

M E M O R A N D U M

September 14, 1993

TO : DIVISION OF LEGAL SERVICES (CROSBY)
DIVISION OF RECORDS AND REPORTING

FROM : DIVISION OF WATER AND WASTEWATER (MCROY) *McRoy*

RE : DOCKET NO. 930673-SU, APPLICATION BY SOUTH SEAS UTILITY
COMPANY FOR AMENDMENT OF CERTIFICATE NO. 268-S IN LEE
COUNTY, FLORIDA

South Seas Utility Company (South Seas or Utility) provides wastewater service to its customers in Lee County. The annual report for 1992 indicates that the operating revenue for wastewater is \$455,000. The net operating income for wastewater is \$47,000. The Utility is a Class B utility company under FPSC jurisdiction.

On July 9, 1993, South Seas applied for an amendment to its Wastewater Certificate No. 268-S in Lee County, Florida. The proposed territory is located along a portion of Pine Island Sound in Lee County. The proposed territory serves and existing Marina which currently utilizes a septic tank for its wastewater disposal. There will be no additional wastewater facilities built to serve the proposed territory. Service will be provided by extending existing wastewater collection lines.

The 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 \$150.00 which is the correct filing fee pursuant to Rule 25-30.020, Florida Administrative Code. The applicant has provided evidence that the utility owns the land upon which the utility's facilities are located as required by Rule 25-30.036(1)(d), Florida Administrative Code in the form of a warranty deed.

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 memorandum as Attachment A. The utility has submitted an affidavit consistent with Section 367.045(2)(d), Florida Statutes, that it has tariffs and annual reports on file with the Commission.

DOCUMENT NUMBER-DATE

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In addition, the application contains proof of compliance with the noticing provisions set forth in 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.

Presently, South Seas provides quality wastewater service to the residents of Lee County. The utility has the capability and financial resources to adequately service the proposed new territory. The proposed new territory will have no substantial effect on the utility's financial status. South Seas currently has no outstanding violation reported by the Department of Environmental Protection.

The utility's approved wastewater rates were effective November 8, 1991, pursuant to an Index Pass-Through. The utility has indicated that the proposed amendment will have no significant impact on its existing rates and charges. Staff recommends that these rates and charges be applied to customers in the new service territory.

The utility has filed revised tariff sheets incorporating the additional territory into its tariff and has submitted Certificates No. 268-S for entry reflecting the additional territory.

Based on the above information, staff believes it is in the public interest to grant the application of South Seas Utility Company for amendment of its Wastewater Certificate No. 268-S for the territory described in Attachment A. An administrative order should be issued approving the application.

WASTEWATER TERRITORY

A tract or parcel of land lying in Section 26, Township 45 South, Range 21 East, Captiva Island, Lee County, Florida, which tract or parcel is described as follows:

SECTION 26, TOWNSHIP 45 SOUTH, RANGE 21 EAST:
Commencing at the intersection of the Mean High Water Line of the Gulf of Mexico with the south line of Section 26, Township 45 South, Range 21 East; thence run east along said section line for a distance of 1150 feet more or less to the easterly right-of-way (R.O.W.) line of Captiva Drive run North for 40.0 feet to the Point of Beginning.
From said Point of Beginning continue North for 225.00 feet; thence run N 89° 58' 30" E departing said easterly R.O.W. line for 50.00 feet; thence run North 50.00 feet to an intersection with the southerly R.O.W. line of Andy Rossi Lane; thence run N 89° 58' 30" E along said southerly R.O.W. line for 345 feet, more or less to an intersection with the Mean High Water Line of Pine Island Sound; thence meandering southwesterly along said Mean High Water Line for 290 feet, more or less to an intersection with the line that bears N 89° 58' 30" E from said Point of Beginning; thence run S 89° 58' 30" W along said line for 315 feet, more or less to the Point of Beginning.

Bearings hereinabove mentioned are based on the east R.O.W. line of Captiva Drive to bear North.