



ORIGINAL
Public Service Commission

-M-E-M-O-R-A-N-D-U-M-

DATE: March 24, 1999
TO: Division of Records and Reporting
FROM: Patricia Brady, Division of Water and Wastewater *pb BBM*
RE: Docket No. 981858-WS, Application for authority to transfer facilities of Rotonda West Utility Corporation and Certificates Nos. 565-W and 493-S in Charlotte County to AquaSource Utility, Inc.

Please add to the docket file the attached letter dated March 17, 1999 from Mr. Richard E. Howell, Charlotte County Utilities Director, to Ms. Patricia Brady, Commission staff. The letter represents Charlotte County's response to staff's inquiry regarding a potential territory overlap between Fiveland Investments, Inc., and Rotonda West Utilities Corporation.

Attachment

cc: Division of Legal Services (McRae, Crosby)

- ACK _____
- AFA _____
- APP _____
- CAF _____
- CMU _____
- CTR _____
- EAG _____
- LEG _____
- LIN _____
- OPC _____
- RCH _____
- SEC 1
- WAS _____
- 6TH _____

DOCUMENT NUMBER-DATE

03998 MAR 29 89

FPSC-RECORDS/REPORTING



COUNTY OF CHARLOTTE

CHARLOTTE COUNTY UTILITIES

Administration Fax (941) 625-4164
(941) 743-4530

(800) 524-3494
(941) 764-4557 Customer Service Fax

Mailing Address
18500 Murdock Circle
Port Charlotte, Florida 33948

Business Office
20101 Peachland Boulevard, Suite 301
Port Charlotte, Florida 33954

March 17, 1999

Ms. Patricia Brady
Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399

RECEIVED
MAR 19 1999
Florida Public Service Commission
Division of Water and Wastewater

I am in receipt of your fax dated March 11, 1999, providing copies of applications submitted by Fiveland Investments, Inc., and Rotonda West Utilities Corporation.

I have reviewed the area in question and am providing herewith a drawing indicating the existing boundary lines and the area of apparent conflict. As you can see, if the area in conflict (indicated by red cross hatch) were to be included in Rotonda West (Aqua Source) the affect would be to bisect the large single parcel of undeveloped land currently serviced by Charlotte County Utilities (Fiveland). As indicated on the map, Charlotte County presently owns the water transmission main fronting the subject parcel and providing service to existing customers on the opposite side of SR 775. The Rotonda West Utility system does not currently have water or sewer lines extending to the subject parcel.

Based upon that information and in response to your questions, #2 and #3, this territory is currently serviced by Charlotte County Utilities and the County would object to the transfer of this area to Rotonda West.

In response to your initial question, which utility was granted the overlapping first, I have been unable to locate any definitive authority within our records. As you are aware, regulatory authority over investor-owned utilities in Charlotte County has been transferred on numerous occasions between the County and Florida Public Service Commission. I have, however, determined that Fiveland Investments, Inc., previously held Certificate #312-A issued by the FPSC. This Certificate was transferred to Charlotte County and at the time the Board of County Commissioners approved Certificate #81-0002, the accompanying legal description for service area included the subject property.

With regard to the provision of wastewater service, it is my understanding that when the utility (Fiveland) was originally formed, the developer contemplated both water and wastewater services. Services were subsequently split with water provided by Fiveland Investments, Inc., and wastewater being provided by Sandalhaven Utilities. You may wish to review the files relating to Sandalhaven to determine if this same conflict exists with regard to the application filed by Aqua Source.

March 17, 1999

Page 2

In closing, I would point out that Order #PSC95-0613-FOF-WU grants a certificated area to Fiveland effective May 22, 1995, where as Order #PSC95-0780-FOF-WS granting the area to Rotonda was not issued until June 28, 1995.

Please contact this office if I may be of further assistance in this matter.

Sincerely,



Richard E. Howell
Director

REH/li

cc: Martha Young Burton, Assistant County Attorney

TO: Commissioners

**BOARD OF COUNTY COMMISSIONERS
CHARLOTTE COUNTY**

COURTHOUSE ANNEX, 2nd FLOOR
116 W. OLYMPIA AVE.
PUNTA GORDA, FLORIDA 33950

PHONE
(813) 837-2171

REGARDING: ISSUANCE OF UTILITY CERTIFICATES

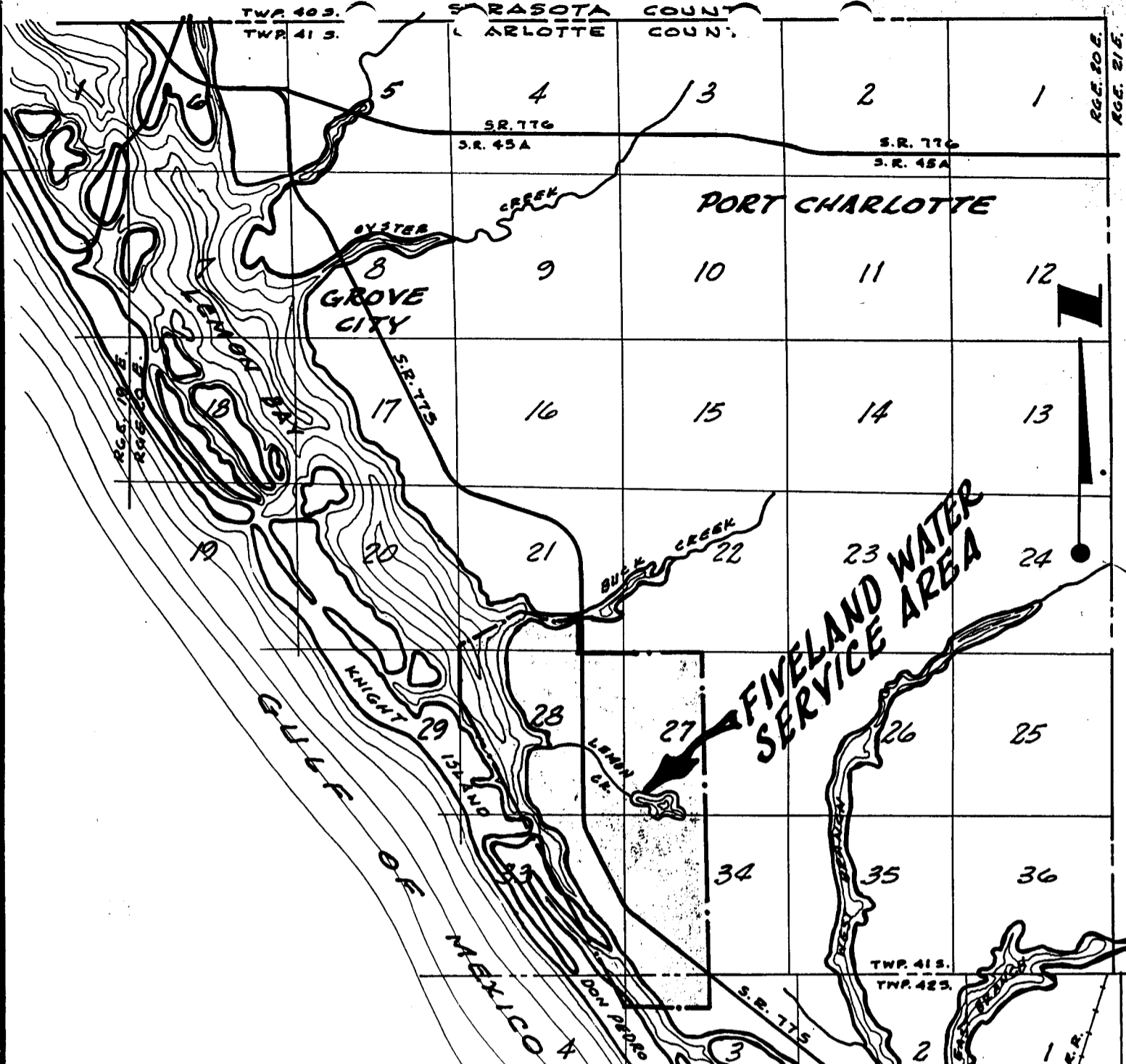
DATE: 8/24/81

The following utilities have complied with the provisions of Chapter 367.171 of the Florida Statutes and are, therefore, entitled to receive a certificate to operate within Charlotte County.

The Water and Sewer Advisory Committee recommends that the Board of County Commissioners issue certificates to:

Englewood Beach Cottages, Inc.
Fiveland Investments, Inc.

Ott's Roessler (ml)
Ott's Roessler, Chairman
Water and Sewer Advisory Committee



DESCRIPTION

All of that Tract or Parcel of Land Lying and Being in Sections 21, 27, 28, 33 and 34, TWSP. 41 S., RGE. 20 E., Section 3 and 4, TWSP. 42 S., RGE. 20 E.

Charlotte County, Florida and Being more Particularly Described as Follows;

Beginning at a Point on the Easterly Right-of-Way Line of State Road No. 775 and the Centerline of Buck Creek Run in a Westerly, Northwesterly and Southwesterly Direction along the Centerline of said Creek to the Easterly Right-of-Way Line of the Intra-Coastal Waterway thence following along said Right-of-Way Line in a Southeasterly Direction, to the South Line of a Canal Lying on the Northerly Boundary of Cape Haze Sub., (As recorded in Plat Book 2, Page 93-A, Charlotte County Records.) thence Run S. 89° 38' 30" E. 1416.77' to the East Line of the Northwest 1/4 of Sec. 3, TWSP. 42 S., RGE. 20 E., thence in a Northerly Direction along said Fractional Line 1320.80' to the South East Corner of the South West 1/4 of Sec. 34, TWSP. 41 S., RGE. 20 E., thence North 00° 07' 58" W. 2544.11' Feet to the South East Corner of the Northwest 1/4 of said Section, thence Run North 00° 21' 34" W. along said Fractional Line 2698.55' to the South East Corner of the Southwest 1/4 Sec. 27, TWSP. 41 S., RGE. 20 E., thence North 00° 33' 30" W. 4302.68' to the South Boundary of Rotonda Heights as Recorded in Plat Book 8, Page 26, Charlotte County Records. Thence Run North 89° 41' 43" W. for 2642.92', thence Run North 89° 36' 30" W. for 1285.23' to the Easterly Right-of-Way Line of State Road No. 775 (Placidia Road), thence Run in a Northerly Direction along said Right-of-Way Line to the Centerline of Buck Creek and the Point of Beginning.

CHARLOTTE COUNTY
LEE COUNTY

FOR: FIVE LAND INVESTMENTS
FIVELAND WATER SERVICE AREA.
GASPARILLA PINES UTILITY DIVISION

SMALLY, WELLFORD & NALVEN, INC.
CONSULTING ENGINEERS AND SURVEYORS
SARASOTA - FLORIDA

DATE	DRAWING NO.	REV.
4-20-81	B-1	



CHARLOTTE COUNTY BOARD OF COUNTY COMMISSIONERS

CERTIFICATE NUMBER

81-0002

Upon consideration of the record, it is hereby ORDERED that authority be and is hereby granted to

FIVELAND INVESTMENTS, INC.

Whose principal address is

Suite 2, 1100 South Tamiami Trail

Sarasota, Florida 33577 (Charlotte)

to provide water service in accordance with CHARLOTTE COUNTY ORDINANCE 81-10.

ORDER DATED 10/09/78 (#8514) DOCKET 780499-W

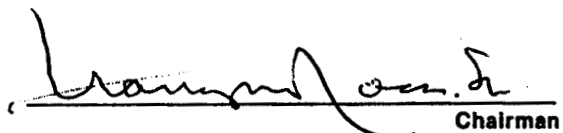
ORDER DATED 03/17/81 (#9876) DOCKET 800491-W


ORDER DATED _____ DOCKET _____

ORDER DATED _____ DOCKET _____

NOTE: Transferred from Public Service Commission in accordance with the transfer of rate-making authority from Public Service Commission to the Charlotte County Board of County Commissioners. (7/1/80)

BY ORDER OF THE
BOARD OF COUNTY COMMISSIONERS


Chairman

ATTEST: 
Clerk of the Circuit Court



FLORIDA PUBLIC SERVICE COMMISSION

CERTIFICATE NUMBER

312-W

Upon consideration of the record it is hereby ORDERED that authority be and is hereby granted to

FIVELAND INVESTMENTS, INC.

Whose principal address is

Suite 2, 1100 South Tamiami Trail

Sarasota, Florida 33577 (Charlotte)

to provide water service in accordance with the provisions of Chapter 367, Florida Statutes, the Rules, Regulations and Orders of this Commission in the territory described by the Orders of this Commission.

This Certificate shall remain in force and effect until suspended, cancelled or revoked by Orders of this Commission.

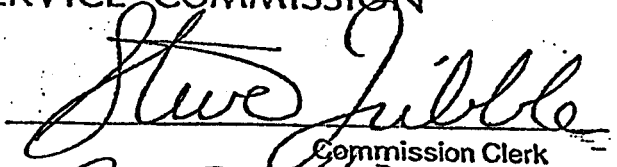
ORDER 8514 DATED 10/09/78 DOCKET 780499-W

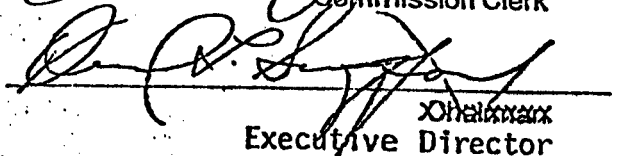
ORDER 9876 DATED 03/17/81 DOCKET 800491-W

ORDER _____ DATED _____ DOCKET _____

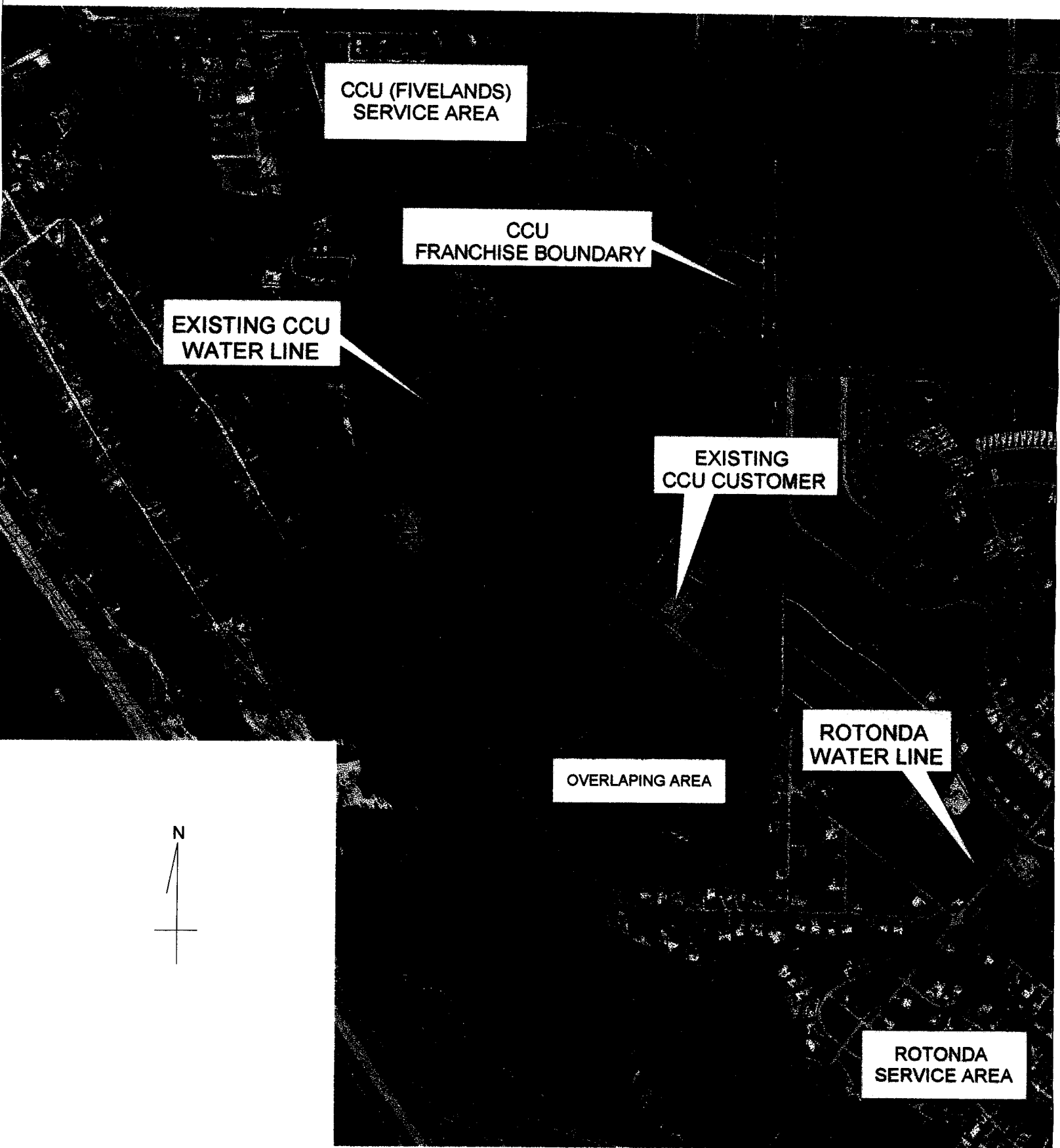
ORDER _____ DATED _____ DOCKET _____

BY ORDER OF THE
FLORIDA PUBLIC SERVICE COMMISSION


Commission Clerk


Executive Director





FRANCHISE OVERLAP