

COMMISSIONERS:
NANCY ARGENZIANO, CHAIRMAN
LISA POLAK EDGAR
NATHAN A. SKOP
DAVID E. KLEMENT
BEN A. "STEVE" STEVENS III

STATE OF FLORIDA



TIMOTHY DEVLIN, DIRECTOR
DIVISION OF ECONOMIC REGULATION
(850)413-6900

Public Service Commission

January 15, 2010

RECEIVED-FPSC
10 JAN 15 PM 3:09
COMMISSION
CLERK

Martin S. Friedman, Esquire
Rose, Sundstrom, and Bentley, LLP
2180 West State Road 434, Suite 2118
Longwood, FL 32779

Re: Docket No. 090521-WS; Application for amendment of Certificates 247-S and 353-W to extend water and wastewater service areas to include certain land in Charlotte County, by North Fort Myers Utility, Inc.

Dear Mr. Friedman:

Staff has reviewed the filing submitted and the filing fails to meet the minimum filing requirements for an amendment application. The deficiency noted relates to the sixth paragraph of the application which states that a water treatment plant will be built to serve this extension area. Please provide evidence that the utility owns the land where the water plant will be constructed or provide a copy of an agreement such as a 99-year lease, which provides for continuous use of the land. See Rule 25-30.036(3)(d), Florida Administrative Code.

In addition, staff has the following questions:

1. Regarding the water treatment plant in the extension area, have plans been drawn for that construction? Please provide the drawings and specifications for this plant, including the plant capacity.
2. Please provide the cost estimates for this water treatment plant.
3. In paragraph 14 of the filing, the Utility states it has received a request from the property owner for service. Please provide a copy of that request.
4. Is the area requested for amendment owned by one property owner?
5. If the area requested for amendment is not all owned by one property owner, please explain who owns the remainder of the property requested and what plans exist for development.
6. Please provide a copy of the development plans that have been drawn. Include the number of single family, multi-family, and general service customers that are anticipated.

DOCUMENT NUMBER-DATE

00411 JAN 15 2

FPSC-COMMISSION CLERK

7. What is the time frame for development including the expected build-out date?
8. The application states that the property owner has initiated steps to amend the Comprehensive Plan for development of the property. The DCA opinion letter addressed to the Commission Clerk dated January 8, 2010, states that this expansion is inconsistent with the Charlotte County Comprehensive Plan. What efforts are being made by the property owner to obtain consistency?
9. The filing fee paid anticipates between 2,001 and 4,000 ERCs to be served by this amendment, yet the DCA opinion letter states that development of 155 homes is allowed under the current comprehensive plan. How will this difference in the number of units planned and permitted be resolved?

Staff would appreciate a response by February 12, 2010. Please include the docket number and send your response to :

Office of the Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Should you have any questions, please contact Tom Walden at 850-413-6950 or at twalden@psc.state.fl.us by e-mail.

Sincerely,



Patti Daniel,
Public Utilities Supervisor

PD/TW

cc: Office of the Commission Clerk

file name: 090521ltr.doc