

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application of Ocean) DOCKET NO. 920279-SU
City Utilities, Inc. for) ORDER NO. PSC-92-0901-FOF-SU
amendment of Certificate No.) ISSUED: 08/31/92
391-S in Flagler County,)
Florida.)
_____)

ORDER AMENDING CERTIFICATE TO INCLUDE
ADDITIONAL TERRITORY AND CLOSING DOCKET

BY THE COMMISSION:

On March 26, 1992, Ocean City Utilities, Inc. (Ocean City or Utility) filed an application with this Commission to amend Certificate No. 391-S to include additional territory in Flagler County, Florida. Ocean City currently provides wastewater service to a mobile home park, Beverly Beach Surfside Estates, and a recreational vehicle park, Beverly Beach Camptown. Ocean City also holds Water Certificate No. 509-W.

With the addition of the territory requested, the wastewater service area will be identical to the Utility's water service area. Upon issuance of this Order, Ocean City will begin serving Captain Jack's Restaurant. Additional customers will come on line as the area is developed.

The application is in compliance with Section 367.045, Florida Statutes, and other pertinent statutes and provisions of the Florida Administrative Code. With its application, Ocean City submitted a filing fee in the amount of \$150, as prescribed by Rule 25-30.020, Florida Administrative Code.

The Utility provided adequate service territory and system maps and a territory description, as prescribed by Rule 25-30.036, Florida Administrative Code. The additional territory in Flagler County is described in Attachment A of this Order, which by reference is incorporated herein.

Ocean City provided proof of compliance with the noticing requirements of Rule 25-30.030, Florida Administrative Code. Objections to the application were received from the Town of Beverly Beach and Beverly Beach Surfside Estates, Ltd. Both

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objections have been withdrawn. No other objections have been received and the time for filing such has expired.

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

Since Ocean City has been in operation under our jurisdiction for several years, 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. From the information filed with the application, it appears that Ocean City has the financial ability to serve the requested area. Therefore, we find that it is in the public interest to amend Certificate No. 391-S to include the territory described in Attachment A of this Order, which by reference is incorporated herein. Ocean City has returned Certificate No. 391-S to the Commission for entry reflecting the amendment.

Ocean City currently has no rates approved in its tariff for the type of service contemplated in this Docket. The Utility has applied for a staff assisted rate case to establish appropriate rates. Ocean City may only charge the rates which are approved in its tariff.

It is, therefore,

ORDERED by the Florida Public Service Commission that Certificate No. 391-S, held by Ocean City Utilities, Inc., Post Office Box 2327, Bunnell, Florida 32110, 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 only the rates and charges approved in the Utility's tariff. It is further

ORDERED that Ocean City shall file revised tariff sheets reflecting the additional territory within 30 days of the date of this Order. It is further

ORDERED that Docket No. 920279-SU is hereby closed.

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By ORDER of the Florida Public Service Commission this 31st
day of August, 1992.

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.

ATTACHMENT A

OCEAN CITY UTILITIES, INC.

Territory Description

Northern Portion of Service District

Commencing at the Northwest corner of Section 26, Township 11 South, Range 13 East, Flagler County, Florida. Thence East along the North line of Section 26 to the Northeast corner of the Northwest 1/4 of Section 26. Thence South along the East line of the Northwest 1/4 of Section 26 for a distance of 1,056± feet to the Point of Beginning. Said Point of Beginning is center line of State Road A1A. Thence approximately South 88°50'14" West a distance of 1,092.52 feet to the Easterly right-of-way of the Intracoastal Waterway; thence Northwest along the Easterly right-of-way of the Intracoastal Waterway approximately 3,410 feet to the Intersection of the Easterly right-of-way of the Intracoastal Waterway and the Easterly right-of-way of the old Florida East Coast Canal; thence West along the Easterly right-of-way of the old Florida East Coast Canal approximately 7,000 feet; thence North 89°17'49" East, approximately 575 feet to the mean high tide line of the Atlantic Ocean proceed Southeast approximately 10,350 feet along the mean high tide line of the Atlantic Ocean; thence 88°50'18" West a distance of 310 feet to the center line of State Road A1A, the Point of Beginning.

Southern Portion of the Service District

Commencing at the Northwest corner of Section 35, Township 11 South, Range 31 East, Flagler County, Florida. Thence South along the West line of Section 35 to the Southwest corner of the North 1/2 of the Northwest 1/4 of Section 35. Thence East along the South line of the North 1/2 of the Northwest 1/4 of Section 35 for a distance of 3,300± feet to the Point of Beginning. Thence approximately North 18°30'00" West along the Easterly right-of-way line of the Florida Intracoastal Waterway for 4,750± feet. Thence approximately South 89°00'00" East for a distance of 1,700± feet to the Atlantic Ocean. Thence approximately South 69°00'00" East along the water line of the Atlantic Ocean for a distance of 4,990± feet. Thence run due West for 1,950± feet to the Easterly right-of-way to the Point of Beginning of the description.