

MEMORANDUM

JULY 1, 1997

*Handwritten:* JUL 01 1997  
11/15  
FPSC - Records/Reporting

TO: DIVISION OF RECORDS AND REPORTING  
FROM: DIVISION OF LEGAL SERVICES (JABER) *JAS*  
RE: DOCKET NO. 970696-WS - REQUEST FOR AUTHORITY TO EXTEND  
TEMPORARY WATER SERVICE BY FLORIDA CITIES WATER COMPANY -  
LEE COUNTY DIVISION.

*Handwritten:* 6784-FL

Attached is a NOTICE OF PROPOSED AGENCY ACTION ORDER APPROVING  
REQUEST FOR EXTENSION OF SERVICE ON A TEMPORARY BASIS, with an  
attachment, to be issued in the above referenced docket. (Number  
of pages in Order - 5)

**PLEASE ISSUE THIS ORDER TODAY, JULY 1, 1997**

LAJ:mw *85*

Attachment

cc: Division of Water & Wastewater (Messer)

I: 970696OR.LAJ

*Handwritten:* 2/10

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for authority to  
extend temporary water service  
by Florida Cities Water Company  
- Lee County Division.

DOCKET NO. 970696-WS  
ORDER NO. PSC-97-0784-FOF-WS  
ISSUED: July 1, 1997

The following Commissioners participated in the disposition of  
this matter:

JULIA L. JOHNSON, Chairman  
J. TERRY DEASON  
SUSAN F. CLARK  
DIANE K. KIESLING  
JOE GARCIA

NOTICE OF PROPOSED AGENCY ACTION  
ORDER APPROVING REQUEST FOR EXTENSION OF  
SERVICE ON A TEMPORARY BASIS

BY THE COMMISSION:

NOTICE is hereby given by the Florida Public Service  
Commission that the action discussed herein is preliminary in  
nature and will become final unless a person whose interests are  
substantially affected files a petition for a formal proceeding,  
pursuant to Rule 25-22.029, Florida Administrative Code.

On June 9, 1997, Florida Cities Water Company (FCWC, Florida  
Cities or utility) requested that the Commission open a docket to  
consider expedited approval of a request for an extension of water  
service. Two adjacent property owners, Messrs. Linn and Brownlee,  
are developing land that is currently included in Gulf Utility  
Company's (Gulf) territory. The property owners contacted Gulf for  
service and were informed that there were no existing lines near  
their property. Both owners have an immediate need for service.  
The property owners have each now requested water service from  
Florida Cities because it has existing lines closest to the  
properties.

In order to accommodate the property owners, Florida Cities,  
Gulf and Lee County have met informally, and both Gulf and Lee  
County have indicated they would not object to FCWC extending  
service to the two parcels, and other adjacent undeveloped land  
located nearby.

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To obtain a Certificate of Occupancy for Mr. Linn's commercial establishment, he needs the immediate availability of fire protection afforded by a central water supply. Mr. Brownlee has similarly expressed a need for water service availability to proceed with development of his parcel.

FCWC has an existing water main 600 feet from the property line of Mr. Linn's parcel and another 600 feet from the property line of Mr. Brownlee's parcel. The property owners have indicated their willingness to enter into service agreements with FCWC to construct the twelve inch main extension necessary to serve them, and to transfer the main extension to FCWC as contributed property along with payment of applicable capacity charges pursuant to FCWC's service availability policy.

Consistent with Section 367.045, Florida Statutes, FCWC is currently preparing an application for extension of its South Ft. Myers Division's water and wastewater service areas to include this area. The application should be filed within the next several weeks. However, FCWC will install meters at the respective parcels prior to initiation of service. Therefore, the point of delivery will be outside of FCWC's certificated area unless this request for extension is approved.

The utilities have informed our staff informally of the situation as it developed. We find that this extension by FCWC is reasonable to accommodate the situation. Therefore, the utility's request for an immediate extension as specified in Attachment A is approved on a temporary basis subject to our final determination regarding FCWC's amendment application. This docket shall remain open to process the application for a territory amendment concerning the territory specified in Attachment A.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Florida Cities Water Company's request for extension is granted on a temporary basis subject to final determination on the amendment application. It is further

ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective unless an appropriate petition, in the form provided by Rule 25-22.036, Florida Administrative Code, is received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee,

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Florida 32399-0850, by the close of business on the date set forth in the "Notice of Further Proceedings or Judicial Review" attached hereto. It is further

By ORDER of the Florida Public Service Commission, this 1st day of July, 1997.

  
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BLANCA S. BAYÓ, Director  
Division of Records and Reporting

( S E A L )

LAJ

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), 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.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

The action proposed herein is preliminary in nature and will not become effective or final, except as provided by Rule 25-22.029, Florida Administrative Code. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, as provided by Rule 25-22.029(4), Florida Administrative Code, in the form provided by

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Rule 25-22.036(7)(a) and (f), Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on July 22, 1997.

In the absence of such a petition, this order shall become effective on the day subsequent to the above date as provided by Rule 25-22.029(5), Florida Administrative Code.

Any objection or protest filed in this docket before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.

If this order becomes final and effective on the date described above, any party substantially affected may request judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or by the First District Court of Appeal in the case of a water or wastewater 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 of the effective date 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.

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**ATTACHMENT A**

**Mr. Linn's parcel:**

The southeast quarter of the northwest quarter of the southwest quarter of the northeast quarter of Section 8, Township 46 South, Range 25 East, Lee County, Florida.

**Mr. Brownlee's parcel:**

The north half of the east half of the southwest quarter of the southwest quarter of the northeast quarter, Section 8, Township 46 South, Range 25 East, Lee County, Florida.