

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for) DOCKET NO. 930926-WS
Amendment of Certificates Nos.) ORDER NO. PSC-93-1744-POF-WS
146-W and 103-S in Osceola) ISSUED: December 3, 1993
County by Poinciana Utilities,)
Inc.)
_____)

ORDER AMENDING CERTIFICATE TO INCLUDE
ADDITIONAL TERRITORY AND CLOSING DOCKET

BY THE COMMISSION:

Background

On September 17, 1993, Poinciana Utilities, Inc. (Poinciana or Utility) filed an application with this Commission to amend Certificates Nos. 146-W and 103-S to include additional territory in Osceola County, Florida. The Utility currently serves approximately 4,212 water customers and 4,113 wastewater customers in Osceola and Polk Counties. The Osceola County Middle School will be added as a result of this amendment. The Osceola County School Board will install all facilities necessary to serve the school. The facilities will be contributed to Poinciana.

Poinciana's parent company is Avatar Utilities, Inc. (Avatar). Avatar also owns Florida Cities Water Company, which has systems in Brevard, Lee and Collier Counties serving over 13,864 customers.

Application

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 a filing fee in the amount of \$300, as prescribed by Rule 25-30.020, Florida Administrative Code. In addition, Poinciana 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. The additional territory which

DOCUMENT NUMBER-DATE

12918 DEC-3 93

FPSC-RECORDS/REPORTING

Poinciana is requesting to serve in Osceola County is described in Attachment A of this Order.

Poinciana 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 Poinciana has been in operation under our jurisdiction since 1973, and has been providing satisfactory service to its customers, we believe that the Utility has demonstrated its ability to provide service to the additional territory. From the information filed with the application, it appears that Poinciana has the financial ability to serve the requested area. In addition, according to the Department of Environmental Protection, there are no outstanding notices of violation against the Utility.

Therefore, we find that it is in the public interest to amend Certificates Nos. 146-W and 103-S to include the territory described in Attachment A of this Order, which by reference is incorporated herein. Poinciana has returned the Certificates to this Commission for entry reflecting the additional territory. The Utility has also filed revised tariff sheets reflecting the amendment.

Rates and Charges

Poinciana's existing rates and charges became effective on July 16, 1993, pursuant to a price index rate increase, WS-93-0090. Prior to that time, the rates were changed by Order No. 22166, issued on December 5, 1989 in Docket No. 881053-WS. Poinciana's service availability charges were set on April 26, 1988, by Orders Nos. 19092 and 19233, issued in Docket No. 870689-WS. Poinciana shall charge the customers in the territory added herein the rates and charges approved in its tariff until authorized to change by this Commission in a subsequent proceeding.

It is, therefore,

ORDERED by the Florida Public Service Commission that Certificates Nos. 146-W and 103-S, held by Poinciana Utilities, Inc., 14 Dover Plum Center, Poinciana, Florida 34759, are hereby amended to include the territory described in Attachment A of this Order, which by reference is incorporated herein. It is further

ORDER NO. PSC-93-1744-FOF-WS
DOCKET NO. 930926-WS
PAGE 3

ORDERED that Poinciana Utilities, Inc. 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. 930926-WS is hereby closed.

By ORDER of the Florida Public Service Commission, this 3rd day of December, 1993.

STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

ALC

by: Kay Deane
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

ORDER NO. PSC-93-1744-FOF-WS
DOCKET NO. 930926-WS
PAGE 4

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.

ORDER NO. PSC-93-1744-FOF-WS
DOCKET NO. 930926-WS
PAGE 5

ATTACHMENT A

POINCIANA UTILITIES, INC.

Territory Description

Osceola County Middle School

In Township 26 South, Range 28 East

Section 12: The Northwest 1/4 of the Northeast 1/4, less that portion lying Southerly and Easterly of State Road 535.