

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for) DOCKET NO. 911129-WS
amendment of Certificates Nos.)
517-W and 450-S in Brevard) ORDER NO. PSC-92-0119-FOF-WS
County by AQUARINA)
DEVELOPMENTS, INC.) ISSUED: 3/30/92
_____)

ORDER AMENDING CERTIFICATE TO
INCLUDE ADDITIONAL TERRITORY AND CLOSING DOCKET

Aquarina Developments, Inc., (Aquarina or the utility) is a Class C Utility. Currently, Aquarina serves 44 water and 44 wastewater customers. Annual water and wastewater revenues reported in the December 31, 1990, annual report were \$3,536. The utility showed a net operating loss of \$394,143 in 1990. On November 14, 1991, Aquarina applied to amend Water Certificate No. 517-W and Wastewater Certificate No. 450-S to include additional territory in Brevard County. The proposed territory will consist of 300 equivalent residential connections (ERCs) serving single-family homes, 225 ERCs serving multi-family customers, and 29 ERCs serving commercial customers. The additional territory will be served with existing water and wastewater treatment plants and distribution and collection lines extended.

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 \$1,800, 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 on which the utility's facilities are located as required by Rule 25-30.036(1)(d), Florida Administrative Code, in the form of a recorded warranty deed.

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 Order as Attachment A. 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. An objection to the notice of application was

DOCUMENT NUMBER-DATE

03108 MAR 30 1992

FPSC-RECORDS/REPORTING

filed by the City of Melbourne on December 16, 1991, but was withdrawn on February 18, 1992.

Aquarina has demonstrated in its six years of operation of the utility that it has both the technical and financial ability to render adequate and efficient service. The requested expansion of service will provide the necessary customer base so the utility can be used to its design capacity. The 1990 Annual Report shows large operating losses but substantial shareholder contribution. The water system, which is a reverse osmosis system, is designed to serve approximately 400 ERCs. The wastewater system is designed to serve approximately 1,000 ERCs. Due to the large capacity of the existing water and wastewater facilities, very little investment will need to be made in the near future other than contributions in the form of donated lines. The utility's growth has been very slow. However, it has recently developed a new marketing strategy that Aquarina believes will increase substantially the number of customers. The utility has filed a copy of a proposed developer agreement for a 46-unit development in the proposed territory. As it expands beyond its existing development, Aquarina also plans to add additional customers who currently have private wells and septic tanks.

Aquarina is requesting an extension both north and south of its wastewater service area. There is no utility providing wastewater service within six and one-half miles of Aquarina's current service area. Aquarina is requesting an expansion only in the southerly direction for the water service area. This requested expansion of the service area on the barrier island runs 8,000 feet south. The only water utility within four miles of Aquarina's current water service area is the Sunnyland Water Co-op, which is near capacity. The proposed expansion of the service area is on an environmentally sensitive barrier island. Therefore, it is in the public interest to encourage the growth of a large, well-run water and wastewater system and hopefully phase out some of the existing wells and septic tanks. In addition, it should be noted that the Brevard County Comprehensive Plan under Objective 6, states that the County has the authority to limit future public expenditures for infrastructure and service facilities that subsidize growth within the coastal high hazard and high risk vulnerability zone areas of Brevard County. This would prohibit the city from expanding, but would not offset Aquarina's ability to expand.

ORDER NO. PSC-92-0119-FOF-WS
DOCKET NO. 911129-WS
PAGE 3

Aquarina indicated in its application that the proposed expansion is not consistent with the Brevard County Comprehensive Plan. However, in a letter of March 5, 1992, the utility indicated that this original statement was incorrect and based on a mistaken assumption. After reviewing the plan with a staff person from the Department of Community Affairs, we conclude that the expansion is consistent with the local comprehensive plan.

We contacted the Department of Environmental Regulation and learned that there are no outstanding notices of violation.

Based on the above information, we find it is in the public interest to grant the application of Aquarina Developments, Inc. for amendment of Certificates Nos. 517-W and 450-S.

The utility's approved rates and charges were effective January 3, 1991, pursuant to Order No. 23812, issued in Docket No. 900168-WS. The utility has indicated that the proposed amendment will have no significant impact on its existing rates and charges. We find that the existing rates and charges should be applied to the customers in the new service territory.

The utility has returned its certificates for entry to include the additional territory and filed revised tariff sheets to reflect the amended territory description.

It is, therefore,

ORDERED by the Florida Public Service Commission that Certificates Nos. 517-W and 450-S, held by Aquarina Developments, Inc., 235 Hammock Shore Drive, Melbourne Beach, FL 32951, 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 the customers in the territory added herein shall be charged the existing rates and charges in the utility's tariff until changed by the Commission. It is further

ORDERED that this docket is hereby closed.

ORDER NO. PSC-92-0119-FOF-WS
DOCKET NO. 911129-WS
PAGE 4

By ORDER of the Florida Public Service Commission, this 30th
day of March, 1992.

STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

KAC

by: Kay Flynn
Chief, Bureau of Records

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

AQUARINA DEVELOPMENT, INC.

The following described lands located in Brevard County, Florida:

WATER

A PORTION OF SECTION 36, TOWNSHIP 29 SOUTH, RANGE 38 EAST, SECTION 31, TOWNSHIP 29 SOUTH, RANGE 38 EAST AND SECTION 6, TOWNSHIP 30 SOUTH, RANGE 39 EAST, SECTION 1, TOWNSHIP 30 SOUTH, RANGE 39 EAST, BREVARD COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

FROM THE NORTHWEST CORNER OF SAID SECTION 36 RUN EASTERLY ALONG THE NORTH LINE OF SAID SECTION 36 A DISTANCE OF 2985 FEET MORE OR LESS TO THE CENTERLINE OF S.R. A-1-A; THENCE RUN SOUTHEASTERLY ALONG THE CENTERLINE OF S.R. A-1-A 1520 FEET MORE OR LESS TO THE INTERSECTION OF THE NORTH LINE OF GOVERNMENT LOT 6, SECTION 36, TOWNSHIP 29 SOUTH, RANGE 38 EAST, WITH THE CENTERLINE OF S.R. A-

1-A, BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE RUN EASTERLY ALONG THE NORTH LINE OF SAID GOVERNMENT LOT 6 A DISTANCE OF 300 FT. MORE OR LESS TO THE MEAN HIGH WATER LINE OF THE ATLANTIC OCEAN; THENCE RUN SOUTHEASTERLY ALONG SAID MEAN HIGH WATER LINE THRU SAID SECTIONS 36, 31 AND 6 A DISTANCE OF 9,100 FT. MORE OR LESS TO THE SOUTH LINE OF GOVERNMENT LOT 3 OF SAID SECTION 6, TOWNSHIP 30 SOUTH, RANGE 39 EAST; THENCE DEPARTING SAID MEAN HIGH WATER LINE RUN WESTERLY ALONG THE SOUTH LINE OF SAID GOVERNMENT LOT 3 A DISTANCE OF 1,550 FT. MORE OR LESS TO THE MEAN HIGH WATER LINE OF THE INDIAN RIVER; THENCE RUN NORTHWESTERLY ALONG SAID MEAN HIGH WATER LINE 13,300 FT. MORE OR LESS TO THE NORTH LINE OF GOVERNMENT LOT 4, OF SAID SECTION 36, TOWNSHIP 29 SOUTH, RANGE 38 EAST; THENCE RUN EASTERLY ALONG THE NORTH LINES OF GOVERNMENT LOTS 4, 5 & 6 OF SAID SECTION 36 A DISTANCE OF 3,300 FT. MORE OR LESS TO THE POINT OF BEGINNING.

LESS AND EXCEPT "THE HAMMOCK CONDOMINIUM I", BEING A PORTION OF GOVERNMENT LOTS 5 & 6 OF SAID SECTION 36, TOWNSHIP 29 SOUTH, RANGE 38 EAST, BEING DESCRIBED IN OFFICIAL RECORDS BOOK 2732, PAGE 1060 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

A PORTION OF LOT 1, SUNNYLAND GROVES SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 9, PAGE 42, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, BEING A PORTION OF GOVERNMENT LOTS 5 AND 6, SECTION 36, TOWNSHIP 29 SOUTH, RANGE 37 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE NORTHWEST CONER OF SAID SECTION 36 RUN EASTERLY ALONG THE NORTH LINE OF SAID SECTION 36 A DISTANCE OF 2985 FEET MORE OR LESS TO THE CENTERLINE OF S.R. A-1-A; THENCE RUN SOUTHEASTERLY ALONG THE CENTERLINE OF S.R. A-1-A 1835 FEET MORE OR LESS; THENCE RUN S68 33'54"W, ALONG THE EASTERLY EXTENTION OF THE SOUTHERLY LINE OF SAID LOT 1 AND THE SOUTHERLY LINE OF SAID LOT 1, 968.19 FEET TO THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL; THENCE CONTINUE S68 33'54"W A DISTANCE OF 224.55 FEET; THENCE RUN N26 09'57"W A DISTANCE OF 233.68 FEET; THENCE RUN N63 50'03"E A DISTANCE OF 127.83 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE, CONCAVE TO THE SOUTHEAST AND HAVING A RADIUS OF 118.0 FEET; THENCE RUN NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 06 31'42" AN ARC DISTANCE OF 13.44 FEET TO A POINT OF TANGENCY; THENCE RUN N70 21'45"E A DISTANCE OF 110.59 FEET; THENCE RUN S19 38' 15"E A DISTANCE OF 240.42 FEET TO THE POINT OF BEGINNING.

CONTAINING 1.31 ACRES, MORE OR LESS, AND LESS ANY RESERVATIONS, DEDICATIONS, OR EASEMENTS OF RECORD.

ATTACHMENT A

(Page 2 of 3)

AQUARINA DEVELOPMENT, INC.

The following described lands located in Brevard County, Florida:

SEWER

A PORTION OF SECTION 25, TOWNSHIP 29 SOUTH, RANGE 38 EAST AND SECTION 26, TOWNSHIP 29 SOUTH, RANGE 38 EAST BREVARD COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

FROM THE NORTHWEST CORNER OF SAID SECTION 25 RUN SOUTHERLY ALONG THE WEST LINE OF SAID SECTION 25 A DISTANCE 2640 FEET MORE OR LESS TO THE SOUTHWEST CORNER OF GOVERNMENT LOT 2 AND THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE RUN NORTHERLY ALONG THE WEST LINE OF SAID GOVERNMENT LOT 2 A DISTANCE OF 1320 FEET MORE OR LESS TO THE NORTHWEST CORNER OF SAID GOVERNMENT LOT 2; THENCE RUN EASTERLY ALONG THE NORTH LINE OF SAID GOVERNMENT LOT 2 A DISTANCE OF 1,300 FT. MORE OR LESS TO THE MEAN HIGH WATER LINE OF THE ATLANTIC OCEAN; THENCE RUN SOUTHEASTERLY ALONG SAID MEAN HIGH WATER LINE THRU SAID GOVERNMENT LOT 2 AND GOVERNMENT LOT 3, OF SAID SECTION 25 A DISTANCE OF 3,100 FT. MORE OR LESS TO THE SOUTH LINE OF GOVERNMENT LOT 3 OF SAID SECTION 25; THENCE DEPARTING SAID MEAN HIGH WATER LINE RUN WESTERLY ALONG THE SOUTH LINE OF SAID GOVERNMENT LOT 3 A DISTANCE OF 2,700 FT. MORE OR LESS TO THE SOUTHEAST CORNER OF GOVERNMENT LOT 3 OF THE AFORESAID SECTION 26; THENCE CONTINUE WESTERLY ALONG THE SOUTH LINE OF SAID GOVERNMENT LOT 3, SECTION 26 A DISTANCE OF 1,270 FT. MORE OR LESS TO THE MEAN HIGH WATER LINE OF MULLET CREEK; THENCE RUN NORTHWESTERLY ALONG SAID MEAN HIGH WATER LINE 1,750 FT. MORE OR LESS TO THE NORTH LINE OF GOVERNMENT LOT 11 OF SAID SECTION 26; THENCE DEPARTING SAID MEAN HIGH WATER LINE RUN EASTERLY ALONG THE NORTH LINE OF SAID GOVERNMENT LOTS 11 & 3, SECTION 26 A DISTANCE OF 2,400 FT. MORE OR LESS TO THE POINT OF BEGINNING.

TOGETHER WITH A PORTION OF SECTION 36, TOWNSHIP 29 SOUTH, RANGE 38 EAST, BREVARD COUNTY FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

FROM THE NORTHWEST CORNER OF SAID SECTION 36 RUN EASTERLY ALONG THE NORTH LINE OF SAID SECTION 36 A DISTANCE OF 2985 FEET MORE OR LESS TO THE CENTERLINE OF S.R. A-1-A; THENCE RUN SOUTHEASTERLY ALONG THE CENTERLINE OF S.R. A-1-A 1520 FEET MORE OR LESS TO THE INTERSECTION OF THE NORTH LINE OF GOVERNMENT LOT 6 OF SAID SECTION 36 WITH THE CENTERLINE OF S.R. A-1-A BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE RUN EASTERLY ALONG THE NORTH LINE OF SAID GOVERNMENT LOT 6 A DISTANCE OF 300 FT. MORE OR LESS TO THE MEAN HIGH WATER LINE OF THE ATLANTIC OCEAN; THENCE RUN SOUTHEASTERLY ALONG SAID MEAN HIGH WATER LINE THRU GOVERNMENT LOTS 6 AND 8 OF SAID SECTION 36 A DISTANCE OF 3,050 FT. MORE OR LESS TO THE SOUTH LINE OF SAID GOVERNMENT LOT 8; THENCE DEPARTING SAID MEAN HIGH WATER LINE RUN WESTERLY ALONG THE SOUTH LINE OF SAID GOVERNMENT LOT 8 A DISTANCE OF 700 FT. MORE OR LESS TO THE MEAN HIGH WATER LINE OF THE INDIAN RIVER; THENCE RUN NORTHWESTERLY ALONG SAID MEAN HIGH WATER LINE 5,700 FT. MORE OR LESS TO THE NORTH LINE OF GOVERNMENT LOT 4 OF SAID SECTION 36; THENCE RUN EASTERLY ALONG THE NORTH LINES OF GOVERNMENT LOTS 4, 5 & 6 OF SAID SECTION 36 A DISTANCE OF 3,300 FT. MORE OR LESS TO THE POINT OF BEGINNING.

LESS AND EXCEPT "THE HAMMOCK CONDOMINIUM I", BEING A PORTION OF GOVERNMENT LOTS 5 & 6 OF SAID SECTION 36, TOWNSHIP 29 SOUTH, RANGE 38 EAST, BEING DESCRIBED IN OFFICIAL RECORDS BOOK 2732, PAGE 1060 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

ATTACHMENT A

(Page 3 of 3)

AQUARINA DEVELOPMENT, INC.

The following described lands located in Brevard County, Florida:

SEWER (CONTINUED)

A PORTION OF LOT 1, SUNNYLAND GROVES SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 9, PAGE 42, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, BEING A PORTION OF GOVERNMENT LOTS 5 AND 6, SECTION 36, TOWNSHIP 29 SOUTH, RANGE 37 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

FROM THE NORTHWEST CORNER OF SAID SECTION 36 RUN EASTERLY ALONG THE NORTH LINE OF SAID SECTION 36 A DISTANCE OF 2985 FEET MORE OR LESS TO THE CENTERLINE OF S.R. A-1-A; THENCE RUN SOUTHEASTERLY ALONG THE CENTERLINE OF S.R. A-1-A 1835 FEET MORE OR LESS; THENCE RUN S68 33'54"W, ALONG THE EASTERLY EXTENTION OF THE SOUTHERLY LINE OF SAID LOT 1 AND THE SOUTHERLY LINE OF SAID LOT 1, 968.19 FEET TO THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL; THENCE CONTINUE S68 33'54"W A DISTANCE OF 224.55 FEET; THENCE RUN N26 09'57"W A DISTANCE OF 233.68 FEET; THENCE RUN N63 50'03"E A DISTANCE OF 127.83 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE, CONCAVE TO THE SOUTHEAST AND HAVING A RADIUS OF 118.0 FEET; THENCE RUN NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 06 31'42" AN ARC DISTANCE OF 13.44 FEET TO A POINT OF TANGENCY; THENCE RUN N 70 21'45"E A DISTANCE OF 110.59 FEET; THENCE RUN S19 38'15"E A DISTANCE OF 240.42 FEET TO THE POINT OF BEGINNING.

CONTAINING 1.31 ACRES, MORE OR LESS, AND LESS ANY RESERVATIONS, DEDICATIONS, OR EASEMENTS OF RECORD.