

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for amendment of) DOCKET NO. 900939-WS
Certificates Nos. 72-W and 64-S in) ORDER NO. 24046
Lee County by Gulf Utility Company.) ISSUED: 1/29/91
_____)

ORDER GRANTING AMENDMENT OF CERTIFICATES
TO INCLUDE ADDITIONAL TERRITORY

BY THE COMMISSION:

In September, 1989, Gulf Utility Company (Gulf or Utility) noticed its intent to file an application with this Commission for amendment of Certificates Nos. 72-W and 64-S to include additional territory in Lee County. Lee County filed a formal objection to the proposed amendment. Docket No. 891157-WS was opened to resolve that objection.

After negotiations with Lee County, Gulf amended the description of the additional territory. Lee County withdrew its objection on November 13, 1989.

Prior to Lee County's withdrawal of its objection, Gulf filed its application for amendment pursuant to Section 367.061, Florida Statutes. Since Section 367.061, Florida Statutes, states that the application should be filed after construction is complete and the utility is ready to provide service, Gulf's application was premature. Order No. 22522, issued on February 12, 1990, closed Docket No. 891157-WS and advised Gulf that it could ask that its application for amendment of Certificates Nos. 72-W and 64-S be revived and processed once it complied with Section 367.061, Florida Statutes.

On November 26, 1990, Gulf filed a timely request to revive and process its application for amendment of Certificates Nos. 72-W and 64-S. Gulf has now met all of the requirements of Section 367.061, Florida Statutes. Further, Gulf has been in operation in Lee County since 1971 (operating under the name of San Carlos Utilities until 1982 when it changed its name to Gulf Utility Company). Since that time, Gulf has proven that it has the technical and financial ability to provide efficient service to its customers. Therefore, we find that the amendment of Certificates Nos. 72-W and 64-S to include the territory described in Attachment A of this Order is in the public interest and it is approved.

It is, therefore,

DOCUMENT NUMBER-DATE

00887 JAN 29 1991

PSC-RECORDS/REPORTING

ORDER NO. 24046
DOCKET NO. 900939-WS
Page 2

ORDERED by the Florida Public Service Commission that the application of Gulf Utility Company, Post Office Box 350, Estero, Florida 33928-0350, to amend Certificates Nos. 72-W and 64-S to include the territory described in Attachment A of this Order is hereby approved. Gulf Utility Company shall return Certificates Nos. 72-W and 64-S to this Commission within 30 days of the date of this Order for entry reflecting the additional territory. It is further

ORDERED that Gulf Utility Company shall charge the customers in the territory added herein the rates and charges approved in its tariff. It is further

ORDERED that Gulf Utility Company shall file tariff sheets reflecting the additional territory within 30 days of the date of this Order. It is further

ORDERED that Docket No. 900939-WS is hereby closed.

By ORDER of the Florida Public Service Commission, this 29th
day of JANUARY, 1991.

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

ORDER NO. 24046
DOCKET NO. 900939-WS
Page 3

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

GULF UTILITY COMPANY

Township 46 South, Range 25 East

FOR WATER AND SEWER SERVICE:

Section 7

That part of the South half of the Southeast quarter and the Southwest quarter of Section 7, Township 46 South, Range 25 East, and the Southeast quarter of Section 12, Township 46 South, Range 24 East, Lee County, Florida, described as follows: Commencing at the Southeast corner of said Section 7: thence N 01°05'06" W 656.23 feet along the East line thereof. To the Northeast corner of the South half of the South half of the Southeast quarter of said Section 7: thence N 87°56'36" W 460.73 feet. Along the North line of the South half of the South half of the Southeast quarter of said Section 7. To the Westerly right-of-way line of State Road 45. (U.S. 41) and the point of beginning: thence continue N 87°56'36" W 400.00 feet: thence S 01°07' E 479.08 feet perpendicular to the South line the Southeast quarter of said Section 7. To a point which is 225.00 feet from said South line: thence S 88°52'11" W 1838.46 feet. Parallel to the South line of the Southeast quarter of said Section 7. To the West line of the Southeast quarter thereof: Thence S 00°25'52" E 1097.84 feet along said west line to the Northerly right-of-way of a public road. Said point being 27.18 feet from the South quarter corner: thence N 67°20'42" W 217.48 feet along said right-of-way line to the Southeast corner of Lot 33. Block A. A re-subdivision of Ten-Mile Anchorage. Plat Book 21. Page 43: thence N 00°28'33" W 177.10 feet along the east line of said Lot 33 and the extension thereof to the northerly line of said Ten Mile Anchorage: thence N 67°59'18" W 2687.07 feet along the North line of said Ten Mile Anchorage to the Northwest corner of the Northwest quarter. Said point being on the West line of said Section 7. 170.68 feet Northerly of the Southwest corner of the North half of the Southwest quarter: thence N 00°00'17" E 339.79 feet along the West line of said Section 7: thence West to the East side of the I.D.D. Canal known as Ten Mile Canal: thence Northerly 812 feet more or less along the East side of said canal to a point West of the Northwest Corner of the South half of the Southwest quarter of said Section 7: thence East to the said Northwest corner. Said corner being N 00°00'17" E 1322.54 feet from the Southwest corner of said

Section 7: thence S 72°42'23" E 131.96 feet along the north line of the South half of said Southwest quarter to a point which is 126.00 feet normally distant from the West line of said Southwest quarter: thence N 00°00'17" E 1234.02 feet parallel to said West line of the Southwest quarter. To a point which is 100.00 feet normally distant from the North line said Southwest quarter. Said point being on the centerline of a 100.00 foot wide Florida Power and Light Co. easement, as recorded in Deed Book 260 on page 146. Public records of Lee County, Florida: thence S 78°27'17" E 1233.95 feet along said centerline and parallel to the North line of said Southwest quarter. To the East line of the Northwest quarter of the Southwest quarter of said Section 7: thence S 00°14'05" E 1365.25 feet to the Southeast corner of said quarter. Thence S 72°42'23" E 1404.15 feet along the North line of the South half of said Southwest quarter to the Northeast corner of said South half: thence S 84°45'19" E 1982.23 feet along the North line of the South half of the Southeast quarter of said Section 7. To the Easterly right-of-way line of State Road 45. (U.S. 41): thence S 20°35'30" E 753.2 feet along said right-of-way line to the point of beginning.

TOGETHER with that part of the Southeast quarter of the Southeast quarter of Section 12, Township 46 South, Range 24 East, lying East of the Iona Drainage District Canal known as "Ten Mile Canal" less the South 510.47 feet thereof, and less that part thereof described above.

Section 19

All of said Section.

Section 28

That part of said Section situated South of the South bank of the meandering Estero River.

Section 29

That part of said Section situated South of the South bank of the meandering Estero River.

Section 30

The West one-half (1/2) of said Section and that part of said Section situated South of the South bank of the meandering Estero River.

Section 31

All of said Section.

Section 32

All of said Section.

Section 33

The West one-half (1/2) of said Section and that part of the East one-half (1/2) of said Section situated West of the centerline of U.S. 41 (S. R. 45).

FOR SEWER SERVICE ONLY:

Section 4

The South one-half (1/2) of said Section.

Section 5

The South one-half (1/2) of said Section.

Section 6

The South one-half (1/2) of said Section.

Section 7

The North one-half (1/2) of said Section.

Section 8

All of the Northwest one-quarter (1/4) and the North one-half (1/2) of the Northeast one-quarter (1/4) of said Section.

ORDER NO. 24046
DOCKET NO. 900939-WS
Page 7

Section 10

That portion of the North one-half (1/2) of the North one-half (1/2) of said Section situated West of Interstate Highway 75.

Section 18

That part of the Northeast one-quarter (1/4) of said Section more particularly described as follows:

Commencing at the Northeast corner of Section 18: thence run South 88 degrees 52 minutes 30 seconds West a distance of 218.15 feet to the Point of Beginning of tract herein described; thence run South 20 degrees 35 minutes 30 seconds East along the Westerly right-of-way line of U. S. 41, a distance of 1151.70 feet; thence run South 79 degrees 41 minutes 20 seconds West a distance of 1537.96 feet; thence run North 01 degrees 00 minutes 20 seconds West a distance of 1331.39 feet to a point on the North line of Section 18; thence run North 88 degrees 52 minutes 30 seconds East along said North line a distance of 1131.65 feet to the Point of Beginning.