

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application of )  
Spring Hill Utilities, Inc. ) DOCKET NO. 920078-WU  
(Deltona) for amendment of ) ORDER NO. PSC-92-0425-FOF-WU  
Certificate No. 46-W in ) ISSUED: 05/28/92  
Hernando County, Florida. )  
\_\_\_\_\_ )

The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD, Chairman  
SUSAN F. CLARK  
J. TERRY DEASON  
LUIS J. LAUREDO

ORDER AMENDING CERTIFICATE TO INCLUDE  
ADDITIONAL TERRITORY AND CLOSING DOCKET

BY THE COMMISSION:

Background

On January 24, 1992, Spring Hill Utilities, Inc. (Spring Hill or Utility) filed an application with this Commission for amendment of Certificate No. 46-W to include additional territory (Preston Hollow Subdivision) in Hernando County, Florida. Spring Hill also holds Certificate No. 47-S.

Spring Hill currently serves 21,903 water and 4,809 wastewater customers. With the amendment of its service area to include the Preston Hollow Subdivision, the Utility will serve an additional commercial office site, designed to serve 12 equivalent residential connections (ERCs), and approximately 98 residential water customers along County Line Road. The additional territory will be served by the Utility's existing water treatment plant and transmission and distribution systems.

Upon review of the application, it was determined that Spring Hill is already serving 9 customers in the Preston Hollow Subdivision. According to Spring Hill, the customers received

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service pursuant to an oral agreement between the developer and Deltona Utilities, Inc. (Deltona). The developer was not advised of the need to obtain approval of the amendment prior to providing service to customers in the area. Also, due to an oversight, the customers were charged monthly rates. When the oversight was discovered, the billing was discontinued. All monies collected, \$303.84, have been placed in escrow to be credited to the customers' accounts with interest upon approval of the amendment by the Commission.

Although Spring Hill provided service outside of its certificated territory prior to Commission approval, we will not initiate show cause proceedings. Spring Hill has been serving the area for a very short period of time and has been cooperative and immediately responded to our request for an explanation of its actions. However, Spring Hill shall refund all monies, with interest, to the customers from whom they were collected.

#### Application

Except as discussed previously, the application is in compliance with Section 367.045, Florida Statutes, and other pertinent statutes and provisions of the Florida Administrative Code. In particular, the application contains:

1. A filing fee in the amount of \$150.00, pursuant to Rule 25-30.020, Florida Administrative Code.
2. Evidence, in the form of a Warranty Deed, that the Utility owns the land upon which its facilities are located, in accordance with Rule 25-30.035(1)(d), Florida Administrative Code.
3. Adequate service territory and system maps and a territory description, as prescribed by Rule 25-30.035(1)(e), (f) and (i), Florida Administrative Code. The additional territory is described in Attachment A of this Order, which by reference is incorporated herein.
4. Proof of compliance with the noticing provisions of Rule 25-30.030, Florida Administrative Code, including notice to the customers in the territory.

No objections to the application have been received and the time for filing such has expired.

Spring Hill has been providing quality water and wastewater service to its customers in Hernando County for several years. Therefore, we believe the Utility has shown that it has the ability to serve the additional territory, which is in close proximity to its existing service area. Also, from information submitted with the application, it appears that Spring Hill has the financial resources to serve the requested territory. It should also be noted that according to the Department of Environmental Regulation (DER), there are no outstanding notices of violation against the Utility at the present time.

Based on the foregoing, we find that it is in the public interest to amend Certificate No. 46-W to include the territory described in Attachment A of this Order. Spring Hill shall return Certificate No. 46-W to the Commission within 30 days of the date of this Order for entry reflecting the additional territory. The Utility has filed revised tariff sheets which reflect the amendment.

#### Rates and Charges

Spring Hills' approved rates and charges became effective on November 1, 1990, pursuant to Order No. 22307, issued in Docket No. 881501-WS. The Utility shall charge the customers in the territory added herein the rates and charges approved in its tariff until authorized to change by this Commission in a subsequent proceeding.

It is, therefore,

ORDERED by the Florida Public Service Commission that Certificate No. 46-W, held by Spring Hill Utilities, Inc. (Deltona), 1000 Color Place, Apopka, Florida 32703, is hereby amended to include the territory described in Attachment A of this Order. Spring Hill shall return Certificate No. 46-W within 30 days of this Order for entry reflecting the additional territory. It is further

ORDERED that Spring Hill shall charge the customers in the territory added herein the rates and charges approved in its tariff until authorized to change by the Commission. The rates and charges shall be effective for service rendered or connections made on or after the stamped approval date on the tariff sheets. It is further

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ORDERED that all monies collected in the additional territory prior to this Commission's approval of the amendment shall be refunded to the customers, with interest. It is further

ORDERED that Docket No. 920078-WU is hereby closed.

By ORDER of the Florida Public Service Commission, this 28th day of May, 1992.

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STEVE TRIBBLE, Director  
Division of Records and Reporting

( S E A L )

ALC

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 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

SPRING HILL UTILITIES, INC. (DELTONA)

Territory Description

The following described lands located in portions of Section 33, Township 23 South, Range 18 East, Hernando County, Florida:

The Southwest 1/4 of the Southwest 1/4 and the Northwest 1/4 of the Southwest 1/4 of Section 33, Township 23 South, Range 18 East, Hernando County, Florida, less road right-of-ways of record for County Line Road.