MARSHALL WILLIS, DIRECTOR DIVISION OF ECONOMIC REGULATION (850) 413-6900

# Hublic Service Commission

February 4, 2011

Mr. Michael G. Cooke Ruden McClosky 215 S. Monroe Street

Re: Docket No. 110020-WS - Application for certificates to provide water and wastewater service in Marion County by Equity LifeStyle Properties, Inc., Oak Bend Utility

Dear Mr. Cooke:

Tallahassee, FL 32301

Suite 815

Staff has reviewed the above-referenced filing on behalf of Oak Bend Utility (Oak Bend or Utility) and determined that the following information is necessary to meet the requirements of Commission rules and to clarify the application.

#### **Deficiencies**

- Land Ownership. Exhibits E and G contain a warranty deed dated August 1981 that transferred the 1. specified property to Brandywine Management Corporation (Brandywine). Pursuant to Rule 25-30.033(1)(j), Florida Administrative Code (F.A.C.), please provide a copy of the agreement executed by Brandywine that permits the certificated utility's long-term continuous use of the land on which the water and wastewater facilities are located, such as a 99-year lease.
- 2. Territory Maps. Rule 25-30.033(1)(n) requires that the application include a map showing township, range, and section with a scale such as 1" = 200' or 1" = 400', with the proposed territory plotted thereon by use of metes and bounds or quarter sections. The maps submitted in Exhibits L and M do not display the territory using the scale as specified by the rule, nor do they provide a marked boundary of the proposed territory. Please provide a territory map that meets the scale requirement and clearly illustrates the territory border using a bold line with sufficient contrast for easy reading.
- 3. Notice of Application. Pursuant to Rule 25-30.030, F.A.C., the Utility must provide notice of the application to those parties named on the list provided by the Commission and to each customer of the systems to be certificated. The notice must also be published in a newspaper of general circulation in the territory, as prescribed by this rule. Attached, please find the Commission's list of parties to be noticed. Please submit to the Commission the affidavits required by Section 367.045(1)(e), Florida Statutes (F.S.), with a copy of the notice attached.

#### **Additional Information**

- Land Ownership. Please explain the relationship between Equity LifeStyle Properties, Inc. (ELP) and 4. Brandywine.
- 5. Customer Class, It is staff's understanding that Oak Bend has 262 residential lot connections. Exhibit-J, Schedule No. A-1, indicates that a general service customer class is also being served. Please, confirm whether the pool and the clubhouse are the Utility's only general service customers and whether each of these connections is individually metered.
- 6. **DEP Permit.** Please provide a copy of the wastewater treatment plan operating permit.

 $\odot$ 

### 7. Exhibit J, Special Report.

- a. Schedule Nos. B-3, B-8, and C-8 make reference to an "NES agreement" and "NES proposal" for the installation of meters. However, Exhibit D of the application states that there are existing 5/8" x 3/4" meters for the 262 residential connections. Please confirm whether there are, in fact, existing meters. If so, please explain why the Utility is proposing to install an additional 262 meters.
- b. Schedule No. B-10 indicates the estimated annual gallons sold as 18,689,000 gallons. Please provide documentation that shows how this figure was determined.
- 8. Undeveloped Land in Service Area. According to staffs review of the County Assessment and System maps provided in Exhibits L and M, respectively, the service territory includes a parcel that appears to be undeveloped. This parcel is located East of Interstate 75, North of the wastewater treatment facility, and South of Bent Oak Drive. Please explain whether this parcel is owned by ELP, whether ELP has any plans for future development of the property, and whether water and/or wastewater service would be needed.
- **9.** Tariffs Customer Bill. Rule 25-30.335, F.A.C., provides that a utility cannot consider a customer delinquent in paying his or her bill until the 21<sup>st</sup> day after the utility has mailed or presented the bill for payment. Rule 25-30.320, F.A.C., provides that service may be discontinued after five working days written notice is mailed to the customer, separate and apart from any bill for service. For clarity, you may wish to include this language on your customer bill.

Should you have any questions concerning the above-referenced items, please feel free to contact Ms. Melissa Jones-Alexis, of my staff, by phone at (850) 413-6997 or mjonesal@psc.state.fl.us. To ensure timely processing of your application, the above-referenced documents and statements should be filed on or before March 4, 2011. Please ensure that your transmittal references Docket No. 110020-WS and that it is mailed directly to:

Ann Cole, Commission Clerk Florida Public Service Commission 2540 Shumard Oak Blvd. Tallahassee, FL 32399-0850

Sincerely,

Patti Daniel

Public Utilities Supervisor

the Can of

Bureau of Certification, Economics, and Tariffs

PD:mkja

cc: Division of Economic Regulation (Jones-Alexis, Walden)

Office of the General Counsel (Jaeger)

Office of Commission Clerk (Docket No. 110020-WS)

# LIST OF WATER AND WASTEWATER UTILITIES IN MARION COUNTY (VALID FOR 60 DAYS) 02/08/2011 - 04/08/2011

#### MANAGER

### MARION COUNTY

AQUA UTILITIES FLORIDA, INC. (WU174) 2228 CAPITAL CIRCLE N.E., SUITE 1A TALLAHASSEE, FL 32308-4306 TROY RENDELL (850) 575-8500

ARMA WATER SERVICE, LLC (WU930) 900 WASHINGTON STREET HOLLYWOOD, FL 33019-1922 ARNALDO BARROS (646) 795-9054

BFF CORP. (SU595) P. O. BOX 5220 OCALA, FL 34478-5220 CHARLES DE MENZES

(352) 622-4949

C.F.A.T. H2O, INC. (WS719) P. O. BOX 5220 OCALA, FL 34478-5220 CHARLES DE MENZES

(352) 622-4949

CENTURY - FAIRFIELD VILLAGE, LTD. (WS914) P. O. BOX 5252 LAKELAND, FL 33807-5252 LEN TABOR (352) 351-1338

COUNTY-WIDE UTILITY CO., INC. (WU008) P. O. BOX 1476 OCALA, FL 34478-1476

DIRK J. LEEWARD (352) 245-7007

EAST MARION SANITARY SYSTEMS, INC. (SU535) G-4225 MILLER ROAD, #190 FLINT, MI 48507-1227 HERBERT HEIN (810) 733-6342

EAST MARION SANITARY SYSTEMS, INC. (WU536) G-4225 MILLER ROAD, #190 FLINT, MI 48507-1227

HERBERT HEIN (810) 733-6342

MARION UTILITIES, INC. (WS160) 710 N.E. 30TH AVENUE OCALA, FL 34470-6460 TIM E. THOMPSON (352) 622-1171

RAINBOW SPRINGS UTILITIES, L.C. (WS199) P. O. BOX 1850 DUNNELLON, FL 34430-1850

SCHONNA JOHNSON (352) 489-9153

RESIDENTIAL WATER SYSTEMS, INC. (WU370) P. O. BOX 5220 OCALA, FL 34478-5220

CHARLES DEMENZES

(352) 622-4949

# LIST OF WATER AND WASTEWATER UTILITIES IN MARION COUNTY (VALID FOR 60 DAYS) 02/08/2011 - 04/08/2011

**UTILITY NAME** 

**MANAGER** 

## MARION COUNTY

S & L UTILITIES, INC. (SU327) P. O. BOX 4186 OCALA, FL 34478-4186

TERESA P. FLETCHER

(352) 671-1028

SUN COMMUNITIES OPERATING LIMITED PARTNERSHIP (WS746) % FOR SADDLE OAK

27777 FRANKLIN ROAD, SUITE 200

SOUTHFIELD, MI 48034-8205

JIM HOEKSTRA (248) 208-2554

SUNSHINE UTILITIES OF CENTRAL FLORIDA, INC. (WU239)

10230 E. HIGHWAY 25 BELLEVIEW, FL 34420-5531 JAMES H. HODGES (352) 347-8228

TRADEWINDS UTILITIES, INC. (WS350)

P.O. BOX 5220

OCALA, FL 34478-5220

CHARLES DE MENZES

(352) 622-4949

UTILITIES, INC. OF FLORIDA (WU443) 200 WEATHERSFIELD AVENUE

ALTAMONTE SPRINGS, FL 32714-4027

PATRICK C. FLYNN

(407) 869-1919 EXT 1359

UTILITIES, INC. OF FLORIDA (SU661) 200 WEATHERSFIELD AVENUE

ALTAMONTE SPRINGS, FL 32714-4027

PATRICK C. FLYNN (407) 869-1919 EXT 1359

VENTURE ASSOCIATES UTILITIES CORP. (WU512)

5970 N.W. 18TH PLACE OCALA, FL 34482-8936 ARTHUR F. TAIT (352) 732-8662

WINDSTREAM UTILITIES COMPANY (WU385)

P.O. BOX 4201

OCALA, FL 34478-4201

L. E. (BUTCH) DLOUHY

(352) 620-8290

# LIST OF WATER AND WASTEWATER UTILITIES IN MARION COUNTY (VALID FOR 60 DAYS) 02/08/2011 - 04/08/2011

#### **UTILITY NAME**

**MANAGER** 

### **GOVERNMENTAL AGENCIES**

CLERK, BOARD OF COUNTY COMMISSIONERS, MARION COUNTY 601 S.E. 25TH AVENUE OCALA, FL 34471-2690

DEP CENTRAL DISTRICT 3319 MAGUIRE BLVD., SUITE 232 ORLANDO, FL 32803-3767

DEP SOUTHWEST DISTRICT 13051 N. TELECOM PARKWAY TEMPLE TERRACE, FL 33637-0926

MAYOR, CITY OF BELLEVIEW 5343 S.E. ABSHIER BLVD. BELLEVIEW, FL 34420-3904

MAYOR, CITY OF DUNNELLON 20750 RIVER DRIVE DUNNELLON, FL 34431-6744

MAYOR, CITY OF OCALA 151 S.E. OSCEOLA AVENUE OCALA, FL 34471-2197

MAYOR, TOWN OF REDDICK P. O. BOX 203 REDDICK, FL 32686-0203

ROBERT TITTERINGTON, MARION COUNTY 601 S.E. 25TH AVENUE OCALA, FL 34471

S.W. FLORIDA WATER MANAGEMENT DISTRICT 2379 BROAD STREET BROOKSVILLE, FL 34609-6899

ST.JOHNS RIVER WTR MANAGEMENT DISTRICT P.O. BOX 1429 PALATKA, FL 32178-1429

TOWN CLERK/MANAGER, TOWN OF MCINTOSH P. O. BOX 165 MCINTOSH, FL 32664-0165

# LIST OF WATER AND WASTEWATER UTILITIES IN MARION COUNTY (VALID FOR 60 DAYS) 02/08/2011 - 04/08/2011

**UTILITY NAME** 

**MANAGER** 

# **GOVERNMENTAL AGENCIES**

WITHLACOOCHEE REG. PLANNING COUNCIL 1241 S.W. 10TH STREET OCALA, FL 34474-2798

# LIST OF WATER AND WASTEWATER UTILITIES IN MARION COUNTY (VALID FOR 60 DAYS) 02/08/2011 - 04/08/2011

**UTILITY NAME** 

**MANAGER** 

## STATE OFFICIALS

OFFICE OF PUBLIC COUNSEL 111 WEST MADISON STREET SUITE 812 TALLAHASSEE, FL 32399-1400

Sec. 11.

OFFICE OF COMMISSION CLERK FLORIDA PUBLIC SERVICE COMMISSION 2540 SHUMARD OAK BOULEVARD TALLAHASSEE, FL 32399-0850