with a Chord Bearing and Distance of North 78°44'55" West, 64.63 Feet, to the N.E. Corner of "Kings Court"; Thence South 00°21'52" West along the East Boundary of said "Kings Court" 822.22 Feet to the

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MARION UTILITIES, INC.

MARION COUNTY

DELETION OF WATER SERVICE AREA - PARCEL C

S.E. Corner of Said "Kings Court" and a Point on the North Line of said Lands; Thence South $89^{\circ}55'51''$ W along the South Boundary of said "Kings Court" and said North Line of said described Lands, 2026.42 Feet; Thence North $00^{\circ}35'24''$ East along the East Boundary of Said Described Lands 1113.45 Feet to the Southerly Right-of-Way Line of Aforementioned S.W. 103rd Street Road; Thence North $89^{\circ}47'34''$ West along said Southerly Right of Way Line 469.00 Feet; Thence South $00^{\circ}35'24''$ West, a Distance of 1115.71 Feet to the S.W. corner of Said Described Lands and the Point of Beginning.