

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application For) DOCKET NO. 930153-WS
Amendment of Certificates Nos.) ORDER NO. PSC-93-1449-FOF-WS
238-W and 182-S in Volusia) ISSUED: October 4, 1993
County by Southern States)
Utilities, Inc.)
_____)

ORDER AMENDING CERTIFICATES TO REFLECT
ADDITION AND DELETION OF
TERRITORY AND CLOSING DOCKET

BY THE COMMISSION:

Background

On February 12, 1992, Southern States Utilities, Inc. (SSU or Utility) filed an application with this Commission to amend Certificates Nos. 238-W and 182-S to include additional territory, which it is already serving in Volusia County, Florida. SSU's Deltona system is already serving 36 water customers; 105 water and wastewater customers are being served by the Jungle Den system. Since SSU is already serving the area, it is in violation of Section 367.045(2), Florida Statutes, which requires a utility to obtain Commission approval prior to extending its service area.

Docket No. 921014-WS was opened to address areas which SSU serves outside of its certificated territory in violation of Section 367.045(2), Florida Statutes. Order No. PSC-93-0202-FOF-WS, issued on February 9, 1993 in that Docket, approved a timetable for SSU to follow in filing applications for amendments to include the territory being served outside of its service area. SSU provided an explanation for its actions and the Commission determined that if the utility complied with the Order and followed the timetable for filing the amendment applications addressed in Docket No. 921014-WS, show cause proceedings would not be initiated and the amendment applications could be processed administratively.

Docket No. 921014-WS required SSU to file an application for amendment of its Deltona, Jungle Den and Sugar Mill systems. In the instant application, SSU is seeking to amend the territory served by its Deltona and Jungle Den systems to include additional

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territory. SSU is also requesting to delete the portion of its Deltona system which has been transferred to Volusia County. SSU did not include the Sugar Mill system in its filing because subsequent to the findings in Docket No. 921014-WS, it was determined that SSU is not serving outside of its certificated territory.

Application

Except as discussed previously, 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 application contains filing fees in the amount of \$150 for water and \$2,250 for wastewater, as prescribed by Rule 25-30.020, Florida Administrative Code. In addition, SSU has provided evidence, in the form of warranty deeds, that it owns the land upon which its facilities are located, as required by Rule 25-30.036, Florida Administrative Code.

Adequate service territory and system maps and a territory description have been provided, as prescribed by Rule 25-30.036, Florida Administrative Code. Attachment A, of this Order, reflects a complete rewrite of the territory served by SSU's Deltona system and includes the additional territory requested. It does not include that portion of the Deltona system which is being deleted. The territory being deleted is described in Attachment B of this Order. Attachment C, of this Order, reflects the territory served by SSU's Jungle Den system, including the additional territory requested.

SSU has provided proof of compliance with the noticing requirements of Rule 25-30.030, Florida Administrative Code. No objections to the notice of application have been received and the time for filing such has expired.

Since SSU has been in operation under our jurisdiction for more than 20 years, and has been providing satisfactory service to its customers, we believe that the Utility has demonstrated that it has the technical ability to provide service to the additional territory. Also, from the information filed with the application, it appears that SSU has the financial ability to serve the requested area. In addition, according to the Department of Environmental Protection (DEP), there are no outstanding notices of violations against SSU's Deltona and Jungle Den systems.

Therefore, we find that it is in the public interest to amend Certificates Nos. 238-W and 182-S to reflect the territory described in Attachments A and C of this Order, which by reference are incorporated herein. As stated previously, the portion of the territory being deleted from the Deltona system is described in Attachment B of this Order. SSU has returned the Certificates to this Commission for entry reflecting the additional territory and deletion of a portion of the Deltona system. The Utility has filed revised tariff sheets reflecting the amendment.

Rates and Charges

SSU's existing rates and charges are interim rates and charges which became effective on September 18, 1992, pursuant to Order No. PSC-92-0948-FOF-SU, issued in Docket No. 920199-WS. Although that Order approved statewide uniform rates for SSU, petitions for reconsideration of the Order have been filed. The rates may change once a final decision has been made. In the meantime, we find the current rates and charges to be reasonable and they are approved pending the outcome of the rate case (Docket No. 920199-WS). SSU shall charge the customers in the territory added herein these rates and charges until authorized to change by this Commission in a subsequent proceeding.

It is, therefore,

ORDERED by the Florida Public Service Commission that Certificates Nos. 238-W and 182-S, held by Southern States Utilities, Inc., 1000 Color Place, Apopka, Florida 32703, are hereby amended to reflect the territory described in Attachments A and C of this Order, which by reference is incorporated herein. It is further

ORDERED that Southern State Utilities, Inc.'s request to delete the territory described in Attachment B of this Order from its Deltona system is hereby approved. It is further

ORDERED that Southern States Utilities, Inc. shall charge the customers in the territory added herein the interim rates and charges authorized by Order No. PSC-92-0948-FOF-WS until authorized to change by this Commission. It is further

ORDERED that Docket No. 930153-WS is hereby closed.

By ORDER of the Florida Public Service Commission this 4th day of October, 1993.

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

ATTACHMENT A

SOUTHERN STATES UTILITIES, INC.

TERRITORY DESCRIPTIONS - VOLUSIA COUNTY

DELTONA LAKES AND JUNGLE DEN

DELTONA LAKES - WATER AND WASTEWATER

Township 18 South, Range 30 East, Volusia County, Florida.

Sections 13, 24, 25, 35 and 36

That portion of said Sections 13, 24, 25, 35 and 36 which is lying Easterly of the right-of-way of Interstate 4.

Township 18 South, Range 31 East, Volusia County, Florida.

All of Sections 1, 2 and 3

Section 8

The Southeast 1/4 of said Section 8 and the Southeast 1/4 of the Southwest 1/4 of said Section 8.

Section 10

The East 1/2 of the Northeast 1/4 and the Northwest 1/4 of the Northeast 1/4 of said Section 10 and that portion of the Northwest 1/4 of said Section 10 which is more particularly described as follows: Begin at the Northeast corner of the Northwest 1/4 of said Section 10; thence run North 88°49'22" West along the North boundary of the Northwest 1/4 of said Section 10 to the Northwest corner of said Section 10; thence run South 00°24'01" East along the West boundary of said Section 10, 2350.93 feet; thence run North 89°56'04" East, 658.92 feet; thence run South 00°20'21" East, 333.80 feet; thence run North 89°43'08" East, 500.05 feet to a point which is also the Southeastern boundary of the Florida Power & Light Company 110 foot right-of-way; thence run North 47°52'27" East, along said Florida Power & Light boundary, 2022± to a point on the East boundary of the Northwest 1/4 of said Section 10; thence run northerly along the East boundary of the Northwest 1/4 of said Section 10 to the Northeast corner of the Northwest 1/4 of said Section 10 which is also the POINT OF BEGINNING.

ATTACHMENT A

SOUTHERN STATES UTILITIES, INC.

DELTONA LAKES - WATER AND WASTEWATER

Township 18 South, Range 31 East, Volusia County, Florida.

All of Sections 11, 12 and 13

Section 14

All of Section 14 less and except the following described territory: Begin at the Northwest corner of the South 1/2 of said Section 14; thence run South 89°51'38" East a distance of 1008.91 feet; thence run North 00°09'11" West for a distance of 2461.10 feet; thence run North 51°11'13" West for a distance of 286.17 feet; thence run North 89°59'28" West for a distance of 767.61 feet to the Northwest corner of said Section 14; thence run Southerly along the West boundary of said Section 14 to the Northwest corner of the South 1/2 which is also the POINT OF BEGINNING.

Section 15

The South 1/2 of the Southeast 1/4 of said Section 15 and that portion of the North 1/2 of Southeast 1/4 of said Section 15 that is more particularly described as follows: Begin at the Northwest corner of the 1/2 of the Southeast 1/4, thence run North 62°43'46" East a distance of 2971.21 feet to the Northeast corner of the Southeast 1/4 of said Section 15; thence run Southerly along the East boundary of said Section 15 to the Northeast corner of the South 1/2 of the Southeast 1/4 of said Section 15; thence run Westerly along the North boundary of the South 1/2 of the Southeast 1/4 of said Section 15 to the POINT OF BEGINNING.

Section 17

All of said Section 17 less and except the Northwest 1/4 of the Northwest 1/4 of said Section 17.

Section 18

That portion of the South 3/4 of said Section 18 which is lying Easterly of the right-of-way of Interstate 4.

All of Sections 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 and 36.

ATTACHMENT A

SOUTHERN STATES UTILITIES, INC.

DELTONA LAKES - WATER AND WASTEWATER

Township 18 South Range 32 East, Volusia County, Florida.

Section 31

That portion of said Section 31 which is more particularly described as follows: Begin at the Northwest corner of the Southwest 1/4 of said Section 31; thence run South 00°26'20" East 122.22 feet; thence North 89°35'55" East 3760.4 feet; thence run South 00°26'20" East 1601.42 feet to a point intersecting with the Northern right-of-way line of S.R. 415; thence South 63°48'55" West 667.21 feet along said North right-of-way line of S.R. 415; thence leaving right-of-way run South 89°32'15" West 719.04 feet; thence South 00°26'20" East 516.56 feet, to a point intersecting with the Northern right-of-way line of S.R. 415; thence South 46°29'55" West 217.52 feet along said North right-of-way line of S.R. 415; thence leaving right-of-way run South 89°32'15" West 2281.30 feet; thence Northwesterly along a curve to the right having a radius of 427.43 feet, and a central angle of 19°26'58" a distance of 145.09 feet, then Westerly along a curve to the left having a radius of 270 feet, and a central angle of 19°12'47" a distance of 90.54 feet, to the South line of said Section 31; thence run South 89°46'26" along this line 49.11 feet to the Southwest corner of said Section 31; thence run North 00°26'20" West along the West Section line of said Section 31, a distance of 1213± to the said POINT OF BEGINNING.

Township 19 South, Range 30 East, Volusia County, Florida.

Section 1

That portion of Section 1 which is lying Northerly of the shoreline of Lake Monroe.

ATTACHMENT A

SOUTHERN STATES UTILITIES, INC.

DELTONA LAKES - WATER AND WASTEWATER

Township 19 South, Range 30 East, Volusia County, Florida.

Section 2

That portion of the Northeast 1/4 of said Section 2 which is more particularly described as follows: Begin at the Northeast corner of said Section 2; thence run South 00°10'00" West along the East boundary of said Section 2, 1256.00 feet to a point which is also the North side of F.E.C. Railroad right-of-way; thence run South 76°01'20" West along said right-of-way line, 2176.20 feet; thence run North 13°15'20" East, 1498.65 feet ± to a point on the North boundary of said Section 2; thence run South 89°29'20" East along the North boundary of said Section 2 to the Northeast corner of said Section 2 which is also the POINT OF BEGINNING.

plus,

That portion of the North 800 feet of the Northwest 1/4 of the Southwest 1/4 of said Section 2. Together with that portion of the North 1000 feet of the South 1320 feet of the East 3/4 of the North 1/2 of said Section 2, along with the South 1000 feet of the Southwest 1/4 of the Northwest 1/4 lying South of the F.E. C. Railroad right-of-way.

Section 3

That portion of the North 720 feet and the East 720 feet of the Northeast 1/4 of the Southeast 1/4 of Section 3, together with that portion of the South 100± feet of the East 720 feet of the Northeast 1/4 lying South of F.E.C. Railroad right-of-way.

ATTACHMENT A

SOUTHERN STATES UTILITIES, INC.

DELTONA LAKES - WATER AND WASTEWATER

Township 19 South, Range 31 East, Volusia County, Florida.

Section 1

The West 1/2 of said Section 1.

All of Sections 2, 3, 4 and 5.

Sections 6 and 7

That portion of said Section 6 & 7 which is located Northerly of Lake Monroe.

All of Sections 8, 9, 10 and 11

Section 12

The West 1/2 of said Section 12.

Section 16

That portion of said Section 16 which is lying Northerly of the North shoreline of Lake Monroe.

Section 17

That portion of said Section 17 which is lying Northeasterly of the shoreline of Lake Monroe.

Less and except all of the area known as Enterprise, Volusia County, Florida, described as follows:

In Township 19 South, Range 31 East, Volusia County, Florida.

Section 4

The South 1/2 of said Section 4.

Section 5

The South 1/2 of said Section 5.

Sections 8, 9, 16 and 17

All the land area North of the shoreline of Lake Monroe lying in portions of said Sections 8, 9, 16 and 17.

ATTACHMENT B

SOUTHERN STATES UTILITIES, INC.

DELTONA LAKES - WATER AND WASTEWATER

Territory to be Deleted:

This territory is not reflected in the territory just mentioned, but was included in the territory the utility was granted years ago.

Township 18 South, Range 31 East, Volusia County, Florida.

Deltona Lakes Unit No. 39 as recorded in Plat Book 27, Pages 209 through 212 inclusively.

Deltona Lakes Unit No. 53 as recorded in Plat Book 38, Pages 32 through 42 inclusively.

Deltona Lakes Unit No. 61 as recorded in Plat Book 28, Page 94.

The West 1/2 of the Southwest 1/4 of Section 9.

ATTACHMENT C

SOUTHERN STATES UTILITIES, INC.

JUNGLE DEN - WATER AND WASTEWATER

A portion of Sections 19 and 30, Township 15 South, Range 28 East, Volusia County.

Commencing at the Northeast Corner of the Southeast 1/4 of Section 19, Township 15 South, Range 28 East, Volusia County, Florida, Run Thence South 00° 10' West along the East Line of Said Southeast 1/4 (Said Course Being the Basis of Bearings of this Description to Match Local Deeds) A Distance of 1,342.5 feet, Thence Run South 89° 07' East 60 feet to the West Right-of-Way Line of Alice Drive; Thence South 00° 10' West Along Said Right-of-Way Line 380.00 feet to the Point of Beginning; Thence North 89° 07' West 80.00 feet; Thence South 15° 22' West 80.00 feet; Thence South 25° 25' 25" West 79.73 feet to the Centerline of an existing canal "A"; Thence Run North 89° 07' West Along said Centerline 1,510 feet more or less to the East Edge of St. Johns River; Thence Meander Southerly and Easterly along the Edge of St. Johns River 1,300 feet, more or less to Reference Point "X" in the Centerline of an existing canal "B"; Thence Run North 10° East more or less, 125 feet more or less along said centerline; Thence South 68° 39' East 62 feet; Thence North 87° 58' East 47.96 feet to the Right-of-Way Line of River Road; Thence Run along the Northerly Right-of-Way Line South 80° East more or less 1,150 feet more or less; Thence North 45° East more or less along said Northerly Right-of-Way Line 240 feet more or less; Thence South 45° East more or less along said Right-of-Way line 50 feet more or less to the West Right-of-Way line of Alice Drive; Thence Run North 5° East more or less along said West Right-of-Way Line 1090 Feet more or less to the Point of Beginning.