

MEMORANDUM

ORIGINAL

July 10, 1998

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

FROM : DIVISION OF WATER AND WASTEWATER (REDEMANN) *MSM JPK JNW*

RE : DOCKET NO. 980298-WS; APPLICATION FOR AMENDMENT OF
 CERTIFICATES NOS. 223-W AND 167-S TO ADD TERRITORY IN
 DUVAL COUNTY BY ORTEGA UTILITY COMPANY.

Ortega Utility Company (Ortega or utility), is a Class B utility located in Duval County, Florida. Ortega owns and operates water and wastewater systems in three separate communities: Blanding, Herlong, and Airport. According to its 1997 annual report, Ortega serves approximately 1,400 water and wastewater customers with combined annual operating revenues of \$1,404,551 and a combined net income of \$237,690.

On February 26, 1998 the utility applied for a 'quick take' amendment to Water Certificate No. 223-W and Wastewater Certificate No. 167-S in Duval County, Florida pursuant to Rule 25-30.036(2), Florida Administrative Code. 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 \$200 which is the correct filing fee pursuant to Rule 25-30.020, Florida Administrative Code. The applicant has provided evidence, in the form of warranty deeds, that the utility owns the land upon which the utility's facilities are located as required by Rule 25-30.036(3)(d), Florida Administrative Code.

ACK _____

AFA _____ Adequate service territory and a territory description have
 APP _____ been provided as prescribed by Rule 25-30.036(3)(e), and (i),
 CAF _____ Florida Administrative Code. A description of the territory
 CMU _____ requested by the utility is appended to this memorandum as
 CTR _____ Attachment A. The utility has submitted an affidavit consistent
 EAG _____ with Section 367.045(2)(d), Florida Statutes, that it has tariffs
 LEG _____ and annual reports on file with the Commission. In addition, the
 LIN _____ application contains proof of compliance with the noticing
 OPC _____ provisions set forth in Rule 25-30.030, Florida Administrative
 RCH _____ Code. No objections to the application have been received and the
 SEC L time for such has expired. The local planning agency was provided
 WAS _____ notice of the application and did not file a protest to the
 OTH _____ amendment.

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 27466-98
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The utility states that the new territory will not exceed a maximum of 25 ERC's at the time the territory is built out. No other utility is in the area, or is willing and/or capable of providing reasonably adequate service to the territory. The customer has demonstrated to the utility that service is necessary because the facility was under a consent order from the Department of Health.

Staff has contacted the Department of Environmental Protection and learned that there are no outstanding notices of violation issued for this system. Staff recommends the rates and charges approved by the Commission be applied to customers in the new service territory. The utility has filed revised tariff sheets incorporating the additional territory into its tariff and returned its certificate for entry reflecting the additional territory.

In accordance with this rule, a request for service expansion shall be considered approved if no protest is timely filed to the application. As stated earlier, no protests have been filed and the time for such has expired.

Based on the above information, staff believes it is in the public interest to acknowledge the quick take amendment application for Ortega, to add the additional territory described in Attachment A. An administrative order should be issued within 30 days acknowledging the amendment of territory.

If you have any questions, please contact me.

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cc: Division of Water and Wastewater (Crouch)
Division of Records and Reporting (Security File)

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ATTACHMENT A

ORTEGA UTILITY COMPANY

DUVAL COUNTY

SERVED FROM THE BLANDING WATER AND WASTEWATER
TREATMENT PLANTS

WATER AND WASTEWATER SERVICE

The Department of Navy, DRMO FACILITY

Township 3 South, Range 26 East

In Section 44

A parcel of land located in Section 44, Township 3 South, Range 26 East, being a portion of the John H. McIntosh Grant, being more particularly described as follows:

Beginning at the intersection of the westerly right-of-way of U.S. Highway 17 (State Road No. 15) and the southerly boundary of Section 44, Township 3 South, Range 26 East; thence North 85°44'10" West, 644.54 feet; thence North 15°13'00" East, 2757.98 feet; to the westerly right-of-way of said U.S. Highway 17; thence along the westerly right-of-way of said U.S. Highway 17 in a southerly direction, along a curve concave eastward, having a chord of length 2710.42 feet and bearing South 01°42'59" West, a length of 2735.67 feet to the Point of beginning, containing 12.36 acres more or less.