

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for quick-take amendment and application for amendment of Certificate Nos. 209-W and 154-S to extend water and wastewater services to certain territory (Jasmine Lakes) in Pasco County, by Aqua Utilities Florida, Inc.

DOCKET NO. 080534-WS
ORDER NO. PSC-09-0656-FOF-WS
ISSUED: September 30, 2009

The following Commissioners participated in the disposition of this matter:

MATTHEW M. CARTER II, Chairman
LISA POLAK EDGAR
KATRINA J. McMURRIAN
NANCY ARGENZIANO
NATHAN A. SKOP

ORDER CORRECTING LEGAL DESCRIPTION
IN ORDER NO. PSC-09-0250-FOF-WS

BY THE COMMISSION:

Background

Aqua Utilities Florida, Inc. (Aqua or Utility) is a Class A water and wastewater utility with 82 water and wastewater systems located in sixteen counties throughout Florida. This system was originally granted a certificate in 1972,¹ and was transferred to Aqua in Docket No. 040951-WS. The Utility's service area in Pasco County is in the Southwest Florida Water Management District.

On August 12, 2008, Aqua filed both its initial application and completed follow-up application for a "Quick take" amendment to Certificate Nos. 209-W and 154-S for certain territory at its Jasmine Lakes system in Pasco County, pursuant to Rule 25-30.036(2), Florida Administrative Code (F.A.C.). The Utility provides water and wastewater service to approximately 1500 customers at this system.

On September 12, 2008, Pasco County objected to Aqua's application. Aqua responded to Pasco County on September 19, 2008, and filed a corrected legal description with the Commission. On October 10, 2008, Pasco County withdrew its objection. However, during the course of the filing, Aqua had provided our staff several versions of the legal description, each slightly different from the final version. Inadvertently, the wrong legal description, containing two small errors, was inserted in staff's recommendation which the we approved on April 7,

¹ By Order No. 5606, issued December 27, 1972, in Docket Nos. 72656-W and 72657-S, In re: Application of Jasmine Lakes Services, Inc. for a certificate to operate its existing water and sewer system in Pasco County.

DOCUMENT NUMBER-DATE

10077 SEP 30 09

FPSC-COMMISSION CLERK

2009. As a result, these two errors were included in Order No. PSC-09-0250-FOF-WS issued on April 27, 2009.

The purpose of this Order is to correct the legal descriptions for the service area as stated in Order No. PSC-09-0250-FOF-WS. The two errors can be characterized as minor errors and include an incorrect distance and an incorrect direction. We have jurisdiction pursuant to Section 367.045, Florida Statutes.

Discussion

Commission Order No. PSC-09-0250-FOF-WS, issued April 27, 2009, contains two errors in the service area descriptions for the Jasmine Lakes water and wastewater system. The errors were pointed out to the Utility and to Commission staff by Pasco County. The first error is an incorrect distance in the description of the territory added, where the distance should be 337.6 feet instead of 267.8 feet. The second error is an incorrect direction in the composite description that describes the entire service territory, where the direction should be northeasterly instead of northwesterly. The County, the Utility, and our staff agree that the attached legal descriptions correctly described the Utility's service territory.

Maps filed in this docket by the Utility correctly show the territory that the Utility is serving. Because the incorrect legal descriptions were included in staff's initial recommendation, these two errors, therefore, became part of the resulting Order.

The corrected descriptions are shown on Attachment A in type and strike format. Page 1 of Attachment A shows the corrected description of the territory added. Page 2 of Attachment A shows the corrected description of the composite territory. Pages 3 and 4 of Attachment A are the Utility's water and wastewater certificates.


We, therefore, find it appropriate to issue this Order, correcting the legal description for the territory added as well as for the composite territory description as described in Order No. PSC-09-0250-FOF-WS, issued April 27, 2009. We also find that this Order correcting the legal descriptions has no effect upon the rates of the customers.

It is therefore

ORDERED by the Florida Public Service Commission that the legal description for the territory added as well as for the composite territory description as described in Order No. PSC-09-0250-FOF-WS, issued April 27, 2009, be corrected as described herein. It is further

ORDERED that this docket shall be closed.

By ORDER of the Florida Public Service Commission this 30th day of September, 2009.



ANN COLE
Commission Clerk

(S E A L)

ELS

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), 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 Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, 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 and/or wastewater utility by filing a notice of appeal with the Office of Commission Clerk, 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 Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.

Aqua Utilities Florida, Inc.
Pasco County
Corrected Description of Water and Wastewater Territory Added

Jasmine Lakes

In Township 25 South, Range 16 East, Pasco County, Florida

In Section 15:

Commence at the Northwest corner of Section 15 and thence run $S0^{\circ}50'23''E$ a distance of 1680.2 feet to the Point of Beginning; thence run $S89^{\circ}48'12''E$ a distance of 1280.0 feet; thence run $N00^{\circ}10'28''E$ a distance of 338.9 feet; thence run $N89^{\circ}50'0''W$ a distance of 1247.2 feet; thence run southwesterly along the eastern side of the right of way of U. S. Highway No. 19, a distance of 337.6 ~~267.8~~ feet to the Point of Beginning.

Aqua Utilities Florida, Inc.
Pasco County
Corrected Description of Composite Water and Wastewater Territory

Jasmine Lakes

In Township 25 South, Range 16 East, Pasco County, Florida

In Sections 14, 15, And 16:

Commence at the Northeast corner of Section 16 and run S02°29'30"E a distance of 1,345.0 feet to the Point of Beginning; thence run S89°55'16"E a distance of 5,177.9 feet; thence run S00°16'01"W a distance of 1,327.6 feet; thence run S89°51'14"E a distance of 636.7 feet; thence run S03°00'18"W a distance of 2,640.8 feet; thence run N89°48'11"W a distance of 472.5 feet; thence run S89°55'38"W a distance of 2,652.0 feet; thence run N00°09'12"E a distance of 1,645.3 feet; thence run due west a distance of 3,222.1 feet; thence run northeasterly ~~northwesterly~~ along the east right of way line of U. S. Highway No. 19, a distance of 2,442.8 feet to the Point of Beginning.

FLORIDA PUBLIC SERVICE COMMISSION
authorizes
Aqua Utilities Florida, Inc.
pursuant to
Certificate Number 209-W

to provide water service in Pasco County in accordance with the provisions of Chapter 367, Florida Statutes, and the Rules, Regulations, and Orders of this Commission in the territory described by the Orders of this Commission. This authorization shall remain in force and effect until superseded, suspended, cancelled or revoked by Order of this Commission.

| <u>Order Number</u> | <u>Date Issued</u> | <u>Docket Number</u> | <u>Filing Type</u> |
|---------------------|--------------------|----------------------|----------------------|
| 5605 | 12/27/72 | C-72656-W | Original Certificate |
| 6506 | 02/11/75 | 74090-W | Original Certificate |
| 6506-A | 06/29/84 | 74090-W | Territory Correction |
| PSC-04-0715-FOF-WS | 07/21/04 | 040359-WS | Name Change |
| 18243 | 10/05/87 | 870572-WS | Transfer |
| 20140 | 10/10/88 | 880472-WS | Transfer |
| 21146 | 04/28/89 | 890202-WS | Amendment |
| 23728 | 11/07/90 | 900291-WS | Transfer |
| PSC-97-0427-FOF-WS | 04/16/97 | 970028-WS | Name Change |
| PSC-99-0482-FOF-WS | 03/08/99 | 981780-WS | Majority Control |
| PSC-05-1242-PAA-WS | 12/20/05 | 040951-WS | Transfer |
| PSC-06-0973-FOF-WS | 11/22/06 | 060643-WS | Name Change |
| PSC-09-0250-FOF-WS | 04/27/09 | 080534-WS | Amendment |
| PSC-09-0656-FOF-WS | 09/30/09 | 080534-WS | Territory Correction |

FLORIDA PUBLIC SERVICE COMMISSION
authorizes
Aqua Utilities Florida, Inc.
pursuant to
Certificate Number 154-S

to provide wastewater service in Pasco County in accordance with the provisions of Chapter 367, Florida Statutes, and the Rules, Regulations, and Orders of this Commission in the territory described by the Orders of this Commission. This authorization shall remain in force and effect until superseded, suspended, cancelled or revoked by Order of this Commission.

| <u>Order Number</u> | <u>Date Issued</u> | <u>Docket Number</u> | <u>Filing Type</u> |
|---------------------|--------------------|----------------------|----------------------|
| 5605 | 12/27/72 | C-72657-S | Original Certificate |
| 6506 | 02/11/75 | 74091-S | Original Certificate |
| 6506-A | 06/29/84 | 74091-S | Territory Correction |
| 18243 | 10/05/87 | 870572-WS | Transfer |
| 20140 | 10/10/88 | 880472-WS | Transfer |
| 21146 | 04/28/89 | 890202-WS | Amendment |
| 23728 | 11/07/90 | 900291-WS | Transfer |
| PSC-97-0427-FOF-WS | 04/16/97 | 970028-WS | Name Change |
| PSC-99-0482-FOF-WS | 03/08/99 | 981780-WS | Majority Control |
| PSC-04-0715-FOF-WS | 07/21/04 | 040359-WS | Name Change |
| PSC-05-1242-PAA-WS | 12/20/05 | 040951-WS | Transfer |
| PSC-06-0973-FOF-WS | 11/22/06 | 060643-WS | Name Change |
| PSC-09-0250-FOF-WS | 04/27/09 | 080534-WS | Amendment |
| PSC-09-0656-FOF-WS | 09/30/09 | 080534-WS | Territory Correction |