



pertinent statutes and administrative rules concerning an application for a grandfather certificate for an existing utility currently charging for service.

The application contains the correct filing fee under Rule 25-30.020, Florida Administrative Code. Adequate service territory and system maps and a territory description were provided with Mariner's application as prescribed by Rule 25-30.035(9), (10), and (11), Florida Administrative Code. A description of the territory requested by the applicant is appended to this Order as "Attachment A." The territory includes only the territory served by the utility prior to our receiving jurisdiction. The Department of Environmental Regulation has no outstanding notices of violation against the applicant.

Further, as required by Rule 25-30.036(6), Florida Administrative Code, the applicant provided evidence to show that it owns the land upon which its facilities are located: a copy of a recorded warranty deed for the plant site. This warranty deed contains an easement which gives Mr. William B. Messmer, the grantor, the right to operate, lease, sell, assign, enlarge, increase, repair, replace, dismantle, and remove the existing wastewater treatment plant. The easement, by its own terms, will be extinguished upon the occurrence of two conditions. The first condition is that the grantee must satisfy the concomitant mortgage. The second condition was that wastewater service be available to all residents within two miles of the deeded property by a publicly-owned utility. The applicant has provided us with a copy of the Satisfaction of Mortgage; however, there is no written instrument verifying the fulfillment of the second condition. The applicant has stated that the second condition has been met and the easement extinguished because ECUA has made wastewater service available in the designated area. Indeed, the applicant itself is discussing a service arrangement with ECUA, negotiations which we have confirmed with ECUA. Therefore, we believe the easement has been extinguished and that the applicant will have continuous access to the land upon which its facilities are located.

In consideration of the above, we find it in the public interest to grant the Mariner Owners Association's application for a grandfather certificate. Accordingly, the applicant is granted Certificate No. 471-S to serve the territory described in "Attachment A," which is by reference incorporated herein. For administrative purposes, we note that this utility is made up of two systems consisting of the Mariner wastewater treatment plant and the Mariner collection system.

The Mariner Owners Association's present rates are as follows:

Wastewater

General Service

Seafarer - \$613.28 per month (\$12.78 per unit per month).  
Mariner - \$619.72 per month (\$ 8.61 per unit per month).

The same developer who built both the Mariner and Seafarer condominium communities established the arrangement by which the Mariner Owners Association provides wastewater service to the Seafarer. The Seafarer Owners Association pays a monthly lump sum of \$613.28 to the Mariner for wastewater service. The Mariner Owners Association collects a monthly maintenance fee from the Mariner condominium owners of which \$8.61 is for wastewater service.

The Mariner Owners Association does not collect deposits or charge miscellaneous service charges, nor does it have service availability charges or a formal service availability policy. The condominiums (the applicant's service area) are built out. All lines are in place and additional growth is not anticipated.

The applicant has filed tariff sheets which reflect the above rates and (lack of) charges. The tariff sheets shall be stamped approved, and the effective date of the tariffs shall be their stamped approval date.

Based upon the foregoing, it is

ORDERED by the Florida Public Service Commission that the application of Mariner Owners Association for a grandfather wastewater certificate is hereby granted. It is further

ORDERED that Certificate No. 471-S shall be issued to Mariner Owners Association. It is further

ORDERED that Mariner Owners Association's service territory shall be that described in "Attachment A," appended hereto. It is further

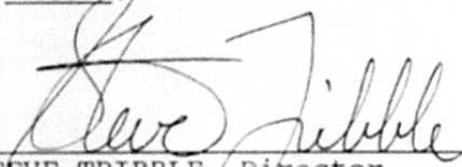
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ORDERED that Mariner Owners Association's initial rates and charges shall be those set forth in the body of this Order. It is further

ORDERED that the tariff sheets submitted by Mariner Owners Association shall be stamped approved, and the effective date of the tariffs shall be their stamped approval date. It is further

ORDERED that this docket shall be closed.

By ORDER of the Florida Public Service Commission, this 23rd day of JUNE, 1992.

  
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STEVE TRIBBLE, Director  
Division of Records and Reporting

( S E A L )

MJF

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

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

ATTACHMENT A

MARINER OWNERS ASSOCIATION

TERRITORY DESCRIPTION - ESCAMBIA COUNTY

TOWNSHIP 04 SOUTH, RANGE 32 WEST, ESCAMBIA COUNTY

IN SECTION 06

BEGIN AT THE NORTH EAST CORNER OF SAID SECTION. THENCE RUN SOUTH ALONG THE EAST LINE A DISTANCE OF 261 FEET, MORE OR LESS, TO THE SOUTHERLY RIGHT OF WAY (ROW) LINE OF STATE ROAD NO. 292 (PERDIDO KEY DRIVE). THENCE RUN APPROXIMATELY SOUTH 76° 30' WEST ALONG SAID SOUTHERLY ROW LINE A DISTANCE OF 1,900 FEET, MORE OR LESS. THENCE CONTINUING APPROXIMATELY SOUTH 78° WEST ALONG SAID SOUTHERLY ROW LINE A DISTANCE OF 535 FEET, MORE OR LESS, TO THE POINT OF BEGINNING (POB). SAID POB, ALSO THE NORTH EAST CORNER OF THIS DESCRIPTION. FROM SAID POB, RUN APPROXIMATELY DUE SOUTH A DISTANCE OF 505 FEET, MORE OR LESS, TO THE WATERS OF THE GULF OF MEXICO. THENCE APPROXIMATELY SOUTH 77° 30' WEST ALONG THE SHORE LINE OF THE GULF OF MEXICO A DISTANCE OF 880 FEET, MORE OR LESS. SAID POINT, ALSO THE SOUTH WEST CORNER OF THIS DESCRIPTION. THENCE LEAVING THE WATERS OF THE GULF OF MEXICO, RUN APPROXIMATELY DUE NORTH A DISTANCE OF 538 FEET, MORE OR LESS, TO THE SOUTHERLY ROW LINE OF STATE ROAD 292. THENCE APPROXIMATELY NORTH 80° EAST A DISTANCE OF 873 FEET, MORE OR LESS, ALONG SAID ROW LINE TO THE POB.