

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application of Spring) DOCKET NO. 920347-SU
Hill Utilities, Inc.) ORDER NO. PSC-92-1184-FOF-SU
(Deltona) for Amendment of) ISSUED: 10/19/92
Certificate No. 47-S in)
Hernando County, Florida.)
_____)

The following Commissioners participated in the disposition of this matter:

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

ORDER AMENDING CERTIFICATE TO INCLUDE ADDITIONAL
TERRITORY AND CLOSING DOCKET

BY THE COMMISSION:

Background

On April 15, 1992, Spring Hill Utilities, Inc. (Spring Hill or Utility) filed an application with this Commission for amendment of Certificate No. 47-S to serve additional territory in Hernando County, Florida. Spring Hill also holds Certificate No. 46-W.

Spring Hill is already providing service to customers within the requested territory. The Utility is serving the Rutenberg Northcliffe Project and Dr. Hersch Dental Clinic, which consist of 9 commercial customers with a combined design capacity of approximately 46 equivalent residential connections (ERCs). By serving the area without prior Commission approval, Spring Hill is in violation of Section 367.045(2), Florida Statutes.

According to the Utility, it began serving the Northcliffe Plaza in November, 1990. Until immediately prior to connection, Spring Hill believed the territory to be within the area authorized by Certificate No. 47-S, since the territory is located within the service area authorized by its Water Certificate No. 46-W. Wastewater service has been provided to the Food Lion located in

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the Northcliffe Plaza without charge since connection, pending amendment of Spring Hill's service area by this Commission.

While Spring Hill was in the process of completing its application for amendment, the Dr. Hersch Dental Clinic requested service. This delayed the filing because it necessitated revisions to the application. As stated previously, Spring Hill filed its application on April 15, 1992.

Although Spring Hill began serving the requested territory without prior Commission approval, we will not initiate show cause proceedings since Spring Hill filed its application for amendment of Certificate No. 47-S upon determining that the territory it was serving was outside of its service area. Further, although the Utility served customers in the territory, it did not charge for the service.

Application

Except as discussed previously, the application is in compliance with Section 367.045, Florida Statutes, and other pertinent statutes and administrative rules. In particular, the application contains a filing fee in the amount of \$150.00 as prescribed by Rule 25-30.020, Florida Administrative Code. Spring Hill also 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(1)(d), Florida Administrative Code.

Adequate service territory and system maps and a territory description have been provided in accordance with Rule 25-30.036 (1)(e), (f) and (i), Florida Administrative Code. The territory requested by Spring Hill is described in Attachment A of this Order.

Spring Hill provided proof of compliance with the noticing provisions of Rule 25-30.030, Florida Administrative Code, including notice to the customers in the proposed territory. No objections to the application have been received and the time for filing such has expired.

Spring Hill currently provides quality water and wastewater service to approximately 22,648 water and 4,924 wastewater customers in Hernando County. From information filed with the application, it appears that the Utility has the technical ability and financial resources to serve the additional area, which is

located in close proximity to its existing service area. Also, according to the Department of Environmental Regulation (DER), Spring Hill has no violations at this time.

It should be noted that at the time of the application, Spring Hill was owned by Deltona Utilities, Inc. Since then, Deltona has been transferred to Southern States Utilities, Inc. Therefore, Certificate No. 47-S is amended to reflect that it is held by Southern States instead of Spring Hill.

Based on the foregoing, we find that it is in the public interest to amend Certificate No. 47-S to include the territory described in Attachment A of this Order, which by reference is incorporated herein. Spring Hill has filed revised tariff sheets reflecting the amendment. The Utility is hereby directed to return Certificate No. 47-S to this Commission within 30 days of the date of this Order for entry reflecting the amendment and the change in the name of the certificate holder.

Rates and Charges

Spring Hill's rates and charges became effective November 1, 1990, pursuant to Order No. 22307, issued in Docket No. 881501-WS. The Utility shall continue to charge the rates and charges approved in its tariff until authorized to change by this Commission.

It is, therefore,

ORDERED by the Florida Public Service Commission that Certificate No. 47-S, held by Spring Hill Utilities, Inc., 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. 47-S to this Commission within 30 days of the date of this Order for entry reflecting the additional territory. It is further

ORDERED that Certificate No. 47-S is hereby amended to reflect that the name of the certificate holder is Southern States Utilities, Inc. 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 this Commission. It is further

ORDERED that Docket No. 920347-SU is hereby closed.

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By ORDER of the Florida Public Service Commission this 19th
day of October, 1992.



STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

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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 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.

ATTACHMENT A

SPRING HILL UTILITIES, INC. (DELTONA)

Territory Description

The following described lands located in portions of Section 02, Township 23 South, Range 17 East, Hernando County, Florida:

Northcliffe Plaza

Commence at the Southwest corner of Section 2, Township 23 South, Range 17 East, thence run South 89°56'37" East, a distance of 56.79 feet, to a point on the Easterly right-of-way of U.S. Highway No. 19, thence run North 48°04'09" East along the Easterly right-of-way of U.S. Highway No. 19, a distance of 1727.34 feet, to a point of intersection of U.S. Highway No. 19 and Northcliffe Boulevard, thence continue along the Easterly right-of-way of U.S. Highway No. 19, North 48°04'09" East, 300.00 feet, to the Northwest corner of said Tract "R", thence South 89°56'34" East, 686.03 feet, to the Northeast corner of said Tract "R" for a Point of Beginning; thence run along the Easterly boundary line of said Tract "R" South 00°03'26" West, a distance of 532.16 feet to a point; thence run 101.68 feet along the arc of a curve to the right, said curve having a radius of 170.00 feet and a chord of 100.17 feet which bears South 17°11'30" West; thence South 34°19'35" West, a distance of 89.57 feet to a point; thence run 45.27 feet along the arc of a curve to the right, said curve having a radius of 25.00 feet and a chord of 39.33 feet which bears South 86°11'52" West; thence run North 41°55'51" West, a distance of 602.88 feet to a point; thence departing the Southerly boundary line of said Track "R", run North 48°04'09" East, a distance of 151.36 feet to a point; thence North 00°03'26" East, a distance of 155.18 feet to a point on the Northerly boundary line of said Track "R"; thence run along the Northerly boundary line of Tract "R" South 89°56'34" East, a distance of 410.00 feet to the Point of Beginning.

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Section 02, Township 23 South, Range 17 East, Hernando County,
Florida:

Dr. Hersch Dental Clinic

A portion of the Southwest 1/4 of said Section 2, being further described as follows: Commence at the Southwest corner of said Section, thence run South 89°56'37" East, a distance of 56.79 feet, to a point on the Easterly right-of-way of U.S. Highway 19, a distance of 1727.34 feet, to a point of intersection of U.S. Highway 19 and Northcliffe Boulevard, thence South 41°55'51" East, along the Southerly right-of-way of Northcliffe Boulevard, a distance of 555.00 feet, to the Point of Beginning, thence run along the South right-of-way of Northcliffe Boulevard a distance of 217.86 feet, thence run South 34°19'35" West, a distance of 224.58 feet, thence run North 10°08'50" West, a distance of 277.66 feet, thence run North 38°49'55" East, a distance of 40.00 feet to the Point of Beginning.