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10	PREFILED DIRECT TESTIMONY OF BRIAN P. ARMSTRONG
11	BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION
12	ON BEHALF OF
13	FLORIDA WATER SERVICES CORPORATION
14	CONSOLIDATED DOCKETS NOS. 980261-WS & 970657-WS
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13888 NOV 128 FPSC-RECORDS/REPORTING

- Q. WHAT IS YOUR NAME AND BUSINESS ADDRESS?
- 2 A. My name is Brian P. Armstrong and my business
- 3 address is 1000 Color Place, Apopka, Florida 32703.
- 4 Q. WHAT IS YOUR POSITION WITH FLORIDA WATER SERVICES
- 5 CORPORATION?
- 6 A. My position is Senior Vice President Legal and
- 7 General Counsel for Florida Water Services
- 8 Corporation ("Florida Water").
- 9 Q. WHAT IS YOUR EDUCATIONAL BACKGROUND AND WORK
- 10 EXPERIENCE?
- 11 A. I am a graduate of Georgetown University Law Center
- where I received a Juris Doctor degree in 1984.
- received a Bachelor of Arts degree from St. John's
- 14 University in 1981. Prior to holding my current
- 15 position with Florida Water, I was employed by
- 16 Cullen & Dykman in New York from 1984 to 1991 as an
- 17 attorney concentrating in matters for utility
- 18 clients.
- 19 Q. WHAT ARE YOUR PRESENT DUTIES AS VICE PRESIDENT -
- 20 LEGAL AND GENERAL COUNSEL?
- 21 A. I am responsible for all legal matters at Florida
- 22 Water.
- 23 Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY IN THIS
- 24 PROCEEDING?

My testimony has several basic purposes: (1) 1 A. sponsor and support the application for a water and 2 wastewater territory amendment in Charlotte County 3 that Florida Water filed with the Commission on 4 February 18, 1998; dispel the position 5 (2) expressed by Charlotte County, and Charlotte County 6 Utilities (or "CCU") regarding Florida Water's bulk 7 water and wastewater services agreement with the 8 County; and (3) dispute the claims of Lake Suzy 9 Utilities, Inc. ("Lake Suzy" or "LSU") regarding 10 Water's territorial claims in DeSoto 11 Florida 12 County.

- 13 Q. IS THE APPLICATION FOR TERRITORY AMENDMENT YOU

  14 REFERRED TO ATTACHED AS AN EXHIBIT TO YOUR DIRECT

  15 TESTIMONY?
- 16 Yes, it is attached and marked for identification Α. 17 as Exhibit ( ) BPA-1. It should be noted that 18 since filing the application on February 18,1998, 19 Florida Water filed amendments to certain exhibits and filed revised, substitute pages to other 20 21 exhibits. The attached is a consolidation of the 22 original and subsequent filings such that original 23 and amended exhibit pages are included and, in the 24 case of revised pages, only the substitute, revised

pages appear. Further, it should be noted that the territory and system maps and tariff pages filed with the application are not included in Exhibit (\_\_\_\_) BPA-1; however, two sets of those maps and tariff pages, as originally filed and as amended, were filed with the Commission as required by Commission rules.

- 8 Q. WAS EXHIBIT (\_\_\_\_) BPA-1 PREPARED BY YOU OR AT YOUR
  9 DIRECTION AND CONTROL?
- Yes, the application was prepared at my direction 10 Α. 11 and under my control. It should be understood, 12 however, that the application represents an inter-13 departmental effort. For example, the maps were 14 prepared by the Engineering Department, the legal descriptions and certain technical exhibits were 15 16 prepared by the Corporate Development Department, 17 and so on. After preparation of the application, I reviewed and signed it. 18
- 19 Q. IS THE INFORMATION IN EXHIBIT (\_\_\_\_) BPA-1 ACCURATE
  20 AND CORRECT?
- 21 A. To the best of my knowledge, yes it is.
- 22 Q. IS IT IN THE PUBLIC INTEREST FOR THE COMMISSION TO
  23 GRANT FLORIDA WATER'S APPLICATION AS REQUESTED IN
  24 EXHIBIT ( ) BPA-1?

A. Yes. Florida Water has the financial and technical ability to provide service to the territory it has requested. As reflected in its 1998 PSC annual report, Florida Water's total net utility assets exceed \$282 million, its total equity capital exceeds \$86 million, and its net utility operating income was over \$13 million. Florida Water is the largest and one of the most experienced investorowned water and wastewater utility in the state; it has a staff of licensed operators, engineers, accountants, and professionals qualified to provide the technical expertise necessary to support safe, adequate, reliable service to our customers.

# 14 Q. DO YOU HAVE ANY COMMENTS ON THE OBJECTION FILED BY 15 CHARLOTTE COUNTY TO FLORIDA WATER'S APPLICATION?

A. Yes. Charlotte County's objection, and subsequent pleadings, argue that Florida Water lacks the ability to provide service because Charlotte County, the supplier of bulk water and wastewater treatment to the Florida Water service area involved (Deep Creek), may not allow Florida Water to make additional connections due to alleged non-payment of connection charges.

The County's claim that Florida Water owes the

County water and wastewater capacity charges is false. Instead, the County owes Florida Water reimbursement for overpayment of capacity charges. The dispute between the parties stems from the County's attempt to alter the parties' bulk sale agreement which established the connection charges Florida Water was to pay and to collect excess charges. Florida Water maintains that the County had no power or right to unilaterally amend the contract by resolution, ordinance or otherwise thereby increasing the capacity charges or to assess excess charges. This is particularly so in this case since, the County's increased costs must be attributable to the higher than expected price the County was forced to pay in a quick-take condemnation proceeding for the former General Development Utilities' systems and to the County's utility decisions and practices, such as decision to spend some \$20 million on a wastewater study project that caused a public furor and from which the County's customers received little benefit.

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In April, 1999, Florida Water sued Charlotte County, seeking injunction relief from and money

1 dam	ages for	the	County's	improper	overcharges.	In
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2 May, 1999, Charlotte County answered Florida

3 Water's complaint and counterclaimed for damages.

4 No temporary injunction relief has been sought or

5 granted which would impair Florida Water's ability

6 to serve. The parties to these suits attended

7 mediation at the end of October, and, although no

settlement was reached, a compromise is still being

9 considered.

8

In any event, at this time, the County's assertions

11 should not detract from Florida Water's ability to

12 provide service to the additional territory.

# 13 Q. HAS FLORIDA WATER BEEN GRANTED A WATER AND

#### 14 WASTEWATER FRANCHISE BY DESOTO COUNTY?

- 15 A. Yes. The ordinance granting the franchise is
- 16 attached to the testimony of Florida Water witness
- 17 Sweat. This ordinance has neither been stayed nor
- overturned in court, and is therefore, legally
- 19 valid.
- 20 Q. DOES FLORIDA WATER MAINTAIN THAT THE PSC SHOULD NOT
- 21 GRANT LSU ANY TERRITORY WHICH OVERLAPS THAT ALREADY
- 22 GRANTED FLORIDA WATER BY DESOTO COUNTY?
- 23 A. Yes.
- 24 Q. WHY?

This is not a case where a government intervener (a city or a county) owns and operates its own utility and claims territory for itself to the exclusion of a PSC regulated utility's attempts to serve the Pursuant to Section 367.171, DeSoto same area. County has practically the same regulatory authority and responsibility the PSC would have if the PSC regulated utilities in DeSoto County. It stands to reason that if the PSC itself could not grant two utilities the same area, then the PSC should not grant a second utility an area which a County, acting in the role of the PSC, has already granted another utility. Just as the PSC requests the courts to respect the PSC's authority over the regulatory matters within PSC jurisdiction pursuant to Chapter 367, Florida Statutes, the PSC should respect DeSoto County's authority and jurisdiction --also established pursuant to Chapter 367, Florida Statutes -- by not acting on Lake Suzy's request for territory already granted to Florida Water. Florida Water is ready, willing and able to serve this territory in accordance with DeSoto County's regulations and requirements, and Lake Suzy has presented no convincing proof otherwise.

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should also consider another Commission The important factor in this case. In Docket 950495-WS (Florida Water's last rate case) Commission criticized Florida Water (then Southern States Utilities, Inc.) for allegedly failing to execute a cohesive acquisition strategy which beyond immediate incorporated considerations business criteria. This criticism was made even though each and every of Florida Water's prior acquisitions were approved by the Commission as being in the public interest. Moreover, during Florida Water's most active acquisition period, Florida Water rarely, if ever, paid more than net book value for acquired utilities. Aqua Source, which acquired the stock of Lake Suzy, as well as a number of other utilities, has at no time asserted or made apparent its acquisition strategy, if any. Agua Source has routinely paid substantially over net book value for acquired utilities (more than \$13.5 million over net book value in the case of Rotunda West), and Aqua Source has little or no Florida regulatory experience in the Florida Water maintains that the criticism expressed by the Commission in Docket No. 950495-WS

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- 1 is more valid as applied to Aqua Source than it
- 2 ever was to Florida Water.
- 3 Q. DOES THAT CONCLUDE YOUR DIRECT TESTIMONY?
- 4 A. Yes, it does.



EXHIBIT	(BPA-1)
PAGE	OF

February 18, 1998

#### Via Federal Express

Ms. Blanca Bayo, Director Division of Records & Reporting Florida Public Service Commission 2540 Shumard Oak Boulevard Tallahassee, FL 32399-0850

Re:

Docket No. \_\_\_\_\_-WS

Application for Amendment of Certificate Nos. 570-W and 496-S in Charlotte County by Florida Water Services Corporation

Dear Ms. Bayo:

Enclosed for filing is one original application as described above. Also enclosed are 15 copies of the application, along with two sets of maps, an original and two copies of the applicable tariff sheets, the original and two copies of the certificates and the required filing fee check in the amount of \$200 (\$100 for water and \$100 for wastewater).

In order to confirm filing of this application, please date-stamp the enclosed copy of this letter and return it to me in the stamped, self-addressed envelope which is provided for your convenience.

If you need any additional information or other assistance, please call me at (407) 880-0058, ext. 260. Thank you for your cooperation.

Sincerely,

Matthew J. Feil Staff Attorney

Enclosures

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ICATE	PAGE	2	OF _	89

# APPLICATION FOR AMENDMENT OF CERTIFICATE (EXTENSION OR DELETION)

(Pursuant to Section 367.045, Florida Statutes)

To: Director, Division of Records & Reporting Florida Public Service Commission 2540 Shumard Oak Boulevard Tallahassee, Florida 32399-0850

The undersigned hereby makes application for amendment of Water Certificate No. 570-W and/or Wastewater Certificate No. 496-S to add territory located in Charlotte County, Florida, and submits the following information:

I	APPLICANT INFORMATI	ON ∮				
A)	The full name (ac i	t appears on the cert	ificate)			
A)		one number of the app				
	address, and teleph	one number of the app	ircanc.			
	Florida Water Servi	ces Corporation				
Name (	of Utility		••			
(407)	880-0058	(407) 880~	1395			
	Phone Number	Fax	Number			
	1000 Color Place					
Office	Street Address					
	Apopka	Florida	32703			
City		State	Zip Code			
	P.O. Box 609520, Orlando, FL 32860-9520					
Mailir	ng address if differe	ent from street addre	SS			
	http://www.florida-w	water.com				
Interr	net Address if applie					
B)	The name, address an	nd telephone number o	f the person to			
·	contact concerning t		•			
	Matthew J. Feil, Esc	quire (407)880-0	058, x260			
Name			e Number			
	1000 Color Place					
Street	Address					
	Apopka	Florída	32703			
City		State	Zip Code			

PSC/WAW 8 (Rev. 8/95)

#### PART II NEED FOR SERVICE

A) Exhibit A — If the applicant is requesting an extension of territory, a statement regarding the need for service in the proposed territory, such as anticipated development in the proposed service area.

- B) Exhibit n/a If the applicant is requesting a deletion of territory, a statement specifying the reasons for the proposed deletion, demonstrating that it is in the public interest and explaining the effect of the proposed deletion on the ability of any customer, or potential customer, to receive water and/or wastewater service, including alternative source(s) of service.
- C) Exhibit B A statement that to the best of the applicant's knowledge, the provision of service will be consistent with the water and wastewater sections of the local comprehensive plan at the time the application is filed, as approved by the Department of Community Affairs, or, if not, a statement demonstrating why granting the amendment would be in the public interest.

#### PART III SYSTEM INFORMATION

#### A) WATER

- (1) Exhibit C A statement describing the proposed type(s) of water service to be provided by the extension (i.e., potable, non-potable or both).
- (2) Exhibit D A statement describing the capacity of the existing lines, the capacity of the existing treatment facilities, and the design capacity of the proposed extension.
- (3) Exhibit E The numbers and dates of any construction or operating permits issued by the Department of Environmental Protection for the system proposed to be expanded.
- (4) Exhibit <u>F</u> A description of the types of customers anticipated to be served by the extension, i.e., single family homes, mobile homes, duplexes, golf course, clubhouse, commercial, etc.
- (5) If the utility is requesting a deletion of territory, provide the number of current active connections within the territory to be deleted.

not applicable	
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(6) Exhibit G - Evidence that the utility owns the land where the water facilities that will serve the proposed territory are, or will be, located. If the utility does not own the land, a copy of the agreement, such as a 99-year lease, which provides for the long-term continuous use of the land. The Commission may consider a written easement or other cost-effective alternative.

#### B) WASTEWATER

- (1) Exhibit H A statement describing the capacity of the existing lines, the capacity of the existing treatment and disposal facilities, and the design capacity of the proposed extension.
- (2) Exhibit I / The numbers and dates of any construction or operating permits issued by the Department of Environmental Protection for the system proposed to be expanded.
- (3) Exhibit \_\_\_\_\_n/a \_ If the utility is planning to build a new wastewater treatment plant, or upgrade an existing plant to serve the proposed territory, provide a written description of the proposed method(s) of effluent disposal.
- (4) If (3) above does not include effluent disposal by means of reuse, provide a statement that describes with particularity the reasons for not using reuse. n/a
- (5) Exhibit J A description of the types of customers anticipated to be served by the extension, i.e., single family homes, mobile homes, duplexes, golf course, clubhouse, commercial, etc.
- (6) If the utility is requesting a deletion of territory, provide the number of current active connections within the territory to be deleted.

not applicable

(7) Exhibit K - Evidence that the utility owns the land where the wastewater facilities that will serve the proposed territory are, or will be, located. If the utility does not own the land, a copy of the agreement, such as a 99-year lease, which provides for the long-term continuous use of the land. The Commission may consider a written easement or other cost-effective alternative.

		EXHIBIT	L	ודיוט.
PART IV	FINANCIAL AND TECHNICAL INFORMATION	PAGE_5	_ OF _	89
A)	Exhibit L - A statement as to the technical and financial ability to rendesufficient, adequate and efficient servi	er reasonably	·	
В)	Exhibit M - A detailed statement proposed method of financing the constru		-	_

projected impact on the utility's capital structure.

Provide the number of the most recent Commission order establishing or amending the applicant's rates and charges. Order No. PSC-96-1320-FOF-WS, issued October 30, 1996. This order is currently on appeal before the First District Court

impact of the extension on the utility's monthly rates and

proposed to be added or deleted, using township, range and section references as specified in Rule 25-30.030(2), F.A.C. If the water and wastewater territory is different, provide

assessment map or other map showing township, range and section with a scale such as 1"=200' or 1"=400' on which the proposed territory to be added or deleted is plotted by use of metes and bounds or quarter sections and with a defined reference point of beginning. If the water and wastewater

proposed lines and facilities and the territory proposed to be served. Map(s) shall be of sufficient scale and detail to enable correlation with a description of the territory proposed to be served. Provide separate maps for water and

territory is different, provide separate maps.

- A statement regarding the projected

- An accurate description of the territory

\_\_- One copy of an official county tax

- One copy of detailed map(s) showing

C)

D)

A)

B)

C)

PART V

of Appeal.

Exhibit

Exhibit

SYSTEM MAPS

wastewater systems.

Exhibit

service availability charges.

TERRITORY DESCRIPTION AND MAPS

TERRITORY DESCRIPTION

separate descriptions.

TERRITORY MAPS

#### PART VI NOTICE OF ACTUAL APPLICATION

A) Exhibit R - An affidavit that the notice of actual application was given in accordance with Section 367.045(1)(a), Florida Statutes, and Rule 25-30.030, Florida Administrative Code, by regular mail to the following:

- (1) the governing body of the municipality, county, or counties in which the system or the territory proposed to be served is located;
- (2) the privately owned water and wastewater utilities that hold a certificate granted by the Public Service Commission and are located within the county in which the territory proposed to be served is located;
- (3) if any portion of the proposed territory is within one mile of a county boundary, the utility shall notice the privately owned utilities located in the bordering counties that hold a certificate granted by the Commission;
- (4) the regional planning council;
- (5) the Office of Public Counsel;
- (6) the Public Service Commission's Director of Records and Reporting;
- (7) the appropriate regional office of the Department of Environmental Protection; and
- (8) the appropriate water management district.

Copies of the Notice and a list of entities noticed shall accompany the affidavit. THIS MAY BE A LATE-FILED EXHIBIT.

- B) Exhibit S An affidavit that the notice of actual application was given in accordance with Rule 25-30.030, Florida Administrative Code, by regular mail or personal delivery of each customer of the system. A copy of the notice shall accompany the affidavit. THIS MAY BE A LATE-FILED EXHIBIT.
- C) Exhibit T Immediately upon completion of publication, an affidavit that the notice of actual application was published once in a newspaper of general circulation in the territory in accordance with Rule 25-30.030, Florida Administrative Code. A copy of the proof of publication shall accompany the affidavit. THIS MAY BE A LATE-FILED EXHIBIT.

#### PART VII FILING FEE

PAGE.	7	OF	89
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Indicate the filing fee enclosed with the application:

\$ 100 (for water) and/or \$ 100 (for wastewater).

Note: Pursuant to Rule 25-30.020, Florida Administrative Code, the amount of the filing fee is as follows:

- (1) For applications in which the area to be extended or deleted has the proposed capacity to serve up to 100 ERC's, the filing fee shall be \$100.
- (2) For applications in which the proposed area to be extended or deleted has the proposed capacity to serve from 101 to 200 ERCs, the filing fee shall be \$200.
- (3) For applications in which the area to be extended or deleted has the proposed capacity to serve from 201 to 500 ERCs, the filing fee shall be \$500.
- (4) For applications in which the area to be extended or deleted has the proposed capacity to serve from 501 to 2,000 ERCs, the filing fee shall be \$1,000.
- (5) For applications in which the area to be extended or deleted has the proposed capacity to serve from 2,001 to \$4,000 ERCs, the filing fee shall be \$1,750.
- (6) For applications in which the area to be extended or deleted has the proposed capacity to serve more than 4,000 ERCs, the filing fee shall be \$2,250.

#### PART VIII TARIFF AND ANNUAL REPORTS

- A) Exhibit U An affidavit that the utility has tariffs and annual reports on file with the Commission
- B) Exhibit V The original and two copies of proposed revisions to the utility's tariff(s) to incorporate the proposed change to the certificated territory. Please refer to Rules 25-9.009 and 25-9.010, Florida Administrative Code, regarding page numbering or tariff sheets before preparing tariff revisions. (The rules and sample tariff sheets are attached).

EXHIBIT \_\_\_\_\_\_ OF 89

#### PART IX AFFIDAVIT

I, Brian P. Armstrong as General Counsel and Secretary of Florida Water Services Corporation (applicant) do solemnly swear or affirm that the facts stated in the foregoing application and all exhibits attached thereto are true and correct and that said statements of fact thereto constitute a complete statement of the matter to which it relates.

Florida Water Services Corporation

Bv:

Brian P. Armstrong General Counsel and Secretary

Subscribed and sworn to me this 18th day of February, 1998, by Brian P. Armstrong as General Counsel and Secretary of Florida Water Services Corporation, a Florida corporation, who is personally known to me and did take an oath.

DONNA L HENRY Notary Public - State of Florida My Commission Expires Jul 6, 2000 Commission # CC 543412 Donna L. Henry

Notary Public, State of Florida Commission Number CC543412

Commission Expires: 7-6-00

\*If the applicant is a corporation, the affidavit must be made by the president or other officer authorized by the by-laws of the corporation to act for it. If the applicant is a partnership or association, a member of the organization authorized to make such affidavit shall execute same.

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EXHIBIT (DrHT)

### Exhibit A

PAGE 9 OF 89

If the applicant is requesting an extension of territory, a statement regarding the need for service in the proposed territory, such as anticipated development in the proposed service area.

A subdivision of approximately 50 lots is developing in the proposed addition, which is adjacent to Florida Water Services existing Deep Creek service area. Florida Water Services' water and wastewater lines are located adjacent to the lots on Kings Highway. The Company maintains it would be the best water and wastewater provider for the proposed addition based on proximity and other factors referenced herein.

EXHIBIT	(BPA-1)	)
	<del></del>	

#### Exhibit B

PAGE 10 OF 89

A statement that to the best of the applicant's knowledge, the provision of service will be consistent with the water and wastewater sections of the local comprehensive plan at the time the application is filed, as approved by the Department of Community Affairs, or, if not, a statement demonstrating why granting the amendment would be in the public interest,

Based upon a review of the water and wastewater sections of Charlotte County's Comprehensive Plan, Florida Services believes that, to the best of its knowledge, the provision of service to the proposed territory will be consistent with the water and wastewater section of the said The provision of water and wastewater service by Florida Water Services to customers in the proposed territory addition will benefit the customers in the area. Florida Water Services' water and wastewater service lines are in close proximity to the proposed territory addition. Further, Florida Water Services has considerable expertise in providing safe and reliable water and wastewater service to the area. Lake Suzy Utilities, one possible water and wastewater provider in the area, has limited experience and inferior technical and financial abilities. Charlotte County Utilities ("CCU") is the only other possible service provider, but CCU must cross I-75 to provide service. While this is possible, it is highly expensive and would not be in the best interest of the community to be served.

<b>EXHIBIT</b>	(Drif )
DAGE	1 OF 89

### Exhibit C

A statement describing the proposed type(s) of water service to be provided by the extension (i.e., potable, non-potable, or both).

The water service territory addition being proposed is for potable water services. Non-potable reuse service is not contemplated at this time, but may be provided at some undetermined future date.

EXHIBIT (DPH-1)

### Exhibit D

A statement describing the capacity of the existing lines, the capacity of the existing treatment facilities, and the design capacity of the proposed extension.

The existing water system consists of a well-looped grid of 12-inch, 10-inch, 8-inch, 6-inch, and 4-inch water mains. Water pressure typically averages 50 psi throughout the system.

Florida Water Services does not own treatment or withdrawal facilities in Deep Creek. Water is obtained from Charlotte County via an 8-inch and 10-inch interconnect. The agreement between Charlotte County and Florida Water Services allows for water and sewer service for up to 10,000 residential units. There are currently 3163 water meters in Deep Creek.

The Company's water lines and water supply can adequately serve the proposed 50 additional connections.

EXHIBIT	(BPA-1)
	$\sim$

### Exhibit E

PAGE 13 OF 89

The numbers and dates of any construction or operating permits issued by the Department of Environmental Protection for the system proposed to be expanded.

Florida Water Services' Deep Creek water system is not required to have operating or consumptive use permits since Florida Water Services does not own or operate any treatment or withdrawal plant associated with the system.

Currently, there are no construction permits issued for the system.

EXHIBIT OF 89

### Exhibit F

A description of the types of customers anticipated to be served by the extension, i.e., single family homes, mobile homes, duplexes, golf course, clubhouse, commercial, etc.

It is anticipated that the additional water service territory will contain 50 single-family homes.

EXHIBIT \_\_\_\_\_ (BPA-V

# Exhibit G

PAGE 15 OF 89

Evidence that the utility owns the land where the water facilities that will serve the proposed territory are, or will be, located. If the utility does not own the land, a copy of the agreement, such as a 99-year lease, which provides for the long-term continuous use of the land. The Commission may consider a written easement or other cost-effective alternative.

Florida Water Services does not own or lease any land in the service area and does not operate any water withdrawal or treatment or wastewater treatment or effluent disposal facilities in the service area. Florida Water Services purchases its potable water from Charlotte County and sends its wastewater to Charlotte County for treatment.

EXHIBIT (BPA-1)

PAGE 16 OF 89

### Exhibit H

A statement describing the capacity of the existing lines, the capacity of the existing treatment and disposal facilities, and the design capacity of the proposed extension.

The existing wastewater lines have sufficient capacity to convey peak wastewater flows. The system consists of 12-inch, 10-inch, and 8-inch collecting mains. The system also includes 6-inch force mains and 26 lift stations.

Florida Water Services does not own wastewater treatment facilities in Deep Creek. All of the wastewater is conveyed to Charlotte County via an 8-inch force main. The agreement between Charlotte County and Florida Water Services allows for water and sewer service for up to 10,000 residential units. There are currently 3216 sewer customers in Deep Creek.

The wastewater lines and County wastewater facilities are adequate to serve the proposed 50 connections.

EXHIBIT CBPA-1)

### Exhibit I

The numbers and dates of any construction or operating permits issued by the Department of Environmental Protection for the system proposed to be expanded.

Florida Water Services' Deep Creek wastewater system is not required to have operating or disposal permits since Florida Water Services does not own or operate any treatment or disposal plant associated with the system.

Currently, there are no construction permits issued for the system.

EXHIBIT		(	BPA-1)
PAGE	18	_ OF	89

# Exhibit J

A description of the types of customers anticipated to be served by the extension, i.e., single family homes, mobile homes, duplexes, golf course, clubhouse, commercial, etc.

It is anticipated that the additional wastewater service territory will contain 50 single-family homes.

EXHIBIT COPH-I)
PAGE 19 OF 89

### Exhibit K

Evidence that the utility owns the land where the water facilities that will serve the proposed territory are, or will be, located. If the utility does not own the land, a copy of the agreement, such as a 99-year lease, which provides for the long-term continuous use of the land. The Commission may consider a written easement or other cost-effective alternative.

Florida Water Services does not own or lease any land in the service area and does not operate any water withdrawal or treatment or wastewater treatment or effluent disposal facilities in the service area. Florida Water Services purchases its potable water from Charlotte County and sends its wastewater to Charlotte County for treatment.

EXHIBIT COUNTY

# Exhibit L

A statement as to the applicant's technical and financial ability to render reasonably sufficient, adequate and efficient service.

Florida Water Services has the requisite technical and financial ability to render service to the proposed amended territory. Florida Water Services has been regulated by the Commission since 1964 and currently owns and operates in 138 water and wastewater service territories throughout the state, 127 of which are under the Commissions regulatory authority. Florida Water Services has a staff of engineers, scientists, accountants, and other professionals based in its Orlando headquarters, as well as, licensed operators that operate and maintain facilities located throughout the state. Furthermore, Florida Water Services facilities are in substantial compliance with all applicable environmental regulations. At year-end 1996, Florida Water Services' capital structure consisted of more than \$212 million in total capital, including more than \$130 million in long-term debt and more than \$82 million in equity capital. The Commission has acknowledged the technical and financial ability of Florida Water Services Corporation in numerous proceedings, including transfers and amendments. consideration of the foregoing, Florida Water Services submits that it has more than adequate technical financial ability to render service to the proposed amended territory.

### Exhibit M

PAGE -24 OF 89

A detailed statement regarding the proposed method of financing the construction, and the projected impact on the utility's capital structure.

The water and wastewater lines for development within proposed service territory additions are normally designed and constructed by the developer in accordance with Florida Water Services' standards, and specifications and then donated to Florida Water Services. Florida Water Services' capital costs, if any, will be dispensed from capital projects budget and funded by capital project reserves (funds obtained pursuant to scheduled and existing financing) and/or accumulated operating fund reserves.

Development in the proposed territory will be undertaken in accordance with Florida Water Services' Commission approved service availability policy and the Commission's service availability rules.

Given the size of Florida Water Services' capital structure, the total projected financial impact of the known proposed developments on Florida Water Services' capital structure and overall contributions-in-aid-of-construction (CIAC) levels will be minimal.

### Exhibit N

A statement regarding the projected impact of the extension on the utility's monthly rates and service availability charges.

The proposed amendment concerns the Deep Creek service area. Florida Water Services believes that the development of 50 single family homes within the proposed territory should have little if any effect on the current rates at Deep Creek. In future rate proceedings this additional service area may have the effect of decreasing rates because of higher CIAC levels and a larger customer base, absent other changes in rate base and expenses.

The impact of the extension on Florida Water Services' prospective service availability charges is negligible given the fact that this area's total potential build out is 50 single-family homes.

EXHIBIT \_\_\_\_\_\_ CBPA-I)

### Exhibit O

PAGE 23 OF 89

An accurate description of the territory proposed to be added or deleted, using township, range, and section references as specified in Rule 25-30.030(2), F.A.C. If the water and wastewater territory is different, provide separate descriptions.

The territory proposed to be added is the same for both water and wastewater and is described as follows:

All in Township 40 South, Range 23 East, Charlotte County, Florida.

#### Section 6

All of the North 660 feet of Section 6 East of the East right of way of Interstate 75.

PAGE 24 OF 89

## Amended Exhibit O

An accurate description of the territory proposed to be added or deleted, using township, range, and section references as specified in Rule 25-30.030(2), F.A.C. If the water and wastewater territory is different, provide separate descriptions.

The territory proposed to be added is the same for both water and wastewater and is described as follows:

All in Township 40 South, Range 23 East, Charlotte County, Florida.

#### Section 6

All of the North 660 feet of Section 6 East of the East right of way of Interstate 75.

The corrected territory proposed to be added is the same for both water and wastewater and is described as follows:

All in Township 40 South, Range 23 East, Charlotte County, Florida.

Section 6: All of the North 320 feet of the East 2.662 feet of Section 6.

EXHIBI'	τ		Win	リノ
PAGE	25	OF	89	

### Exhibit P

One copy of an official county tax assessment map or other map showing township, range, and section with a scale such as 1" = 200' or 1" = 400' on which the proposed territory to be added or deleted is plotted by use of metes and bounds or quarter sections and with a defined reference point of beginning. If the water and wastewater territory is different, provide separate maps.

The map required is provided as a separate attachment (Appendix P-1) to this package.

EXHIBIT	WIRK		
26	OF 89		

# Amended Exhibit P

One copy of an official county tax assessment map or other map showing township, range, and section with a scale such as 1" = 200 or 1" = 400 on which the proposed territory to be added or deleted is plotted by use of metes and bounds or quarter sections and with a defined reference point of beginning. If the water and wastewater territory is different, provide separate maps.

The map required is provided as a separate attachment (Appendix P-1) to this package.

The revised map reflecting a reduction to the requested territory addition is provided as a separate attachment (Revised Appendix P-1) to this package.

PAGE 27 OF 89

# Exhibit Q

One copy of detailed map(s) showing proposed lines and facilities and the territory proposed to be served. Map(s) shall be of sufficient scale and detail to enable correlation with a description of the territory proposed to be served. Provide separate maps for water and wastewater systems.

The map required is provided as a separate attachment (Appendix Q-1) to this package.

20 89

## Amended Exhibit Q

One copy of detailed map(s) showing proposed lines and facilities and the territory proposed to be served. Map(s) shall be of sufficient scale and detail to enable correlation with a description of the territory proposed to be served. Provide separate maps for water and wastewater systems.

The map required is provided as a separate attachment (Appendix Q-1) to this package.

The revised map reflecting a reduction to the requested territory addition is provided as a separate attachment (Revised Appendix Q-1) to this package.

EXHIBIT	OBPA-1
PAGE 29	of 89

## Revised Exhibit R

An affidavit that the notice of actual application was given in accordance with Section 367.045(1)(a), Florida Statutes, and Rule 25-30.030, Florida Administrative Code, by regular mail.

Please see attached.

Please see the affidavit attached to this Revised Exhibit R, which should replace the Exhibit R originally filed on February 18, 1998.

Affidavit

State of Florida County of Orange

Before me, the undersigned authority, personally appeared Donna L. Henry as Executive Legal Assistant for Florida Water Services Corporation ("Florida Water") and after being duly sworn, said:

- 1. That she has personal knowledge of the matters contained herein.
- 2. Attached hereto and identified as "Revised Appendix R-1" is a copy of the request Florida Water sent to the Public Service Commission ("Commission") pursuant to Rule 25-30.030(2), Florida Administrative Code.
- 3. Attached hereto and identified as "Revised Appendix R-2" is a copy of the Commission's reply to Florida Water's aforementioned request.
- 4. Copies of the notice of application, attached hereto and identified as "Revised Appendix R-3" were sent by regular or certified U.S. Mail on February 18, 1998, to those entities identified by the Commission on the aforesaid "Revised Appendix R-2." However, Mr. Dallas Shepard of Lake Suzy Utilities, Inc. was not provided the aforesaid notice by certified mail on February 18, 1998. Mr. Dallas Shepard of Lake Suzy Utilities, Inc. was sent the aforesaid notice, marked "Revised Appendix R-4" by certified mail on March 6, 1998.
- 5. Certified mail stubs are attached as "Revised Appendix R-5" for those notices sent by certified mail.

Donna L. Henry

Executive Legal Assistant

Florida Water Services Corporation

The foregoing instrument was acknowledged before me this  $\frac{12^{\frac{4}{12}}}{12}$  day of March, 1998, by Donna L. Henry as Executive Legal Assistant for Florida Water Services Corporation who is personally known to me and did take an oath.

OFFICIAL NOTARY SEAL KIRK D MARTIN NOTARY PUBLIC STATE OF FLORIDA COMMISSION NO. CC561441 MY COMMISSION EXP. JUNE 16,2000 Kirk D. Martin

Notary Public, State of Florida at Large

Commission Number CC561441

My Commission Expires: 6-16-00

Revised Appendix R-1 PAGE 31 OF 89

Letter to Commission



PAGE 33 OF 89

February 12, 1998

Via Facsimile: (850) 413-7000

and Federal Express

Mr. Richard Redemann Florida Public Service Commission 2540 Shumard Oak Boulevard Tallahassee, FL 32399-0850

Re: Charlotte County Certificate Amendment

Dear Mr. Redemann:

In accordance with the terms of the application for amendment of certificate, please forward to me a listing of the entities to be noticed pursuant to Section 367.045(1)(a), Florida Statutes, and Rule 25-30.030, Florida Administrative Code.

I have attached a legal description for the proposed water and wastewater territory addition in Charlotte County.

Please return the list via fax (407/880-1395) if possible.

If you should need any additional information in order to process this request, please call me at (407) 880-0058, ext. 267. Thank you for your assistance.

Sincerely,

Donna L. Henry

Executive Legal Assistant

Attachments

PAGE 33 OF 89

February 12, 1998

# Deep Creek <u>Description of Proposed Service Territory Addition</u>

The territory proposed to be added is the same for both water and wastewater and is described as follows:

All in Township 40 South, Range 23 East, Charlotte County, Florida.

### Section 6

All of the North 660 feet of Section 6 East of the East right of way of Interstate 75.

PAGE 34 OF 89

Revised Appendix R-2

List of Entities

STATE OF FLUKIDA

EXHIBIT (6/A-1)
PAGE 35 OF 89

# **PUBLIC SERVICE COMMISSION**

2540 SHUMARD OAK BOULEVARD TALLAHASSEE, FLORIDA 32399-0850

To: Mr. Matt File

From: Richard Redemann

Oate: 2-12-98

Page 1 of 4

EXHIBIT

LIST OF WATER AND WASTEWATER UTILITIES IN OFFICITIE COUNTY

(VALID FCR 60 DAYS) 02/12/1938-04/12/1938 page <u>36</u> of <u>89</u>

UTILITY NAME

MANAGER

## CHARLOTTE COLNTY

ECCILLA UTILITIES, INC. (NUT44) 7025-A PLACIDA ROAD ENGLENCED, FL. 34224-8758 R. CRAIG NOON (941) 697-2000

FIVELAND IMESTMENTS, INC. (NUT35) ST. ARMANDS CIRCLE 400 MADISON DRIVE, SUITE 200 SARASOTA, FL. 34236-1409 THEODORE C. STEFFENS (941) 388-3686

FLORIDA WATER SERVICES CORPORATION (WSE65) P. O. BOX 609520 CRLANDO, FL. 32960-9520 BRIAN P. ARMSTRONG (407) 880-0058

FLORIDA WATER SERVICES CORPORATION (NOTO4)

BRIAN P. ARMSTRONG (407) 820-0058

P. O. 80X 609520 CRLANDO, FL. 32260-9520

9.544 STURCELL (941) 624-4511

N+C UTILITIES, INC. (NUT95) 3737 EL JESEAN ROPO (SP776) PORT CYPALOTIE, PL 33583-5699

> THEODRE C. STEFFES. 641) 333-3335

TAYPART UTILITIES, INC. (45738) ST. ARMANIS CIRCLE 400 MADISIN DRIVE, SUITE 200 SARASOTA, FL. 34235-1409

> 903697T M.C. 1905E (860) 1877-6665

ROTONDA WEST UTILITY CORPORATION (NS732) P. O. BOX 3609 PLACIDA, FL. 33946-3609

CAPA-I

(VALID FOR 60 DAYS)
02/12/1998-04/12/1998

PAGE 37 OF 8°

UTILITY WAYE

MAYAGER

#### COVERMENTAL ACENCIES

ECARO CF COLNTY COMISSIONERS. CHARLOTTE COLNTY CHARLOTTE COLNTY ADMINISTRATION CENTER 18500 MARCOCK CIRCLE FORT CHARLOTTE. FL 33948-1094

DEP SUJIH DISTRICT 2255 VICTORIA AVE.. SUJTE 354 FORT MYERS. FL. 33901

MAYOR, CITY OF PLNTA CERDA 326 WEST MARION AVENLE PLNTA CERDA, FL. 33960-4492

S.W. FLORIDA REGIONAL PLANNING COLNCIL P.O. BOX 3455 NORTH FT. MMERS, FL. 33918-3455

S.W. FLOFIDA WATER MANAGEMENT DISTRICT 2379 BROAD STREET BROXSVILLE, FL. 34609-6889

SOUTH FLORIDA WIR MANAGEMENT DISTRICT P.O. EDX 24630 WEST PALM BEACH, FL 33416-4630 LIST OF WATER AND WISTEWATER UTILITIES IN CHARLOTTE COUNTY

(VALID FOR 60 DAYS) 02/12/1535-04/12/1598 PAGE 38 OF 8

UTILITY NAME

MAYACER

STATE OFFICIALS

STATE OF FLORIDA FLELIC COLNSEL C.O. THE HOUSE OF REPRESENTATIVES THE CAPITOL TALLAHASSEE, FL. 32359-1300

DIVISION OF RECORDS AND REPORTING FLORIDA PLELIC SERVICE COMMISSION 2540 SHLMARD OOK BOLLEVARD TALLAHASSEE, FL. 32399-0860

COPA

State of Florida

PAGE 1



**FAX COVER SHEET** 

DATE: February 12, 1998

FROM: Division of Water & Wastewater, Richard Redemann P.E.

Florida Public Service Commission

FAX (850) 413-7000

If you have any questions or problems, please contact me at (850) 413-6999.

TO: Mr. Matt Fell

FAX NUMBER:

6-1-407-880-1395

PHONE NUMBER:

comments: Desoto County List

Number of pages including cover sheet: 2

C:\WP6\

**EXHIBIT** 

Mr. Dallas A. Shepard

Lake Suzy Utilities, Inc.

12408 S. W. Sheri Avenue Lake Suzy, FL 34266

LIST OF WATER AND WASTEMATER UTILITIES IN DESOTO COUNTY

(YALID FOR 60 DAYS) 02/12/1398-04/12/1398

UTILITY WHE

MAKES

#### BEYERNHEHTAL AGENCIES

CENTRAL FL. REGIONAL PLANNING COUNCIL P.O. BOX 2089 BARTON, FL 33831

CLERK, BOARD OF COUNTY COMMISSIONERS, DESOTO COUNTY 251 EAST OAK STREET ARCADIA, FL 34266-4426

DEP SOUTHWEST DISTRICT 3804 COCCHUT PALM DRIVE TAPPA, FL 33618-6318

MAYOR, CITY OF ARCADIA . P. O. ORAWER 351 ARCADIA, FL 34265-0351

S.W. FLORIDA WATER HANAGEMENT DISTRICT 2079 BROWN STREET 2000XSVILLE, FL 34609-6899

STATE STEELES .

STATE OF FLORIDA PUBLIC COURSEL C/D THE HOUSE OF REPRESENTATIVES THE CAPITOL TALLAMASSEE, FL J2399-1300

DIVISION OF RECORDS AND REPORTING FLORIDA PUBLIC SERVICE CONHISSION 2540 SHLMARO CAR BOLLEVARD TALLAHASSEE, FL 32399-0850

-1-

PAGE 41 OF 89

Revised Appendix R-3

Copy of Notice

EXHIB	IT	(DILLI)
PAGE	42	of <u>89</u>

### NOTICE OF APPLICATION FOR AN EXTENSION OF SERVICE AREA

Notice is hereby given on February 18, 1998, pursuant to Section 367.045, Florida Statutes, of the Application of Florida Water Services Corporation to amend its Water Certificate No. 570-W and Wastewater Certificate No. 496-S to add territory in Charlotte County, Florida, as follows:

#### CHARLOTTE COUNTY

DEEP CREEK -- PROPOSED ADDITION TO WATER AND WASTEWATER SERVICE TERRITORY:

All in Township 40 South, Range 23 East, Charlotte County, Florida:

#### Section 6

All of the North 660 feet of Section 6 East of the East right of way of Interstate 75.

Any objection to the said application must be made in writing within thirty days from this date to: Director, Division of Records and Reporting, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida, 32399-0870. A copy of said objection should be mailed to the applicant whose address is: Florida Water Services Corporation, Attn: Matthew J. Feil, Esquire, P.O. Box 609520, Orlando, Florida 32860-9520.

PAGE 43 OF 89

Revised Appendix R-4

Copy of Notice Dated March 6, 1998

PAGE 44 OF 89

#### NOTICE OF APPLICATION FOR AN EXTENSION OF SERVICE AREA

Notice is hereby given on March 6, 1998, pursuant to Section 367.045, Florida Statutes, of the Application of Florida Water Services Corporation to amend its Water Certificate No. 570-W and Wastewater Certificate No. 496-S to add territory in Charlotte County, Florida, as follows:

#### CHARLOTTE COUNTY

DEEP CREEK -- PROPOSED ADDITION TO WATER AND WASTEWATER SERVICE TERRITORY:

All in Township 40 South, Range 23 East, Charlotte County, Florida:

#### Section 6

All of the North 660 feet of Section 6 East of the East right of way of Interstate 75.

Any objection to the said application must be made in writing within thirty days from this date to: Director, Division of Records and Reporting, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida, 32399-0870. A copy of said objection should be mailed to the applicant whose address is: Florida Water Services Corporation, Attn: Matthew J. Feil, Esquire, P.O. Box 609520, Orlando, Florida 32860-9520.

PAGE 45 OF 89

Revised Appendix R-5

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PAGE 50	OF 89

# Appendix R-6

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EXHIBIT	(BPA-1)
PAGE 55	OF_89

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PAGE 56 OF 89

## Exhibit S

An affidavit that the notice of actual application was given in accordance with Rule 25-30.030, Florida Administrative Code, by regular mail or personal delivery to each customer of the system. A copy of the notice shall accompany the affidavit.

Please see attached. Upon information and belief, Florida Water Services understands that Lake Suzy Utilities, Inc., is currently providing water service to one property within the proposed addition. That property has a street address of: 24358 Kingsway Circle, Arcadia, Florida 34266. According to the Charlotte County Property Appraiser's Office the mailing address for the owner of said property is: Robert B. and Sharon Helphenstine, Southwest Kingsway Circle, Arcadia, Florida 34266.

As there are no other customers in the proposed territory to be added and no "system" is in place, no other customers need be noticed in accordance with the rule.

EXHIBIT (BPA-1)
PAGE 57 OF 89

Affidavit

State of Florida County of Orange

Before me, the undersigned authority, personally appeared Brian P. Armstrong as Vice President, General Counsel and Secretary of Florida Water Services Corporation ("Florida Water") and after being duly sworn, said:

- 1. That he has personal knowledge of the matters contained herein.
- 2. Attached hereto and identified as "Appendix S-1" is a copy of the notice of application.
- 3. Robert B. and Sharon Helphenstine were the only customers in the proposed service territory addition known to Florida Water and their mailing address was obtained from the Charlotte County Property Appraisers Office, to wit: Robert B. and Sharon Helphenstine, Southwest Kingsway Circle, Arcadia, Florida 34266.
- 4. Copies of the notice were sent by U.S. Mail on February 18, 1998, to those customers identified above.

Further Affiant sayeth not.

Brian P. Armstrong

Vice President, General Counsel

and Secretary

Florida Water Services Corporation

The foregoing instrument was acknowledged before me this 18th day of February, 1998, by Brian P. Armstrong, Vice President, General Counsel and Secretary of Florida Water Services Corporation, who is personally known to me and did take an oath.

DONNA L HENRY
Notary Public - State of Florida
My Commission Expires Jul 6, 2000
Commission 3 Ct. 553412

Donna L. Henry

Notary Public, State of Florida at Large

Commission Number CC543412

My Commission Expires: 7-6-00

Appendix S-1 PAGE 58 OF 89

Notice

### NOTICE OF APPLICATION FOR AN EXTENSION OF SERVICE AREA

As a potential customer, you are hereby noticed on February 18, 1998, pursuant to Section 367.045, Florida Statutes, of the Application of Florida Water Services Corporation to amend its Water Certificate No. 570-W and Wastewater Certificate No. 496-S to add territory in Charlotte County, Florida, as follows:

#### **CHARLOTTE COUNTY**

DEEP CREEK -- PROPOSED ADDITION TO WATER AND WASTEWATER SERVICE TERRITORY:

All in Township 40 South, Range 23 East, Charlotte County, Florida:

#### Section 6

All of the North 660 feet of Section 6 East of the East right of way of Interstate 75.

Any objection to the said application must be made in writing within thirty days from this date to: Director, Division of Records and Reporting, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida, 32399-0870. A copy of said objection should be mailed to the applicant whose address is: Florida Water Services Corporation, Attn: Matthew J. Feil, Esquire, P.O. Box 609520, Orlando, Florida 32860-9520.

	EXHIBI	τ		(BAA-	
Amended Exhibit S	PAGE	60	OF	89	

An affidavit that the notice of actual application was given in accordance with Rule 25-30.030, Florida Administrative Code, by regular mail or personal delivery to each customer of the system. A copy of the notice shall accompany the affidavit.

Please see attached. Upon information and belief, Florida Water Services understands that Lake Suzy Utilities, Inc., is currently providing water service to one property within the proposed addition. That property has a street address of: 24358 Kingsway Circle, Arcadia, Florida 34266. According to the Charlotte County Property Appraiser's Office the mailing address for the owner of said property is: Robert B. and Sharon Helphenstine, Southwest Kingsway Circle, Arcadia, Florida 34266.

As there are no other customers in the proposed territory to be added and no "system" is in place, no other customers need be noticed in accordance with the rule.

It has recently come to the attention of Florida Water Services that the persons listed in the attached Amended Appendix S-2 own property in the proposed service territory addition. Florida Water is not currently providing service to these properties and does not know whether Lake Suzy Utilities, Inc. currently provides service. However, in an abundance of caution, Florida Water Services has provided these property owners with notice as stated in the Affidavit attached hereto. Notice was sent by certified mail to Mr. & Mrs. Helphenstine on February 18, 1998, as stated in the original Exhibit S.

EXHIBI	Τ	<u> </u>		<u>BPA</u>	7)
PAGE_	61	OF_	8	9	

#### **Affidavit**

State of Florida County of Orange

Before me, the undersigned authority, personally appeared Donna L. Henry as Executive Legal Assistant for Florida Water Services Corporation ("Florida Water") and after being duly sworn, said:

- 1. That she has personal knowledge of the matters contained herein.
- 2. Attached hereto and identified as "Amended Appendix S-1" is a copy of the notice of application.
- 3. Attached as "Amended Appendix S-2" is a list of property owners in the proposed service territory addition known to Florida Water and whose mailing addresses were obtained from the Charlotte County Property Appraisers Office
- 4. Copies of the notice were sent by certified mail on March 6, 1998, to those customers identified in "Amended Appendix S-2."
- 5. Certified Mail stubs are attached as "Amended Appendix S-3."

Further Affiant sayeth not.

Donna L. Henry

Executive Legal Assistant

Florida Water Services Corporation

The foregoing instrument was acknowledged before me this <u>12th</u> day of March, 1998, by Donna L. Henry as Executive Legal Assistant for Florida Water Services Corporation, who is personally known to me and did take an oath.

OFFICIAL NOTARY SEAL KIRK D MARTIN NOTARY PUBLIC STATE OF FLORIDA COMMISSION NO. CC561441 MY COMMISSION EXP. JUNE 16,2000

Kirk D. Martin

Notary Public, State of Florida at Large

Commission Number CC561441 My Commission Expires: 6-16-00

EXHIBI	Τ	(BPA-1)		
PAGE	62	OF	89	

Amended Appendix S-1

Notice

PAGE 63 OF 89

### NOTICE OF APPLICATION FOR AN EXTENSION OF SERVICE AREA

As a potential customer, you are hereby noticed on March 6, 1998, pursuant to Section 367.045, Florida Statutes, of the Application of Florida Water Services Corporation to amend its Water Certificate No. 570-W and Wastewater Certificate No. 496-S to add territory in Charlotte County, Florida, as follows:

#### CHARLOTTE COUNTY

DEEP CREEK -- PROPOSED ADDITION TO WATER AND WASTEWATER SERVICE TERRITORY:

All in Township 40 South, Range 23 East, Charlotte County, Florida:

### Section 6

All of the North 660 feet of Section 6 East of the East right of way of Interstate 75.

Any objection to the said application must be made in writing within thirty days from this date to: Director. Division of Records and Reporting, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida, 32399-0870. A copy of said objection should be mailed to the applicant whose address is: Florida Water Services Corporation, Attn: Matthew J. Feil, Esquire, P.O. Box 609520, Orlando, Florida 32860-9520.

PAGE 64 OF 89

# Amended Appendix S-2

### **Customer List**

William Byrd 3851 Loves Creek Drive Howell, MI 48843

Duane and Joan Deplonty P. O. Box 309 Punta Gorda, FL 33951

Willard Wade Dills 79 Roundtree Drive Port Orange, FL 32127

Charles H. Tapalian P. O. Box 6684 Providence, RI 02940 Darwin and Imogene Hany 30 Rubi Circle Hot Springs, AR 71909

Ann Galante 23033 Westchester Blvd., Apt. D502 Port Charlotte, FL 33980

G. C. Parsons
121 Sinclair Street SE
Port Charlotte, FL 33952

EXHIBIT (BPA-1)

PAGE 65 OF 89

Amended Appendix S-3

Certified Mail Stubs

### P 123 394 040



Receipt for Certified Mail

No Insurance Coverage Provided Do not use for International Mail (See Reverse)

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P 123 394 043



Receipt for Certified Mail

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P 123 394 039



Receipt for Certified Mail

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### P 123 394 041



# Receipt for Certified Mail

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### Receipt for Certified Mail

No Insurance Coverage Provided Do not use for International Mail (See Reverse)

Sentio Mr. William Byrd				
Street and No				
3851 Loves Creek Dr	3851 Loves Creek Do			
P.O., State and ZIP Code				
Howell MI 48843	+			
Postage	\$			
Certified Fee				
Special Delivers Fire				
Restricted Delivery Fee				
Return Receipt Showing to Whom & Date Delivered				
Return Receipt Snowing to Whom, Date, and Addressee's Address				
TOTAL Postage & Fees	\$.			
Postmark or Date				
3-6.98	. •			
•	•			



### P 123 394 042 Receipt for Certified Mail

No Insurance Coverage Provided Do not use for International Mail (See Reverse)

Sent to C. C. Parsons	
Street and No 121 Sinclair Street SE	
P.O. State and ZIP Code Port Charlotte, FL 33952	
Postage	\$ .
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Beturn Receipt Showing to Whom Date, and Addresses's Address	
TOTAL Postage & Fees	\$
Postmark or Date	
3-6-98	

EXHIBIT	(BAA-1)	
PAGE 68	OF 89	

Appendix S-4

Certified Mail Return Receipt Cards for Customers

alde,	Complete items 1 and/or 2 for additional services.  Complete items 3, 4s, and 4b.  Print your name and address on the reverse of this form so that we	can return this	l also wish to receive the following services (for an extra fee):
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PAGE_	70	OF_	89

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PS Form 3811, December 1994	Domestic Return Receipt

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EXHIBIT (BPA-1)
PAGE 72 OF 89

## Exhibit T

Immediately upon completion of publication, an affidavit that the notice of actual application was published once in a newspaper of general circulation in the territory in accordance with Rule 25-30.030, Florida Administrative Code. A copy of the proof of publication shall accompany the affidavit. This may be a late-filed exhibit.

The required affidavit of publication will be provided separately as a late-filed exhibit. Attached hereto as Appendix T-1 is Florida Water Services' request for publication of the required notice.

EXHIBIT (BAF)

Appendix T-1



PAGE 74 OF 89

February 18, 1998

VIA FACSIMILE (941) 629-2085

Sun Herald Attn: Susan P. O. Box 2390 Port Charlotte, FL 33949-2390

Re:

Legal Notice

Dear Susan:

Enclosed is a legal notice. Please run this notice one time in the Sun Herald at your earliest convenience. Please provide me with an affidavit of publication as soon as possible.

The invoice and affidavit should be sent to:

Florida Water Services Corporation Attn: Donna Henry P. O. Box 609520 Orlando, FL 32860-9520

If you need any additional information, please contact me at (407) 880-0058, ext. 267. Thank you for your cooperation.

Sincerely,

Donna L. Henry

Executive Legal Assistant

Enclosure

EXHIBIT (BPH)

PAGE 75 OF 89

### Legal Notice

### NOTICE OF APPLICATION FOR AN EXTENSION OF SERVICE AREA

Notice is hereby given on February 18, 1998, pursuant to Section 367.045, Florida Statutes, of the Application of Florida Water Services Corporation to amend its Water Certificate No. 570-W and Wastewater Certificate No. 496-S to add territory in Charlotte County, Florida, as follows:

### CHARLOTTE COUNTY

DEEP CREEK -- PROPOSED ADDITION TO WATER AND WASTEWATER SERVICE TERRITORY:

All in Township 40 South, Range 23 East, Charlotte County, Florida:

### Section 6

All of the North 660 feet of Section 6 East of the East right of way of Interstate 75.

Any objection to the said application must be made in writing within thirty days from this date to: Director, Division of Records and Reporting, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida, 32399-0870. A copy of said objection should be mailed to the applicant whose address is: Florida Water Services Corporation, Attn: Matthew J. Feil, Esquire, P.O. Box 609520, Orlando, Florida 32860-9520.



EXHIBIT (BPA-1)
PAGE 16 OF 89-

February 18, 1998

The DeSoto Sun Herald Attn: Angie 207 W. Oak Street Arcadia, FL 34266

Re:

Legal Notice

Dear Angie:

Enclosed is a legal notice. Please run this notice one time in the DeSota Sun Herald at your earliest convenience. Please provide me with an affidavit of publication as soon as possible.

The invoice and affidavit should be sent to:

Florida Water Services Corporation Attn: Donna Henry P. O. Box 609520 Orlando, FL 32860-9520

If you need any additional information, please contact me at (407) 880-0058, ext. 267. Thank you for your cooperation.

Sincerely,

Donna L. Henry

Executive Legal Assistant

Enclosure

Legal Notice

PAGE 17 OF 89

### NOTICE OF APPLICATION FOR AN EXTENSION OF SERVICE AREA

Notice is hereby given on February 18, 1998, pursuant to Section 367.045, Florida Statutes, of the Application of Florida Water Services Corporation to amend its Water Certificate No. 570-W and Wastewater Certificate No. 496-S to add territory in Charlotte County, Florida, as follows:

### CHARLOTTE COUNTY

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All in Township 40 South, Range 23 East, Charlotte County, Florida:

Section 6

All of the North 660 feet of Section 6 East of the East right of way of Interstate 75.

Any objection to the said application must be made in writing within thirty days from this date to: Director, Division of Records and Reporting, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida, 32399-0870. A copy of said objection should be mailed to the applicant whose address is: Florida Water Services Corporation, Attn: Matthew J. Feil, Esquire, P.O. Box 609520, Orlando, Florida 32860-9520.

EXHIBIT (8PA-1)PAGE 78 OF 89

Late Filed Exhibit T

PAGE 19 OF 89

RECEIVED

MAY 1 8 1998

LEGAL DEPT.
REAL PROPERTY ADMIN.



### A SUN COAST MEDIA GROUP, INC PUBLICATION

Printers and Publishers of
Charlotte Sun Herald
Englewood Sun Herald
North Port Sun Herald
DeSoto Sun Herald
Venice Gondolier

### PUBLISHER'S AFFIDAVIT OF PUBLICATION

STATE OF FLORIDA,
COUNTY OF Charlotte
Before the undersigned personally appeared Amy Perkins
who on oath says she is Legal Clerk of the {Charlotte Sun
Herald, Englewood Sun Herald, DeSoto Sun Herald, North
Port Sun Herald, Venice Gondolier} a newspaper printed at
Charlotte Harbor in Charlotte County, Florida; that the attached
copy of advertisement being Legal Advertising in the matter of
Notice Of Application in the issues of:

February 21, 1998

Affiant further says that the said newspaper has heretofore been continuously published in Charlotte County, Florida, Sarasota County, Florida, and DeSoto County, Florida, each day and has been entered as Second-Class mail matter at the Post Office in Punta Gorda, in said Charlotte County, Florida and at additional mailing offices, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says he/she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

(Signature of Affiant)

Sworn to and subscribed before me this 14th day of May1998.

KAREN W. LANGFORD
My Comm Exp. 9/4/2001
My Comm Exp. 9/4/2001
Moder By Service Ins.
No. 677509
V/Personals Known (1) Court I.D

(Signature of notary public)

NOTICE OF APPLICATION FOR AN EXTENSION OF SERVICE AREA Notice is hereby given on February 18, 1998, pursuant to Section 367.045, Florida Statutes, of the Application of Florida Water Services Corporation to amend its Water Certificate No 570W and Wastewater Certificate No 496S to add territory in Charlotte County, Florida, as

IOROWS:
CHARLOTTE COUNTY
DEEP CREEK PROPOSED
ADDITION TO WATER AND
WASTE WATER SERVICE
TERRITORY:

All in Township 40 South, Range 23
East, Charlotte County, Florida:
Section 5
All of the North 560 feet of Section 6
East of the East right of way of Interstate 75.
Any objection to the said application must be made in writing within thirty days from this date to Drector, Division of Records and Reporting Florida Public Service Commission, 2540 Shumard Oak, Boulevard, Tallahassee, Florida, 32399-0870. A copy of said-objection should be mailed Jo, the applicant whose address is: Florida Water Services Corporation, Natur Matthew 27-e1, Ecourie, 90-Box 609520, Drando, Florida 32860-9520.
Publish: 2/21/98.

Affidavit

PAGE 8 OF 89

State of Florida County of Orange

Before me, the undersigned authority, personally appeared Brian P. Armstrong as Vice President, General Counsel and Secretary of Florida Water Services Corporation ("Florida Water") and after being duly sworn, said:

- 1. That he has personal knowledge of the matters contained herein.
- 2. That Florida Water has tariffs and annual reports on file with the Florida Public Service Commission.

Further Affiant sayeth not.

Brian P. Armstrong

Vice President, General Counsel

and Secretary

Florida Water Services Corporation

The foregoing instrument was acknowledged before me this 18th day of February, 1998, by Brian P. Armstrong as Vice President, General Counsel and Secretary of Florida Water Services Corporation, who is personally known to me and did take an oath.

DONNA L HENRY

Notary Public - State of Florida

My Commission Expires Jul 6, 2000

Commission # CC 543412

Donna L. Henry

Notary Public, State of Florida at Large

Commission Number CC543412

My Commission Expires: 7-6-00

EXHIBI	٢		(BPH)
	80		201
PAGE_	00	_OF.	0 1

### Exhibit U

An affidavit that the utility has tariffs and annual reports on file with the Commission.

Please see attached.

PAGE 83 OF 89

# FLORIDA WATER SERVICES CORPORATION WATER TARIFF

VOLUME I SECTION II 1st Revised Sheet No. 4.4 Cancels Original Sheet No. 4.4

### CHARLOTTE COUNTY

### Description of Territory Served

#### **DEEP CREEK (Cont.)**

Call Number	Bearing or Central Angle	Distance or Arc Length	Radius	Annotation
18.	North 89°40'24" West	3,122.92 feet		West through Section 17 to a point of intersection with the Eastern right of way of Interstate I-75, 1,298.92 feet South of the North line of Section 17 and 2,213.84 feet East of the West line of Section 17.
19.	North 31°43′37" West	1,525.92 feet		Northwesterly through Section 17 along the Eastern right of way line of I-75 to a point on the North line of Section 17 and the South line of Section 8, Township 40 South, Range 23 East, 1,413.06 feet East of the Southwest corner of Section 8.
20.	North 28°57'25" West	2,927.15 feet		Northwesterly through Section 8 along the Eastern right of way line of I-75 to the West quarter of Section 8 and the East quarter comer of Section 7, Township 40 South, Range 23 East.
21.	North 28°57'25" West	3,190.52 feet	•	Northwesterly from the East quarter comer of Section 7 to a point of intersection with the North line of Section 7 1,540.20 feet West of the Northeast comer of Section 7.
22.	South 89°56'58" East	1,540.20 feet		East along the North line of Section 7 to the Northeast comer of Section 7 and the Southwest comer of Section 5, Township 40 South, Range 23 East.
23.	North 00°13'30" East	5,315.13 feet		North along the West line of Section 5 to the Northwest corner of Section 5 and the Point of Beginning.

Township 40 South, Range 23 East, Charlotte County, Florida.

Section 6

All of the North 660 feet of Section 6 East of the East right-of-way of Interstate 75.

Effective Date:

By: Torrect L. Ludson

Forrest L. Ludsen, Vice President Business Development

EXHIBIT  $(BPA-1)^2$ PAGE 84 OF 89

# FLORIDA WATER SERVICES CORPORATION WASTEWATER TARIFF

VOLUME II SECTION II 1st Revised Sheet No. 2.9 Cancels Original Sheet No. 2.9

### CHARLOTTE COUNTY

### **Description of Territory Served**

### DEEP CREEK (Cont.)

Call <u>Number</u>	Bearing or Central Angle	Distance or Arc Length	Radius	<u>Annotation</u>
60.	North 31°43′37″ West	1,525.92 feet		Northwesterly through Section 17 along the Eastern right of way line of I- 75 to a point on the North line of Section 17 and the South line of Section 8, Township 40 South, Range 23 East, 1,413.06 feet East of the Southwest corner of Section 8.
61.	North 28°57'25" West	2,927,15 feet		Northwesterly through Section 8 along the Eastern right of way-line of I-75 to the West quarter comer of Section 8 and the East quarter comer of Section 7, Township 40 South, Range 23 East
62.	North 28°57'25" West	3,190.52 feet		Northwesterly from the East quarter comer of Section 7 to a point of intersection with the North line of Section 7 1,540.20 feet West of the Northeast comer of Section 7.
63,	South 89°56′58″ East	1,540.20 feet		East along the North line of Section 7 to the Northeast comer of Section 7 and the Southwest comer of Section 5, Township 40 South, Range 23 East.
64.	North 00°13′30″ East	5,315.13 feet	·	North along the West line of Section 5 to the Northwest comer of Section 5 and the Point of Beginning.

Township 40 South, Range 23 East, Charlotte County, Florida.

Section 6

Effective Date:

All of the North 660 feet of Section 6 East of the East right-of-way of Interstate 75.

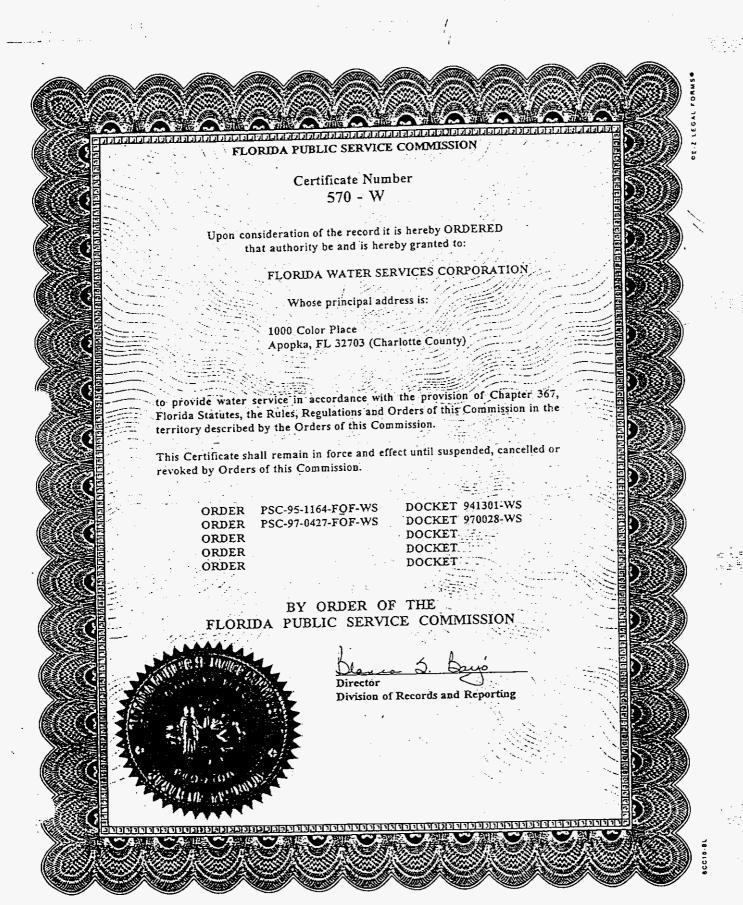
By: Forest & Hadren

Forrest L. Ludsen, Vice President Business Development

EXHIBIT Exhibit V PAGE 82

The original and two copies of proposed revisions to the utility's tariff(s) to incorporate the proposed change to the certificated territory. Please refer to Rules 25-9.009 and 25-9.010, Florida Administrative Code, regarding page numbering of tariff sheets before preparing the tariff revisions.

An original and two separate copies of revised tariff sheet are enclosed with cover letter.



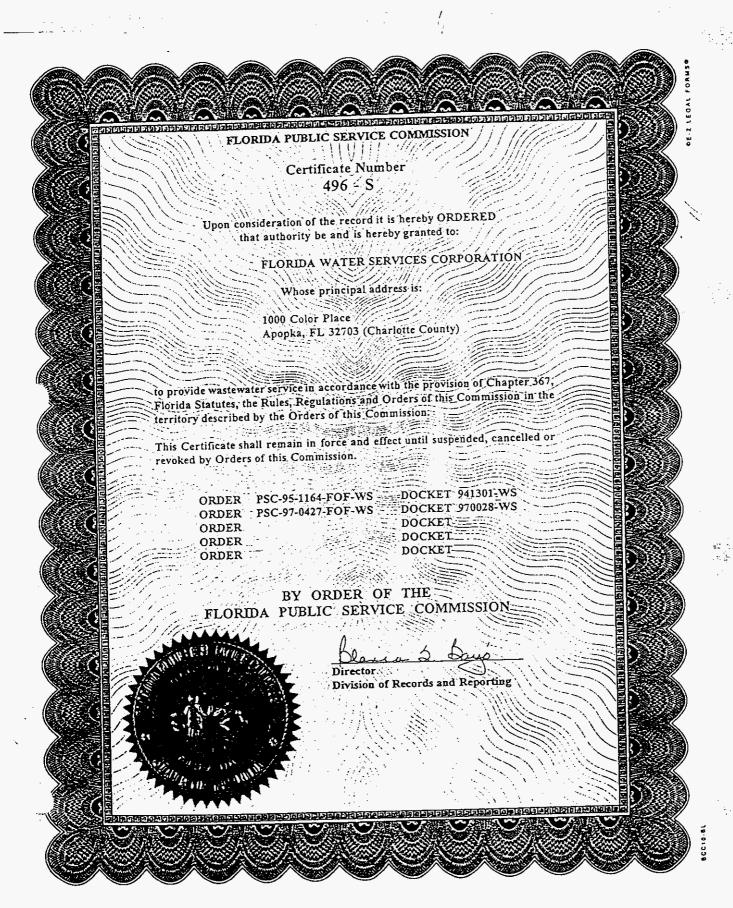


EXHIBIT	BPA-I		
PAGE_ 87	OF 89		

### Amended Exhibit V

The original and two copies of proposed revisions to the utility's tariff(s) to incorporate the proposed change to the certificated territory. Please refer to Rules 25-9.009 and 25-9.010, Florida Administrative Code, regarding page numbering of tariff sheets before preparing the tariff revisions.

An original and two separate copies of revised tariff sheet are enclosed with cover letter.

An original and two separate copies of corrected tariff sheets reflecting revision to the requested territory addition are enclosed with the cover letter.

PAGE 88 OF 89

FLORIDA WATER SERVICES CORPORATION WATER TARIFF

VOLUME I SECTION II 1st Revised Sheet No. 4.4 Cancels Original Sheet No. 4.4

### CHARLOTTE COUNTY

#### Description of Territory Served

### DEEP CREEK (Cont.)

Call <u>Number</u>	Bearing or Central Angle	Distance or Arc Length	<u>Radius</u>	<u>Annotation</u>
18.	North 89°40'24" West	3,122.92 feet		West through Section 17 to a point of intersection with the Eastern right of way of Interstate I-75, 1,298.92 feet South of the North line of Section 17 and 2,213.84 feet East of the West line of Section 17.
19.	North 31°43'37" West	1,525.92 feet	-	Northwesterly through Section 17 along the Eastern right of way line of I-75 to a point on the North line of Section 17 and the South line of Section 8, Township 40 South, Range 23 East, 1,413.06 feet East of the Southwest corner of Section 8.
20.	North 28°57'25" West	2,927.15 feet		Northwesterly through Section 8 along the Eastern right of way line of I-75 to the West quarter of Section 8 and the East quarter comer of Section 7, Township 40 South, Range 23 East.
21.	North 28°57′25″ West	3,190.52 feet		Northwesterly from the East quarter comer of Section 7 to a point of intersection with the North line of Section 7 1,540.20 feet West of the Northeast corner of Section 7.
22.	South 89°56′58″ East	1,540.20 feet		East along the North line of Section 7 to the Northeast corner of Section 7 and the Southwest corner of Section 5, Township 40 South, Range 23 East.
23.	North 00°13′30″ East	5,315.13 feet		North along the West line of Section 5 to the Northwest comer of Section 5 and the Point of Beginning.

Township 40 South, Range 23 East, Charlotte County, Florida.

Section 6

All of the North 320 feet of the East 2,662 feet of Section 6.

Effective Date:

Bv:

Formet d. Ludward

Forrest L. Ludsen, Vice President Business Development

FLORIDA WATER SERVICES CORPORATION WASTEWATER TARIFF

VOLUME II SECTION II 1st Revised Sheet No. 2.9 Cancels Original Sheet No. 2.9

### CHARLOTTE COUNTY

### **Description of Territory Served**

#### DEEP CREEK (Cont.)

Cail <u>Number</u>	Bearing or Central Angle	Distance or Arc Length	<u>Radius</u>	Annotation
60.	North 31°43′37″ West	1,525.92 feet		Northwesterly through Section 17 along the Eastern right of way line of I-75 to a point on the North line of Section 17 and the South line of Section 8, Township 40 South, Range 23 East, 1,413.06 feet East of the Southwest comer of Section 8.
61.	North 28°57′25″ West	2,927.15 feet		Northwesterly through Section 8 along the Eastern right of way line of I-75 to the West quarter corner of Section 8 and the East quarter corner of Section 7, Township 40 South, Range 23 East
62.	North 28°57'25" West	3,190,52 feet		Northwesterly from the East quarter comer of Section 7 to a point of intersection with the North line of Section 7 1,540.20 feet West of the Northeast corner of Section 7.
63,	South 89°56′58″ East	1,540.20 feet	•	East along the North line of Section 7 to the Northeast corner of Section 7 and the Southwest corner of Section 5, Township 40 South, Range 23 East.
64.	North 00°13'30" East	5,315.13 feet	÷	North along the West line of Section 5 to the Northwest corner of Section 5 and the Point of Beginning.

Township 40 South, Range 23 East, Charlotte County, Florida.

Section 6

All of the North 320 feet of the East 2,662 feet of Section 6.

Effective Date:

y: Jones A. Ludan

Forrest L. Ludsen, Vice President Business Development