

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for a ) DOCKET NO. 920369-SU  
certificate to provide ) ORDER NO. PSC-92-0867-FOF-SU  
wastewater service in Lee ) ISSUED: 08/25/92  
County by HUNTER'S RIDGE )  
UTILITY CO. OF LEE COUNTY )  
\_\_\_\_\_)

The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD, Chairman  
J. TERRY DEASON  
BETTY EASLEY  
LUIS J. LAUREDO

ORDER GRANTING CERTIFICATE

BY THE COMMISSION:

Background

On April 24, 1992, Hunter's Ridge Utility Company of Lee County (Hunter's Ridge) filed an application with this Commission for a wastewater certificate in Lee County. Hunter's Ridge currently serves approximately 175 customers. At build-out, the system will serve approximately 750 equivalent residential connections (ERCs) in the Hunter's Ridge subdivision. The utility is in an area that has been designated by the South Florida Water Management District as a critical use area. Hunter's Ridge proposes to utilize reuse by means of a spray irrigation system serving the golf course area inside the Hunter's Ridge Development.

The original developer, Beau Kastle Developers, Inc., (Beau Kastle) began construction of single family and multifamily residential dwelling units together with a clubhouse, golf cart storage building, and golf cart maintenance building on the South Parcel of Hunter's Ridge. On July 7, 1986, the Department of Environmental Regulation (DER) issued a wastewater treatment facility construction permit to the utility for a 25,000 gallons per day plant. Wastewater service began in August 1988. After approximately 125 residential dwelling units were completed, Lee County required that the wastewater treatment facility be expanded from the then existing 25,000 gallons per day capacity to a 100,000 gallons per day capacity before allowing any additional building permits on the South Parcel. Subsequently, on November 20, 1989, DER issued the wastewater treatment facility upgrade construction permit.

DOCUMENT NUMBER-DATE

09630 AUG 25 1992

FPCO-RECORDS (REDACTED)

On September 15, 1989, Beau Kastle defaulted on promissory notes owed to investors. After a foreclosure action was initiated against Beau Kastle in February 1990, it agreed to transfer ownership of the wastewater treatment facility to Hunter's Ridge. As a result of this transaction, which closed June 14, 1990, Hunter's Ridge assumed the responsibility for operation and expansion of the existing wastewater treatment facility.

#### Application

The application is in compliance with Section 367.045, Florida Statutes, and Rule 25-30.035, Florida Administrative Code. Hunter's Ridge paid the appropriate filing fee and provided proof of ownership of the land upon which the utility's facilities are located. Adequate territory and system maps have been filed. A description of the territory is appended as Attachment A. Noticing requirements have been met in accordance with Rule 25-30.030, Florida Administrative Code. No objections to the application have been filed with this Commission, and the time for filing such has expired.

The utility is currently operating the wastewater system and has retained a management company to perform the day-to-day operations of the wastewater treatment facilities. We have reviewed the financial statements of the developers and the stockholders who are providing the funding of the construction and expansion. Based upon our review, we find the utility has adequate funds and resources for continued operation of the system. Further, Hunter's Ridge has provided this Commission with signed statements from its principal stockholders indicating that these shareholders will continue to provide financial backing to the utility for its operation.

Our review indicates that no conflict will exist with local comprehensive plans. There currently are no other utilities which could provide service at this time.

Based on the above, we find that it is in the public interest to grant Hunter's Ridge Utility Company of Lee County Wastewater Certificate No. 472-S for the area described in Attachment A.

#### Rates and Charges

Hunter's Ridge has provided sufficient information to determine rates and charges for the utility. After we have completed our analysis of the data submitted, appropriate rates and

ORDER NO. PSC-92-0867-FOF-SU  
DOCKET NO. 920369-SU  
PAGE 3

charges will be set for this utility. The utility shall not charge for wastewater service prior to the final establishment of authorized rates and charges by this Commission.

Based on the foregoing, it is, therefore,

ORDERED by the Florida Public Service Commission that Hunter's Ridge Utility Co. of Lee County, 12500 Hunter's Ridge Drive, Bonita Springs, Florida 33923, is hereby granted Wastewater Certificate No. 472-S to provide wastewater service to the territory described in Attachment A of this Order. It is further

ORDERED that Hunter's Ridge Utility Co. of Lee County shall not charge for service prior to the approval of appropriate rates and charges by this Commission. It is further

ORDERED that this docket shall remain open to establish rates and charges for this Utility.

By ORDER of the Florida Public Service Commission this 25th day of August, 1992.

\_\_\_\_\_  
STEVE TRIBBLE, Director  
Division of Records and Reporting

( S E A L )

RG

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.

ORDER NO. PSC-92-0867-FOF-SU  
DOCKET NO. 920369-SU  
PAGE 4

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

LEGAL DESCRIPTION OF TERRITORY SERVED  
SOUTH PARCEL OF HUNTER'S RIDGE

A SUBDIVISION OF HUNTERS RIDGE, PLAT BOOK 41, PAGES 1-13, LEE COUNTY, FLORIDA

PROPERTY DESCRIPTION

A PARCEL OF LAND SITUATED IN THE S. 3/4 OF THE S. 1/2 OF SECTION 6, TOWNSHIP 48 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, LYING EAST OF INTERSTATE 75 (FLORIDA STATE ROAD 93) AS THE SAME IS SHOWN ON THE STATE OF FLORIDA D.O.T. RIGHT-OF-WAY MAPS OF STATE ROAD NO. 93, SECTION 12075-2401, SHEETS 5 AND 7; LESS THE RIGHT-OF-WAY OF THE 60.00 FOOT ACCESS ROAD NO. 10 AS THE SAME IS SHOWN ON THE STATE OF FLORIDA D.O.T. RIGHT-OF-WAY MAPS OF STATE ROAD NO. 93, SECTION 12075-2401, SHEETS 5 AND 7, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL #1

COMMENCE AT THE SOUTH 1/4 CORNER OF SECTION 6, TOWNSHIP 48 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA; THENCE RUN S. 89°42'21" E. ALONG THE SOUTH LINE OF THE SOUTHEAST 1/4 OF THE SAID SECTION 6 FOR A DISTANCE OF 160.69 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF INTERSTATE 75 (ST. RD. 93); THENCE CONTINUE S. 89°42'21" E. ALONG THE SOUTH LINE OF THE SOUTHEAST 1/4 OF THE SAID SECTION 6 FOR A DISTANCE OF 63.73 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF ACCESS RD. NO. 10 AND THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE RUN N. 19°23'44" W. ALONG THE EASTERLY RIGHT-OF-WAY LINE OF ACCESS RD. NO. 10 FOR A DISTANCE OF 411.25 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE TO THE NORTHEAST; THENCE RUN NORTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, THE SAME BEING THE EASTERLY RIGHT-OF-WAY LINE OF ACCESS RD. NO. 10, HAVING A RADIUS OF 1115.92 FEET, THROUGH A CENTRAL ANGLE OF 18°58'38", SUBTENDED BY A CHORD OF 367.92 FEET AT A BEARING OF N. 09°54'25" W., FOR A DISTANCE OF 369.61 FEET TO THE END OF THE SAID CURVE; THENCE RUN N. 00°25'06" W. ALONG THE EASTERLY RIGHT-OF-WAY LINE OF ACCESS RD. NO. 10 FOR A DISTANCE OF 1239.47 FEET TO A POINT ON THE NORTH LINE OF THE SOUTH 3/4 OF THE SOUTHEAST 1/4 OF THE SAID SECTION 6; THENCE RUN S. 89°49'42" E. ALONG THE NORTH LINE OF THE SOUTH 3/4 OF THE SOUTHEAST 1/4 OF THE SAID SECTION 6 FOR A DISTANCE OF 2624.06 FEET TO A POINT ON THE EAST LINE OF THE SOUTHEAST 1/4 OF THE SAID SECTION 6; THENCE RUN S. 00°39'06" E. ALONG THE EAST LINE OF THE SOUTHEAST 1/4 OF THE SAID SECTION 6 FOR A DISTANCE OF 1994.56 FEET TO THE SOUTHEAST CORNER OF THE SAID SECTION 6; THENCE RUN N. 89°42'21" W. ALONG THE SOUTH LINE OF THE SOUTHEAST 1/4 OF THE SAID SECTION 6 FOR A DISTANCE OF

2437.85 FEET TO THE POINT OF BEGINNING, CONTAINING 118.856 ACRES,  
MORE OR LESS.

AND

PARCEL #2

COMMENCE AT THE SOUTH 1/4 CORNER OF SECTION 6, TOWNSHIP 48 SOUTH,  
RANGE 26 EAST, LEE COUNTY, FLORIDA; THENCE RUN S. 89°42'21" E.  
ALONG THE SOUTH LINE OF THE SOUTHEAST 1/4 OF THE SAID SECTION 6 FOR  
A DISTANCE OF 160.69 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY  
LINE OF INTERSTATE 75 (ST. RD. 93); THENCE CONTINUE S. 89°42'21" E.  
ALONG THE SOUTH LINE OF THE SOUTHEAST 1/4 OF THE SAID SECTION 6 FOR  
A DISTANCE OF 63.73 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY  
LINE OF ACCESS RD. NO. 10; THENCE RUN N. 19°23'44" W. ALONG THE  
EASTERLY RIGHT-OF-WAY LINE OF ACCESS RD. NO. 10 FOR A DISTANCE OF  
411.24 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE,  
CONCAVE TO THE NORTHEAST; THENCE RUN NORTHWESTERLY ALONG THE ARC OF  
SAID CURVE TO THE RIGHT, THE SAME BEING THE EASTERLY RIGHT-OF-WAY  
LINE OF ACCESS RD. NO. 10, HAVING A RADIUS OF 1115.92 FEET THROUGH  
A CENTRAL ANGLE OF 18°58'38", SUBTENDED BY A CHORD OF 367.92 FEET  
AT A BEARING OF N. 09°54'25" W., FOR A DISTANCE OF 369.61 FEET TO  
THE END OF SAID CURVE; THENCE RUN N. 00°25'06" W. ALONG THE  
EASTERLY RIGHT-OF-WAY LINE OF ACCESS RD NO. 10 FOR A DISTANCE OF  
1239.47 FEET TO A POINT ON THE NORTH LINE OF THE SOUTH 3/4 OF THE  
SOUTH 1/2 OF THE SAID SECTION 6; THENCE RUN N. 89°49'42" W., ALONG  
THE NORTH LINE OF THE SOUTH 3/4 OF THE SOUTH 1/2 OF THE SAID  
SECTION 6, FOR A DISTANCE OF 60.00 FEET TO A POINT ON THE WESTERLY  
RIGHT-OF-WAY LINE OF ACCESS RD. NO. 10 AND THE POINT OF BEGINNING  
OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE RUN S. 00°25'06" E.  
ALONG THE WESTERLY RIGHT-OF-WAY LINE OF ACCESS RD. NO. 10 FOR A  
DISTANCE OF 1436.62 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY  
LINE OF INTERSTATE 75; THENCE RUN N. 19°23'44" W. ALONG THE  
EASTERLY RIGHT-OF-WAY LINE OF INTERSTATE 75 FOR A DISTANCE OF  
187.19 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE CONCAVE  
TO THE NORTHEAST; THENCE RUN NORTHWESTERLY, ALONG THE ARC OF SAID  
CURVE TO THE RIGHT, THE SAME BEING THE EASTERLY RIGHT-OF-WAY LINE  
OF INTERSTATE 75, HAVING A RADIUS OF 5567.58 FEET, THROUGH A  
CENTRAL ANGLE OF 08°30'37", SUBTENDED BY A CHORD OF 826.21 FEET AT  
A BEARING OF N. 15°08'26" W., FOR A DISTANCE OF 826.97 FEET TO THE  
END OF SAID CURVE; THENCE RUN N. 10°53'07" W., ALONG THE EASTERLY  
RIGHT-OF-WAY LINE OF INTERSTATE 75, FOR A DISTANCE OF 472.05 FEET  
TO A POINT ON THE NORTH LINE OF THE SOUTH 3/4 OF THE SOUTH 1/2 OF  
THE SAID SECTION 6; THENCE RUN S. 89°49'42" E., ALONG THE NORTH  
LINE OF THE SOUTH 1/2 OF THE SAID SECTION 6 FOR A DISTANCE OF  
356.61 FEET TO THE POINT OF BEGINNING CONTAINING 6.688 ACRES, MORE  
OR LESS.

NORTH PARCEL OF HUNTER'S RIDGE

A portion of Section 6, Township 48 South, Range 26 East, Lee County, Florida, being more particularly described as follows:

PARCEL "A"

Commence at the Southeast corner of Section 6, Township 48 South, Range 26 East, Lee County, Florida; thence run N. 00°39'06" W. along the East line of the Southeast 1/4 of the said Section 6 for a distance of 1994.56 feet to the South line of the North 1/4 of the Southeast 1/4 of the said Section 6, the same being the Northeast corner of Tract "G" of Hunters Ridge according to the Plat thereof recorded in Plat Book 41 at Pages 1 through 13 of the Public Records of Lee County, Florida, and the Point of Beginning of the parcel of land herein described; thence run N. 89°49'42" W. along the South line of the North 1/4 of the Southeast 1/4 of the said Section 6 and along the North line of the said Tract "G" for a distance of 2624.06 feet to a point on the Easterly Right-of-Way line of access Road No. 10, a 60.00 foot Right-of-Way as the same is shown on the State of Florida Department of Transportation Right-of-Way Map of State Road No. 93, Section 12075-2-01, Sheets 1 and 5; thence run N. 00°25'06" W. along said Easterly Right-of-Way line for a distance of 1989.69 feet to the North line of the South 1/2 of the Northeast 1/4 of the said Section 6; thence run S. 89°57'28" E. along the North line of the South 1/2 of the Northeast 1/4 of the said Section 6 for a distance of 2615.90 feet to the East line of the Northeast 1/4 of the said Section 6; thence run S. 00°39'03" E. along the East line of the Northeast 1/4 of the said Section 6 for a distance of 1330.85 feet to the East 1/4 corner of the said Section 6; thence run S. 00°39'06" E. along the East line of the Southeast 1/4 of the said Section 6 for a distance of 664.85 feet to the Point of Beginning, containing 119.845 acres, more or less.

AND

PARCEL "B"

Commence at the Southeast corner of Section 6, Township 48 South, Range 26 East, Lee County, Florida; thence run N. 00°39'06" W. along the East line of the Southeast 1/4 of the said Section 6 for a distance of 1994.56 feet to the South line of the North 1/4 of the South 1/2 of the said Section 6 and the Northeast corner of Tract "G" of Hunters Ridge according to the Plat thereof recorded in Plat Book 41 at Pages 1 through 13 of the Public Records of Lee County, Florida; thence run N. 89°49'42" W. along the South line of

the North 1/4 of the South 1/2 of the said Section 6 and along the North line of the said Tract "G" and its Westerly prolongation for a distance of 2684.06 feet to a point on the Westerly Right-of-Way line of access Road No. 10, a 60.00 foot Right-of-Way, as the same is shown on the State of Florida Department of Transportation Right-of-Way Map of State Road No. 93, Section 12075-2401, Sheets 1 and 5, the same being the Northeast corner of Tract "A" of Hunters Ridge according to the Plat thereof recorded in Plat Book 41 at Pages 1 through 13 of the Public Records of Lee County, Florida, and the Point of Beginning of the parcel of land herein described; thence continue N. 89°49'42" W. along the South line of the North 1/4 of the South 1/2 of the said Section 6 and along the North line of the said Tract "A" for a distance of 356.61 feet to the Easterly Right-of-Way line of Interstate Highway No. 75 (Florida State Road No. 93); thence run N. 10°53'07" W. along said Easterly Right-of-Way line for a distance of 1401.64 feet; thence run N. 06°22'19" W. along said Easterly Right-of-Way line for a distance of 499.25 feet; thence run N. 03°25'43" W. along said Easterly Right-of-Way line for a distance of 117.06 feet to the North line of the South 1/2 of the Northwest 1/4 of the said Section 6; thence run S. 89°54'57" E. along the North line of the South 1/2 of the Northwest 1/4 of the said Section 6 for a distance of 669.18 feet to the Westerly Right-of-Way line of access Road No. 10; thence run S. 00°25'06" E. along said Westerly Right-of-Way line for a distance of 1989.58 feet to the Point of Beginning, containing 24.332 acres more or less.

Subject to easements, reservations and restrictions of record.

Bearings refer to an assumed bearing of S. 00°39'06" E. along the East line of the Southeast 1/4 of Section 6, Township 48 South, Range 26 East, Lee County, Florida.