

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for) DOCKET NO. 921050-WS
amendment of Certificates Nos.) ORDER NO. PSC-93-0941-FOF-WS
533-W and 464-S in Lake County) ISSUED: 6/23/93
by Southlake Utilities, Inc.)
_____)

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON, Chairman
SUSAN F. CLARK
JULIA L. JOHNSON

ORDER AMENDING CERTIFICATES
TO INCLUDE ADDITIONAL TERRITORY AND CLOSING DOCKET

BY THE COMMISSION:

Southlake Utilities, Inc. (Southlake or utility) is a Class C utility that will provide both water and wastewater service to residents of Lake County under Certificates Nos. 533-W and 464-S. The utility is currently certificated to serve approximately 8,000 residential customers located in its service territory which includes approximately 623 acres. However, since the utility has not been fully constructed, it is not operational. Therefore, there is no financial data available at this time.

On October 12, 1992, Southlake applied to the Public Service Commission (Commission) for an amendment to Certificates Nos. 533-W and 464-S in Lake County. Southlake has made application to extend its service area to include six new parcels located along U.S. Highway No. 27.

On November 13, 1992, Lake Grove Utilities, Inc., (Lake Grove) filed an objection to Southlake Utilities, Inc.'s application for amendment to add territory in Lake County. On February 15, 1993, the utility filed a copy of an executed agreement between Southlake and Lake Grove in which Lake Grove withdrew its objection as a result of the utility amending its application to exclude two parcels known as the Charles E. Hawthorne/Orange Grove Acres, Inc. and DLD Investments, Inc.

Therefore, pursuant to the agreement, Southlake amended its application to include only 4 parcels totaling approximately 420 acres which will include an estimated 1,466 single family

DOCUMENT FILED DATE

06768 JUN 23 93

FLORIDA PUBLIC SERVICE COMMISSION

residences and 896 multi-family residences upon completion. In addition, approximately 600,000 square feet of commercial development will also be included in the service area.

On November 13, 1992, we received a letter from the Director of the Department of Environmental Services in Lake County, Mr. James E. Barker Jr., in reference to Southlake's amendment. Mr. Barker expressed concerns about the application and requested additional time to review Southlake's requested amendment. On April 15, 1993, in a letter from Mr. Barker, the Department of Environmental Services again expressed concern about granting the amendment but indicated that the letter was not an objection to the application.

Southlake is in a critical use area as defined by the St. Johns River Water Management District. We have contacted the St. Johns River Water Management District regarding reuse requirements for Southlake. As part of Southlake's permit requirement, it must use treated effluent as irrigation water whenever possible in green spaces or common areas. Also, Southlake is required to apply for and implement a conservation oriented rate structure approved by this Commission. The utility consists of four systems: Southlake Water Treatment System, Southlake Wastewater Treatment System, Southlake Water Distribution System and Southlake Wastewater Distribution System.

The utility's application is in compliance with the governing statute, Section 367.045, Florida Statutes, and other pertinent statutes and administrative rules concerning an application for amendment of certificate. The application contains a check in the amount of \$3,000.00, which is the correct filing fee pursuant to Rule 25-30.020, Florida Administrative Code. The applicant has provided evidence in the form of a 99 year lease agreement showing that the utility has the right of continuous use of the land upon which the utility's facilities are located as required by Rule 25-30.036(1)(d), Florida Administrative Code.

In addition, adequate service territory and system maps and a territory description have been provided as prescribed by Rule 25-30.036(1)(e),(f) and (i), Florida Administrative Code. A description of the territory requested by the utility is appended to this Order as Attachment A. The utility has submitted an affidavit consistent with Section 367.045(2)(d), Florida Statutes, stating that it has tariffs and annual reports on file with this

Commission. In addition, the application contains proof of compliance with the noticing provisions set forth in Rule 25-30.030, Florida Administrative Code.

Presently, the developers of the four parcels have requested service from Southlake by entering into service area expansion agreements. Since the facilities are not fully constructed, Southlake can efficiently design, size and construct the water transmission lines and wastewater distribution lines to adequately serve the proposed parcels. Additionally, granting the extension is consistent with our philosophy of curtailing the proliferation of small water and wastewater facilities.

The proposed additional territory is located near the utility's existing service area. The local planning agency was provided notice of the application and did not file any objection to the amendment. The Department of Environmental Regulation has no record of current violations since the utility is currently constructing its facilities.

Based on the above information, we find it is in the public interest to grant Southlake Utilities, Inc.'s application for amendment of Certificates Nos. 533-W and 464-S with the territory described in Attachment A. The utility has returned its certificates for entry to include the additional territory and has filed revised tariff sheets which reflect the amended territory description.

RATES AND CHARGES

The utility's rates and charges for its water and wastewater systems were originally established by this Commission in Orders Nos. 23947 and 24564, issued in Docket No. 900738-WS on June 21, 1991. We believe that the proposed amendment will have no significant impact on the utility's existing rates and charges. Therefore, we find that the existing rates and charges shall be applied to customers in the new service territory until changed by this Commission.

ORDER NO. PSC-93-0941-FOF-WS
DOCKET NO. 921050-WS
PAGE 4

It is, therefore,

ORDERED by the Florida Public Service Commission that Certificates Nos. 533-W and 464-S, held by Southlake Utilities, Inc., are 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 the rates and charges approved in Southlake Utilities, Inc.'s tariff. It is further

ORDERED that this docket is hereby closed.

By ORDER of the Florida Public Service Commission, this 23rd day of June, 1993.

STEVE TRIBBLE, Director
Division of Records and Reporting

by: Kay J. [Signature]
Chief, Bureau of Records

(S E A L)

LK

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

ORDER NO. PSC-93-0941-FOF-WS
DOCKET NO. 921050-WS
PAGE 5

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

Southlake Utilities, Inc.

TERRITORY DESCRIPTION

CONDEV ORLANDO U.S. 27, LTD

The following described land located in portions of Sections 25 and 26, Township 24 South, Range 26 East, Lake County, Florida:

The South 1576.76 feet of the Southeast 1/4 of Section 26, Township 24 South, Range 26 East, Lake County, Florida, lying East of U.S. Highway 27, and the Southwest 1/4 of the Southwest 1/4 of Section 25, Township 24 South, Range 26 East, Lake County, Florida. Containing: 116.415 acres..

Southlake Utilities, Inc.

TERRITORY DESCRIPTION

R. LANCE WALKER, TRUSTEE

The following described land located in portions of Section 26, Township 24 South, Range 26 East, Lake County, Florida:

The South 722.08 feet of the Southeast 1/4 of the Northeast 1/4;
The South 722.08 feet of the Southwest 1/4 of the Northwest 1/4;
The South 722.08 feet of the East 1/2 of the Northwest 1/4, lying East of U.S. Highway 27; The Southeast 1/4 lying East of U.S. Highway 27, LESS the South 1576.76 feet thereof, and the Southwest 1/4 lying East of U.S. Highway 27; All lying in Section 26, Township 24 South, Range 26 East, Lake County, Florida and containing 113.1227 acres.

ATTACHMENT A

Southlake Utilities, Inc.

TERRITORY DESCRIPTION

CONDEV LAND FUND II, LTD.

The following described land located in portions of Section 26, Township 24 South, Range 26 East, Lake County, Florida:

The Northwest 1/4 of the Northeast 1/4; The Southeast 1/4 of the Northeast 1/4, Less the South 722.08 feet thereof; The Southwest 1/4 of the Northeast 1/4, Less the South 722.08 feet thereof; and the East 1/2 of the Northwest 1/4, lying East of U.S. Highway 27, Less the South 722.08 feet thereof; All lying in Section 26, Township 24 South, Range 26 East, Lake County, Florida, containing 111.64 acres.

Southlake Utilities, Inc.

TERRITORY DESCRIPTION

KARST, INC.

The following described land located in portions of Section 25, Township 24 South, Range 26 East, Lake County, Florida:

SE 1/4 of SW 1/4 & SW 1/4 of SE 1/4 of Section 25, Township 24, Range 26, of the Public Records of Lake County, Florida.