

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application of Rookery) DOCKET NO. 910810-SU
Bay Utility Company for)
amendment of Certificate No.) ORDER NO. PSC-92-0448-FOF-SU
383-S in Collier County,)
Florida.) ISSUED: 06/04/92
_____)
)

ORDER AMENDING CERTIFICATE TO INCLUDE
ADDITIONAL TERRITORY AND CLOSING DOCKET

BY THE COMMISSION:

On July 29, 1991, Rookery Bay Utility Company (Rookery Bay or Utility) filed an application with this Commission to amend Certificate No. 383-S to include additional territory in Collier County, Florida. Rookery Bay currently provides service to approximately 11 developments in Collier County.

The Utility is requesting amendment of its certificate to include Paradise Point, which has 331 recreational vehicle sites and a clubhouse. Paradise Point will be connected to Rookery Bay's existing force main and served by its existing treatment facility, which consists of two treatment plants with a plant capacity of 450,000 gallons per day (gpd). The Utility has another treatment plant at Port-Au-Prince, which is not interconnected with the Rookery Bay facility.

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 notarized application contains:

1. A filing fee in the amount of \$150, as prescribed by Rule 25-30.020, Florida Administrative Code.
2. Adequate service territory and system maps and a territory description, as prescribed by Rule 25-30.036, Florida Administrative Code. The additional territory in Collier County is described in Attachment A of this Order.
3. Proof of compliance with the noticing requirements of Rule 25-30.030, Florida Administrative Code.

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

4. Evidence, in the form of a warranty deed, that the Utility owns the land upon which its facilities are located, as required by Rule 25-30.036, Florida Administrative Code.

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

Since Rookery Bay has been in operation since 1972, and has been providing satisfactory service to its customers, we believe that the Utility has demonstrated its ability to provide service to the additional territory. Also, from information filed with the application, it appears that Rookery Bay has the financial ability to serve the additional territory.

We contacted the Department of Environmental Regulation (DER) and found that the Utility and DER are negotiating a consent order. The major issues involved in the consent order include fines due for past violations relating to the Utility's Port-Au-Prince plant and the possible interconnection of the Port-Au-Prince plant with another facility. Since the consent order involves only the Port-Au-Prince plant and DER has issued a construction permit to extend the Utility's lines, we do not believe the consent order has any bearing on the instant application.

Therefore, we find that it is in the public interest to amend Certificate No. 383-S to include the territory described in Attachment A of this Order, which by reference is incorporated herein. Rookery Bay has returned Certificate No. 383-S to the Commission for entry reflecting the additional territory. The Utility has also filed revised tariff sheets reflecting the amendment.

Rookery Bay's tariff contains several sets of approved rates. The rates that would be applicable to the customers in Paradise Point are designed for RV Parks and were effective on October 6, 1991, pursuant to a price index rate adjustment. The monthly rate is \$5.17 per pad, regardless of occupancy. In addition, the Utility has an existing plant capacity charge of \$1.00 per gallon of estimated flow, which it will collect to offset the demand the additional customers will place on the system.

It is, therefore,

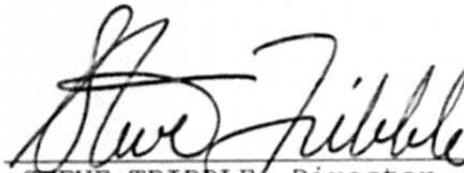
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ORDERED by the Florida Public Service Commission that Certificate No. 383-S, held by Rookery Bay Utility Company, 5610 Cynthia Lane, Post Office Box 1276, Naples, Florida 33939, is hereby amended to include the territory described in Attachment A of this Order, which by reference is incorporated herein. It is further

ORDERED that the customers in the territory added herein shall be charged the rates and charges approved in the Utility's tariff. It is further

ORDERED that Docket No. 910810-SU is hereby closed.

By ORDER of the Florida Public Service Commission, this 4th day of June, 1992.



STEVE TRIBBLE, Director
Division of Records and Reporting

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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

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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.

ATTACHMENT A

ROOKERY BAY UTILITY COMPANY

Service Territory Description

PARADISE POINT (a/k/a WILDWOOD)

Township 51 South, Range 26 East, Section 12

From the intersection of the South line of Section 12, Township 51 South, Range 26 East, Collier County, Florida, with the Southwesterly right-of-way line of State Road No. 90 (U.S. 41, Tamiami Trail), run North 54°21' West, along said right-of-way line for 2000.00 feet to the Point of Beginning; thence South 35°39' West for 1439.79 feet, to the South line of Section 12; thence South 89°54' West, along said South line for 848.74 feet to the East line of the West half of the West half of said Section 12; thence North 00°50'50" East along said line for 2344.13 feet to the aforesaid right-of-way line; thence South 54°24'20" East, along said line, 1468.94 feet; thence South 54°21'00" East, for 564.58 feet, to the Point of Beginning, containing 56.13 acres, more or less, said lands situated, lying and being in Section 12, Township 51 South, Range 26 East, Collier County, Florida.