

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for) DOCKET NO. 911139-WU
amendment of Certificate No.) ORDER NO. PSC-92-0255-FOF-WU
512-W in Lake County by LAKE) ISSUED: 04/27/92
HILLS UTILITIES, INC.)
_____)

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON
LUIS J. LAUREDO

ORDER ACKNOWLEDGING WITHDRAWAL OF OBJECTION AND STIPULATION,
AMENDING CERTIFICATES TO INCLUDE ADDITIONAL TERRITORY,
AND CLOSING DOCKET

BY THE COMMISSION:

On November 15, 22, and 29, 1991, Lake Hills Utilities, Inc. (Lake Hills or Utility) published notice of its intent to expand its water service area and amend Certificate No. 512-W. On November 18, 1991, the Utility filed an application with this Commission which requested an amendment to Water Certificate No. 512-W in Lake County, Florida.

In response to these notices, the Commission received the timely objection of the City of Clermont, (City), by letter dated December 17, 1991. The City filed an objection based upon its belief that the proposed extension of the Utility's service area was in violation of the City's Comprehensive Plan. In order to determine whether the City's objection should be upheld, a formal hearing was tentatively scheduled for September 2, 1992.

The City and Lake Hills began negotiations in order to resolve the dispute concerning part of the territory that the Utility had requested to add to its certificated service area. On March 12, 1992, the parties filed a document with the Commission entitled Stipulation Agreement (Agreement), whereby the City agreed to withdraw its objection to the application, and, as consideration therefor, the Utility agreed to file an amendment to the application which served to delete the territory that the City had objected to in the initial application.

DOCUMENT NUMBER-DATE

04109 APR 27 1992

FPSC-RECORDS/REPORTING

The Mayor of Clermont and the City Manager approved and signed the Agreement on March 10, 1992. The Utility had previously approved and signed the Agreement on March 9, 1992. Pursuant to this Agreement, on March 16, 1992, the City filed a letter with this Commission which served to withdraw its objection to the Utility's application for an extension of its service area. Therefore, we hereby acknowledge that the objection in this docket has been withdrawn.

The legal description of the territory to be included in the application for expansion, as agreed upon by the parties, was affixed to the Agreement and marked as Attachment "A". The parcel described in Attachment "A" is owned by the Greater Construction Corporation, which is a development company affiliated with the Utility. The area to be added to the service territory is the Greater Pines Subdivision, and the developer intends to break ground before July, 1992. It is anticipated that the Utility's proposed extension of approximately 302 acres will serve an additional 572 equivalent residential connections (ERCs). To serve the additional territory, the utility plans to initially extend its transmission lines and increase the capacity of the existing water treatment plant from .06 million gallons a day to .576 million gallons a day.

The amended application is in compliance with the governing statute, Section 367.045, Florida Statutes, and other pertinent statutes and rules. In particular, the application contains:

- A) The Utility submitted the correct filing fee of \$900.00 required pursuant to Rule 25-30.020, Florida Administrative Code.
- B) Lake Hills provided adequate service territory and system maps as required by Rule 25-30.036(1)(e), (f), and (i), Florida Administrative Code.
- C) Proof of ownership of the facilities and the land upon which the facilities are located was also provided in the form of a recorded warranty deed, pursuant to Rule 25-30.036(1)(d), Florida Administrative Code.

- D) An affidavit was submitted which states that the Utility has tariffs and annual reports on file with this Commission, consistent with Section 367.045(2)(d), Florida Statutes.
- E) Finally, the Utility provided evidence of compliance with the notice provisions as stated in Rule 25-30.030, Florida Administrative Code.

Lake Hills has been in operation since 1988, and it has demonstrated the technical expertise and financial ability to provide its customers with quality service. Essentially, the same shareholders who own Lake Hills also own Sanlando Utilities Corporation (Sanlando). Sanlando has been providing quality water and wastewater service to residents in Seminole County for approximately 20 years, and it has a longstanding reputation for providing quality service to its customers.

We granted Lake Hills an original certificate in Order No. 21272, wherein we approved the rates and service availability charges for the territory to be effective June 14, 1989. The Utility has stated that the addition of this territory will have no impact on its existing rates and charges in its previously existing service area.

Based on the above information as represented herein, this Commission finds that it is in the best interest of the public to grant Lake Hills' application for amendment of Water Certificate No. 512-W to include the territory described in Attachment "A". The Utility shall apply the same rates and charges to customers in this new service area as are currently applied to their originally certificated service area.

As there are no further actions to be taken in this docket, this docket may be closed.

Based on the foregoing, it is, therefore,

ORDERED by the Florida Public Service Commission that the objection filed by the City of Clermont is hereby acknowledged as withdrawn. It is further

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ORDERED that Lake Hills Utilities, Inc.'s amended application for the addition of the territory described in Attachment "A" is hereby granted. It is further

ORDERED that the rates and charges contained in Lake Hills Utilities, Inc.'s tariff, which is currently on file with this Commission, is hereby made applicable to the additional territory. It is further

ORDERED that this docket is hereby closed.

By ORDER of the Florida Public Service Commission, this 27th day of April, 1992.



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

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

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ATTACHMENT A

LAKE HILLS UTILITIES, INC.

SERVICE TERRITORY DESCRIPTION - LAKE COUNTY

GREATER PINES

Township 22 South, Range 26 East, Lake County

In Section 28

All the South 1/2 of the Northeast 1/4 of the Southeast 1/4.
All the Southeast 1/4 of the Southeast 1/4. All the South 1/2
of the Southwest 1/4 of the Southeast 1/4. All the South 1/4
of the Southwest 1/4 less the West 1100 feet.

In Section 33

All the Northeast 1/4. All the Northeast 1/4 of the Northwest
1/4. All the Northeast 1/4 of the Northwest 1/4 of the
Northwest 1/4. All the Northeast 1/4 of the Southeast 1/4 of
the Northwest 1/4.