

STATE OF FLORIDA

COMMISSIONERS:  
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GENERAL COUNSEL  
CHARLIE BECK  
(850) 413-6199

# Public Service Commission

November 12, 2015

Kenneth J. Plante, Coordinator  
Joint Administrative Procedures Committee  
Room 680, Pepper Building  
111 W. Madison Street  
Tallahassee, FL 32399-1400

RECEIVED  
2015 NOV 12 PM 12:10  
JOINT ADMINISTRATIVE  
PROCEDURES COMMITTEE

RE: Docket No. 150198-WS; Rules 25-30.029, 25-30.030, 25-30.032, 25-30.033, 25-30.034, 25-30.035, 25-30.036, 25-30.037, 25-30.038, 25-30.039, and 25-30.090, F.A.C.

Dear Mr. Plante:

Enclosed are the following materials concerning the above referenced proposed rules:

1. A copy of the proposed rules.
2. A copy of all materials incorporated by reference in the proposed rules.
3. A copy of the F.A.R. notice.
4. A statement of facts and circumstances justifying the proposed rules.
5. A federal standards statement.
6. Statement of Estimated Regulatory Costs for the rules.

RECEIVED FPSC  
15 NOV 12 PM 1:18  
COMMISSION  
CLERK

If there are any questions with respect to these rules, please do not hesitate to call me at 413-6216.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kathryn G. W. Cowdery".  
Kathryn G. W. Cowdery  
Senior Attorney

Enclosures

cc: Office of Commission Clerk

1     25-30.029 Legal Description of Service Area

2     (1) The utility shall provide a legal description of the service area to be served, extended,  
3     deleted, or transferred in the following applications:

4     (a) An original certificate of authorization and initial rates and charges as provided in Rule 25-  
5     30.033, F.A.C.;

6     (b) An original certificate of authorization for an existing utility currently charging for service  
7     provided in Rule 25-30.034, F.A.C.;

8     (c) An original certificate of authorization following rescission of jurisdiction by a county as  
9     provided in Rule 25-30.035, F.A.C.;

10    (d) An extension of service area as provided in Sections 25-30.036(2) or (3), F.A.C.;

11    (e) A deletion of service area as provided in Section 25-30.036(4), F.A.C.;

12    (f) A transfer of a regulated utility to another regulated utility as provided in Section 25-  
13    30.037(2), F.A.C.;

14    (g) A transfer of an exempt entity to a regulated utility or transfer of a utility in a  
15    nonjurisdictional county to a regulated utility as provided in Section 25-30.037(3), F.A.C.;

16    (h) A transfer of majority organizational control of a regulated utility as provided in Section  
17    25-30.037(4), F.A.C.;

18    (i) A transfer of a regulated utility to an exempt entity other than a governmental authority as  
19    provided in Section 25-30.037(5), F.A.C.; or

20    (j) A partial transfer of a regulated utility to a governmental authority as provided in paragraph  
21    25-30.038(2)(h)2., F.A.C.

22    (2) The legal description of the service area to be served, extended, deleted or transferred shall  
23    identify:

24    (a) A reference to township(s), range(s), land section(s), and county(s); and

25    (b) A complete and accurate description of the service area to be served, added, deleted, or



1 transferred. The description may reference interstates, state roads, local streets, and major  
2 bodies of water, but shall not rely on references to government lots, recorded plats or lots,  
3 tracts, or other recorded instruments. The description shall be provided in one of the  
4 following formats:  
5 1. Sections. If the service area includes complete sections, the description shall only include  
6 the township, range, and section reference. If the service area includes partial sections, the  
7 description shall identify the subsections to be included or excluded.  
8 2. Metes and bounds. The description shall identify a point of beginning which is referenced  
9 from either a section corner or a subsection corner, such as a quarter corner. The perimeter  
10 shall be described by traversing the service area boundary and closing at the point of  
11 beginning. The description shall identify all bearings and distances necessary to provide  
12 continuous description.  
13 Rulemaking Authority 350.127(2), 367.045, 367.121(1) FS. Law Implemented 367.045,  
14 367.071 FS. History New-

1       25-30.030 Notice of Application and of Customer Meeting.

2       (1) ~~When Aa utility applies for a certificate of authorization, an extension or deletion of its~~  
3       ~~service area, or a sale, assignment or transfer of its certificate of authorization, facilities or any~~  
4       ~~portion thereof or majority organizational control,~~ it shall provide notice of its application in  
5       the manner and to the entities described in this rule when it applies for any of the following:  
6       section.

7       (a) An original certificate of authorization and initial rates and charges as provided in Rule 25-  
8       30.033, F.A.C.;

9       (b) An original certificate of authorization for existing utility currently charging for service as  
10       provided in Rule 25-30.034, F.A.C.;

11       (c) An extension of service area as provided in Rule 25-30.036(2) or (3), F.A.C.;

12       (d) A deletion of service area as provided in Rule 25-30.036(4), F.A.C.;

13       (e) A transfer of a regulated utility to another regulated utility as provided in Rule 25-  
14       30.037(2), F.A.C.;

15       (f) A transfer of an exempt entity to a regulated utility or transfer of a utility in a  
16       nonjurisdictional county to a regulated utility as provided in Rule 25-30.037(3), F.A.C.;

17       (g) A transfer of majority organizational control of a regulated utility as provided in Rule 25-  
18       30.037(4), F.A.C.; or

19       (h) A transfer of a regulated utility to an exempt entity other than a governmental authority as  
20       provided in Rule 25-30.037(5), F.A.C.

21       (2) After filing an application as described in subsection (1) above, and b~~Before~~ providing  
22       notice in accordance with this section, a utility shall obtain from the Commission staff a list of  
23       the names and addresses of the governing body of the county(ies) or municipality(ies)  
24       affected, municipalities, the county or counties, the appropriate regional planning council, the  
25       Office of Public Counsel, the Commission's Office of Commission Clerk, the appropriate

1 regional office of the Department of Environmental Protection, the appropriate water  
2 management district, and privately-owned water and wastewater utilities that hold a certificate  
3 granted by the ~~Public Service~~ Commission and that are located within the county in which the  
4 utility or the territory proposed to be served is located. ~~In addition,~~ If any portion of the  
5 proposed territory is within one mile of a county boundary, the utility ~~shall obtain from the~~  
6 ~~Commission~~ a list shall include of the names and addresses of the privately-owned utilities  
7 located in the bordering county ~~counties~~ and holding a certificate granted by the Commission.  
8 The utility's request for the list shall include a complete legal description of the territory to be  
9 requested in the application that includes:

10 (a) ~~A reference to township(s), range(s), land section(s) and county; and~~  
11 (b) ~~A complete and accurate description of the territory served or proposed to be served in one~~  
12 ~~of the following formats. The description may reference interstates, state roads, and major~~  
13 ~~bodies of water. The description shall not rely on references to government lots, local streets,~~  
14 ~~recorded plats or lots, tracts, or other recorded instruments.~~

15 1. ~~Sections: If the territory includes complete sections, the description shall only include the~~  
16 ~~township, range, and section reference. If the territory includes partial sections, the description~~  
17 ~~shall either identify the subsections included or excluded.~~

18 2. ~~Metes and bounds: A point of beginning which is referenced from either a section corner or~~  
19 ~~a subsection corner, such as a quarter corner. The perimeter shall be described by traversing~~  
20 ~~the proposed territory and closing at the point of beginning. The description shall include all~~  
21 ~~bearings and distances necessary to provide a continuous description.~~

22 (3) The notice shall be titled, as applicable appropriately styled:

23 (a) Notice of Application for Original ~~an Initial~~ Certificate of Authorization and Initial Rates  
24 and Charges for Water, Wastewater, or Water and Wastewater Service Certificate;

25 (b) Notice of Application for Original Certificate of Authorization for Existing Utility



- 1 Currently Charging for Water, Wastewater, or Water and Wastewater Service;
- 2 ~~(c)(b)~~ Notice of Application for Amendment to Certificate of Authorization To Extend an
- 3 Extension of Service Area;
- 4 ~~(d)(e)~~ Notice of Application for Amendment to Certificate of Authorization To Delete
- 5 Deletion of Service Area;
- 6 ~~(e)(d)~~ Notice of Application for Authority to a Transfer of Water, Wastewater, or Water and
- 7 Wastewater Certificate(s) of Authorization to Another Regulated Utility; or
- 8 (f) Notice of Application for Authority to Transfer an Exempt Entity to a Regulated Utility or
- 9 Transfer of a Utility in a Non-jurisdictional County To a Regulated Utility That Results in a
- 10 System Whose Service Transverses County Boundaries;
- 11 ~~(g)(e)~~ Notice of Application for Authority to a Transfer of Majority Organizational Control
- 12 of a Regulated Utility; or
- 13 (h) Notice of Application for Authority to Transfer a Regulated Utility to an Exempt Entity
- 14 Other than a Governmental Authority.
- 15 (4) The Notice of Application notice shall be provided to the Office of Commission Clerk, for
- 16 Commission staff approval prior to distribution and shall state include the following:
- 17 (a) The date the notice is given;
- 18 (b) The name, ~~and~~ address, telephone number, and, if available, e-mail address, and fax
- 19 number of the applicant;
- 20 (c) The common name of developments served by the utility;
- 21 (d) The application docket number and title, if available;
- 22 (e) The common reference of street names bordering the area served by the utility, if
- 23 applicable;
- 24 ~~(f)(e)~~ A description, ~~using township, range and section references,~~ of the service area territory
- 25 proposed to be ~~either~~ served, extended, added, deleted, or transferred as provided by Rule 25-

1 30.029, F.A.C. An abbreviated description using section, township, and range of the subject  
2 service area may be provided so long as the notice contains a disclosure that the legal  
3 description has been simplified and that a complete legal description can be obtained from the  
4 applicant; and  
5 (g) If applicable, the notice shall include a statement that the utility is not requesting any  
6 changes to its rates, classifications, charges, rules, and regulations in the application; and  
7 (h)(d) A statement that any objections to the application must be filed with the Director,  
8 Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-  
9 0850, no later than 30 days after the last date that the notice was mailed or published,  
10 whichever is later.  
11 (5) Within 7 days of filing its application, the utility shall provide a copy of the notice of the  
12 service area proposed to be served, extended, deleted, or transferred as follows by regular mail  
13 to:  
14 (a) By regular mail to the governmental entities and utilities identified on the list described in  
15 subsection (2) above;  
16 (a) The governing body of the county in which the utility system or the territory proposed to  
17 be served is located;  
18 (b) The governing body of any municipality contained on the list obtained pursuant to  
19 subsection (2) above;  
20 (c) The regional planning council designated by the Clean Water Act, 33 U.S.C. 1288(2);  
21 (d) All water or wastewater utilities contained on the list(s) obtained pursuant to subsection (2)  
22 above;  
23 (e) The office of Public Counsel;  
24 (f) The Commission's Office of Commission Clerk;  
25 (g) The appropriate regional office of the Department of Environmental Protection; and

CODING: Words underlined are additions; words in ~~struck through~~ type are deletions from existing law.

1 ~~(h) The appropriate Water Management District.~~

2 ~~(b)(6) No sooner than 21 days before the application is filed and no later than 7 days after the~~  
3 ~~application is filed, the utility shall also provide a copy of the Notice, Bby regular mail or~~  
4 ~~personal service; to each customer and owner of property located within the existing service~~  
5 ~~area and the service area to be served, extended, deleted or transferred; and, of the system to~~  
6 ~~be certificated, transferred, acquired, or deleted.~~

7 ~~(c)(7) By publication The Notice shall be published once in a newspaper of general circulation~~  
8 ~~in the proposed service area. If the utility service area crosses county lines, notice shall be~~  
9 ~~published in a newspaper of general circulation in each county. territory proposed to be~~  
10 ~~served, added, deleted, or transferred. The publication shall be within 7 days of filing the~~  
11 ~~application.~~

12 ~~(6) All applications requiring noticing shall be deemed deficient until affidavits of noticing~~  
13 ~~required by Sections 367.045(1)(e) and (2)(f), F.S., along with a copy of the notice, are filed~~  
14 ~~with the Office of Commission Clerk. The affidavits shall attest that the notices were given as~~  
15 ~~prescribed in paragraphs (5)(a), (b), and (c) above. The applicant shall obtain the affidavit of~~  
16 ~~notice publication, pursuant to paragraph (5)(c) above, from the newspaper(s).~~

17 ~~(8) A copy of the notice(s) and list of the entities receiving notice pursuant to this rule shall~~  
18 ~~accompany the affidavit required by Sections 367.045(1)(e) and (2)(f), F.S. The affidavit shall~~  
19 ~~be filed no later than 15 days after filing the application.~~

20 ~~(7) No less than 14 days and no more than 30 days prior to the date of a customer meeting~~  
21 ~~conducted by the Commission staff, the utility shall provide written notice of the date, time,~~  
22 ~~location, and purpose of the customer meeting to all customers within the affected service~~  
23 ~~areas. The notice shall be approved by the Commission staff prior to distribution. The notice~~  
24 ~~shall be mailed to the out-of-town address of all customers who have provided the utility with~~  
25 ~~an out-of-town address.~~



1 (8)(9) This rule does not apply to applications for ~~grandfather~~ certificates following rescission  
2 of jurisdiction by counties filed under Section 367.171, F.S.; ~~or to applications for transfers~~  
3 to governmental authorities filed under Section 367.071, F.S.; or abandonments filed under  
4 Section 367.165, F.S. to name changes.

5 *Rulemaking Authority 350.127(2), 367.045(2), 367.121(1) FS. Law Implemented 367.031,*  
6 *367.045, 367.071, FS. History—New 4-5-81, Formerly 25-10.061, 25-10.0061, Amended 11-*  
7 *10-86, 1-27-91, 11-30-93, \_\_\_\_\_.*

1     25-30.032 Combined Applications.

2     ~~(1) Each utility subject to regulation by the Commission shall apply for an initial certificate of~~  
3     ~~authorization, amendment to an existing certificate of authorization, transfer, or name change,~~  
4     ~~by filing a completed application and six copies, in accordance with either Rule 25-30.033,~~  
5     ~~25-30.034, 25-30.035, 25-30.036, subsection 25-30.037(1) or (2), or Rule 25-30.039, F.A.C.~~

6     ~~However, a utility shall apply for a transfer to a governmental authority by filing a completed~~  
7     ~~application and two copies, in accordance with subsections 25-30.037 (3) and (4), F.A.C. The~~  
8     ~~application shall be filed with the Office of Commission Clerk, 2540 Shumard Oak Boulevard,~~  
9     ~~Tallahassee, Florida 32399-0850. Sample application forms may be obtained from the~~  
10    ~~Division of Engineering, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.~~

11    ~~(2) A utility may file a combined application applications for multiple certificate actions if it is~~  
12    ~~applying for certificates of authorization or any amendments thereto for both water and~~  
13    ~~wastewater systems; however, the utility shall remit a separate application fee for each action~~  
14    ~~and system service. The Commission will treat a combined application as if a separate~~  
15    ~~application had been filed for each action and system service.~~

16    ~~(3) The official filing date of an application for an original certificate, any amendment to an~~  
17    ~~existing certificate, or any transfer shall be the date a completed application is filed with the~~  
18    ~~Office of Commission Clerk, except that the noticing requirements set forth in Rule 25-~~  
19    ~~30.030, F.A.C., do not need to be completed at that time. If, however, the utility has not~~  
20    ~~completed the noticing within the time limits prescribed by Rule 25-30.030, F.A.C., the~~  
21    ~~official filing date shall be the date the noticing is complete.~~

22    *Rulemaking Authority 350.127(2), 367.121 FS. Law Implemented 367.031, 367.045, 367.071,*  
23    ~~*367.083 FS. History—New 1-27-91, Amended 11-30-93, 5-29-08, \_\_\_\_\_.*~~

24

25

25-30.033 Application for Original Certificate of Authorization and Initial Rates and Charges.

(1) Each applicant ~~application~~ for an original certificate of authorization and initial rates and charges shall file with the Commission Clerk ~~provide~~ the ~~following~~ information: set forth in paragraphs (a) through (q). Form PSC 1001 (12/15), entitled "Application for Original Certificate of Authorization for a Proposed or Existing System Requesting Initial Rates and Charges," which is incorporated by reference in this rule and is available at [Dept. of State hyperlink], is an example application that may be completed by the applicant and filed with the Office of Commission Clerk to comply with this subsection. This form is also available on the Commission's Web site, www.floridapsc.com.

(a) A filing fee pursuant to Rule 25-30.020(2)(a), F.A.C.;

(b) Proof of noticing pursuant to Rule 25-30.030, F.A.C.;

(c)(a) The utility's ~~applicant's~~ name, and address, telephone number, Federal Employer Identification Number, authorized representative, and, if available, e-mail address and fax number;

(d)(b) The nature of the utility's ~~applicant's~~ business organization, i.e., corporation, ~~limited liability company~~, partnership, limited partnership, sole proprietorship, ~~or association, etc.;~~

The applicant must provide documentation from the Florida Department of State, Division of Corporations, showing:

1. The utility's business name and registration/document number for the business, unless operating as a sole proprietor, and

2. The utility's fictitious name and registration number for the fictitious name, if operating under a fictitious name;

(e)(e) The name(s), and address(es), and percentage of ownership of each entity or person that owns or will own more than 5 percent interest in the utility of all corporate officers, directors,



1 ~~partners, or any other person(s) or entities owning an interest in the applicant's business~~  
2 ~~organization;~~

3 ~~(f)(d) The election the business has made~~ Whether the applicant has made an election under  
4 the Internal Revenue Code for taxation purposes § 1362 to be an S corporation;

5 (g) A statement indicating whether the application is for water, wastewater, or both. If the  
6 applicant is applying for water or wastewater only, the statement shall include how the other  
7 service is provided;

8 ~~(h)(e) To demonstrate~~ A statement showing the necessary financial and technical ability of  
9 the applicant to provide service to the proposed service area, the applicant shall provide; and  
10 the need for service in the proposed area. The statement shall identify any other utilities within  
11 the area proposed to be served that could potentially provide service, and the steps the  
12 applicant took to ascertain whether such other service is available;

13 1. A detailed financial statement (balance sheet and income statement), audited if available, of  
14 the financial condition of the applicant, which shows all assets and liabilities of every kind and  
15 character. The financial statements shall be for the preceding calendar or fiscal year. The  
16 financial statement shall be prepared in accordance with Rule 25-30.115, F.A.C. If available,  
17 a statement of the sources and uses of funds shall also be provided; and

18 2. A list of all entities, including affiliates, upon which the applicant is relying to provide  
19 funding to the utility and an explanation of the manner and amount of such funding. The list  
20 need not include any person or entity holding less than 5 percent ownership interest in the  
21 utility. The applicant shall provide copies of any financial agreements between the listed  
22 entities and the utility and proof of the listed entities' ability to provide funding, such as  
23 financial statements;

24 (i) To demonstrate the technical ability of the applicant to provide service, the applicant shall  
25 provide:

- 1 1. A statement of the applicant's experience in the water or wastewater industry;
- 2 2. A copy of all current permits from the Department of Environmental Protection (DEP) and
- 3 the water management district;
- 4 3. A copy of the most recent DEP and/or county health department sanitary survey,
- 5 compliance inspection report, and secondary standards drinking water report; and
- 6 4. A copy of all correspondence with the DEP, county health department, and water
- 7 management district, including consent orders and warning letters, and the utility's responses
- 8 to the same, for the past five years;
- 9 (j) To describe the proposed service area, the applicant shall provide:
- 10 1. A legal description of the proposed service area in the format described in Rule 25-30.029,
- 11 F.A.C.;
- 12 2. A detailed system map showing the existing and proposed lines and treatment facilities,
- 13 with the territory proposed to be served plotted thereon, consistent with the legal description
- 14 provided in subparagraph (j)1. above. The map shall be of sufficient scale and detail to enable
- 15 correlation with the description of the territory proposed to be served; and
- 16 3. An official county tax assessment map, or other map showing township, range, and section
- 17 with a scale such as 1" = 200' or 1" = 400', with the proposed territory plotted thereon,
- 18 consistent with the legal description provided in subparagraph (j)1. above;
- 19 (k) To demonstrate the need for service in the proposed area, the applicant shall provide:
- 20 1. The number of customers currently being served and proposed to be served, by customer
- 21 class and meter size, including a description of the types of customers currently being served
- 22 and anticipated to be served, i.e., single family homes, mobile homes, duplexes, golf course
- 23 clubhouse, or commercial. If the development will be in phases, this information shall be
- 24 separated by phase;
- 25 2. A copy of all requests for service from property owners or developers in areas not currently



1 served;  
2 3. The current land use designation of the proposed service territory as described in the local  
3 comprehensive plan at the time the application is filed. If the proposed development will  
4 require a revision to the comprehensive plan, describe the steps taken and to be taken to  
5 facilitate those changes, including changes needed to address the proposed need for service;  
6 and  
7 ~~(f) A statement that to the best of the applicant's knowledge, the provision of service will be~~  
8 ~~consistent with the water and wastewater sections of the local comprehensive plan as approved~~  
9 ~~by the Department of Community Affairs at the time the application is filed, or, if not~~  
10 ~~consistent, a statement demonstrating why granting the certificate of authorization would be in~~  
11 ~~the public interest;~~  
12 4. Any known land use restrictions, such as environmental restrictions imposed by  
13 governmental authorities;  
14 ~~(l)(g)~~ The date applicant began or plans to begin serving customers. If already serving  
15 customers, a description of when and under what circumstances the applicant began serving;  
16 ~~(h) The number of equivalent residential connections (ERCs) proposed to be served, by meter~~  
17 ~~size and customer class. If development will be in phases, separate this information by phase;~~  
18 ~~(i) A description of the types of customers anticipated, i.e., single family homes, mobile~~  
19 ~~homes, duplexes, golf course clubhouse, commercial, etc.;~~  
20 ~~(m)(j)~~ Documentation of the utility's right to access and continued use of Evidence, in the  
21 form of a warranty deed, that the utility owns the land upon which the utility treatment  
22 facilities are or will be located. Documentation of continued use shall be in the form of a  
23 recorded warranty deed, recorded quit claim deed accompanied by title insurance, recorded  
24 lease, or a copy of an agreement which provides for the continued use of the land, such as a  
25 99-year lease, or recorded easement. The Commission may consider a written easement or



1 ~~other cost-effective alternative.~~ The applicant may submit a contract for the purchase and sale  
2 of land with an unrecorded ~~unexecuted~~ copy of the instrument granting the utility's right to  
3 access and continued use of the land upon which the utility treatment facilities are or will be  
4 located ~~warranty deed~~, provided the applicant files a ~~an executed and recorded copy of the~~  
5 ~~deed, or executed copy of the lease~~, within the time required in 30 days after the order  
6 granting the certificate;

7 ~~(k) One original and two copies of a sample tariff, containing all rates, classifications, charges,~~  
8 ~~rules, and regulations, which shall be consistent with Chapter 25-9, F.A.C. Model tariffs are~~  
9 ~~available from the Division of Economics, 2540 Shumard Oak Boulevard, Tallahassee,~~  
10 ~~Florida 32399-0850;~~

11 ~~(l) A description of the territory to be served, using township, range and section references as~~  
12 ~~specified in subsection 25-30.030(2), F.A.C.;~~

13 ~~(m) One copy of a detailed system map showing the proposed lines, treatment facilities and~~  
14 ~~the territory proposed to be served. The map shall be of sufficient scale and detail to enable~~  
15 ~~correlation with the description of the territory proposed to be served;~~

16 ~~(n) One copy of the official county tax assessment map, or other map showing township,~~  
17 ~~range, and section with a scale such as 1" = 200' or 1" = 400', with the proposed territory~~  
18 ~~plotted thereon by use of metes and bounds or quarter sections, and with a defined reference~~  
19 ~~point of beginning;~~

20 ~~(n)(o)~~ A description of ~~statement regarding~~ the separate capacities of the existing and  
21 proposed lines and treatment facilities in terms of equivalent residential connections (ERCs)  
22 and gallons per day estimated demand per ERC for water and wastewater and the basis for  
23 such estimate. If the development will be in phases, ~~separate~~ this information shall be  
24 separated by phase;

25 ~~(o)(p)~~ A written description of the type of water treatment, wastewater treatment, and method

1 of effluent disposal;

2 ~~(q) If subsection (p) above does not include effluent disposal by means of reuse, a statement~~

3 ~~that describes with particularity the reasons for not using reuse;~~

4 ~~(r) A detailed financial statement (balance sheet and income statement), certified if available,~~

5 ~~of the financial condition of the applicant, that shows all assets and liabilities of every kind~~

6 ~~and character. The income statement shall be for the preceding calendar or fiscal year. If an~~

7 ~~applicant has not operated for a full year, then the income statement shall be for the lesser~~

8 ~~period. The financial statement shall be prepared in accordance with Rule 25-30.115, F.A.C. If~~

9 ~~available, a statement of the source and application of funds shall also be provided;~~

10 ~~(s) A list of all entities, including affiliates, upon which the applicant is relying to provide~~

11 ~~funding to the utility, and an explanation of the manner and amount of such funding, which~~

12 ~~shall include their financial statements and copies of any financial agreements with the utility.~~

13 ~~This requirement shall not apply to any person or entity holding less than 10 percent~~

14 ~~ownership interest in the utility;~~

15 ~~(t) A cost study including customer growth projections supporting the proposed rates, charges~~

16 ~~and service availability charges. A sample cost study, and assistance in preparing initial rates~~

17 ~~and charges, are available from the Division of Economics;~~

18 (p) To support the proposed rates and charges, the applicant shall provide:

19 1. The existing and projected cost of the system(s) and associated depreciation by year until

20 design capacity is reached using the National Association of Regulatory Utility

21 Commissioners (NARUC) 1996 Uniform System of Accounts (USOA), which is incorporated

22 by reference in Rule 25-30.115, F.A.C. The applicant shall identify the year that 80 percent of

23 design capacity is anticipated. ~~(u) A schedule showing the projected cost of the proposed~~

24 ~~system(s) by uniform system of accounts (USOA) account numbers pursuant to Rule 25-~~

25 ~~30.115, F.A.C., and the related capacity of each system in ERCs and gallons per day. If the~~



1 utility will be built in phases, this shall apply only to the first phase;

2 2. The existing and projected annual contributions-in-aid-of-construction (CIAC) and  
3 associated amortization by year including a description of assumptions regarding customer  
4 growth projections using the same projections used in subparagraph (1)(k)1. above for the  
5 proposed service area. The projected CIAC shall identify cash and property contributions and  
6 amortization at 100 percent of design capacity and identify the year when 80 percent of design  
7 capacity is anticipated. The projected CIAC shall be consistent with the service availability  
8 policy and charges in the proposed tariff provided in paragraph (q) below, the schedule  
9 provided in subparagraph (p)6. below, and the CIAC guidelines in 25-30.580, F.A.C. If the  
10 utility will be built in phases, this shall apply only to the first phase;

11 ~~(v) A schedule showing the projected operating expenses of the proposed system by USOA~~  
12 ~~account numbers, when 80 percent of the designed capacity of the system is being utilized. If~~  
13 ~~the utility will be built in phases, this shall apply to the first phase; and~~

14 3.(w) A schedule showing the projected capital structure including the methods of financing  
15 the construction and operation of the utility until the utility reaches 80 percent of the design  
16 capacity of the system. If the utility will be built in phases, this shall apply only to the first  
17 phase;

18 4. The current annual operating expenses and the projected annual operating expenses at 80  
19 percent of design capacity using the NARUC USOA. If the utility will be built in phases, this  
20 shall apply only to the first phase;

21 5. A schedule showing how the proposed rates were developed;

22 6. A schedule showing how the proposed service availability policy and charges were  
23 developed, including meter installation, main extension, and plant capacity charges, and  
24 proposed donated property; and

25 7. A schedule showing how the customer deposits and miscellaneous service charges were



1 developed, including initial connection, normal reconnection, violation reconnection, and  
2 premises visit fees, consistent with Rules 25-30.311 and 25-30.460, F.A.C.; and  
3 (q) A tariff containing all rates, classifications, charges, rules, and regulations which shall be  
4 consistent with Chapter 25-9, F.A.C. Form PSC 1010 (12/15), entitled "Water Tariff," which  
5 is incorporated by reference in this rule and is available at [Department of State hyperlink] and  
6 Form PSC 1011 (12/15), entitled "Wastewater Tariff," which is incorporated by reference in  
7 this rule and is available at [Department of State hyperlink], are example tariffs that may be  
8 completed by the applicant and included in the application. These forms may also be obtained  
9 from the Commission's website, www.floridapsc.com.  
10 (2) The base facility and usage rate structure (as defined in subsection 25-30.437(b), F.A.C.)  
11 shall be utilized for metered service, unless an alternative rate structure is supported by the  
12 applicant and authorized by the Commission.  
13 (3) A return on common equity shall be established using current equity leverage formula  
14 established by order of this Commission pursuant to Section 367.081(4), F.S., unless there is  
15 competent substantial evidence supporting the use of a different return on common equity.  
16 (4) Utilities obtaining original ~~initial~~ certificates of authorization pursuant to this rule are  
17 authorized to accrue allowance for funds used during construction (AFUDC) for projects  
18 found eligible pursuant to subsection 25-30.116(1), F.A.C. .  
19 (a) The applicable AFUDC rate shall be dsetermined as the utility's projected weighted cost of  
20 capital as demonstrated in its application for original certificate and initial rates and charges.  
21 (b) A discounted monthly AFUDC rate calculated in accordance with subsection 25-  
22 30.116(3), F.A.C., shall be used to insure that the annual AFUDC charged does not exceed  
23 authorized levels.  
24 (c) The date the utility shall begin to charge the AFUDC rate shall be the date the certificate of  
25 authorization is issued to the utility so that such rate can apply to the initial construction of the

1 utility facilities.  
2 *Rulemaking Authority 350.127(2), 367.045(1), 367.121, 367.1213 FS. Law Implemented*  
3 *367.031, 367.045, 367.1213 FS. History—New 1-27-91, Amended 11-30-93, \_\_\_\_\_.*  
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25-30.034 Application for Original Certificate of Authorization for Existing Utility  
Currently Charging for Service.

(1) Each applicant for an original certificate of authorization for an existing utility currently  
charging for service, ~~which is applying for an initial certificate of authorization,~~ other than an  
application filed under Section 367.171, F.S., shall file with the Commission Clerk ~~provide~~ the  
~~following~~ information: set forth in paragraphs (a) through (o) and, if applicable, paragraphs  
(2)(a) through (c). Form PSC 1002 (12/15), entitled "Application for Original Certificate of  
Authorization for Existing Utility Currently Charging for Service," which is incorporated by  
reference in this rule and is available at [Department of State hyperlink], is an example  
application that may be completed by the applicant and filed with the Office of Commission  
Clerk to comply with this subsection. This form is also available on the Commission's  
website, [www.floridapsc.com](http://www.floridapsc.com).

(a) A filing fee pursuant to Rule 25-30.020(2)(a), F.A.C.;

(b) Proof of noticing pursuant to Rule 25-30.030, F.A.C.;

(c)(a) The utility's ~~complete~~ name, and address, telephone number, Federal Employer  
Identification Number, authorized representative, and if available, e-mail address and fax  
number;

(d)(b) The nature of the utility's business organization, i.e., corporation, limited liability  
company, partnership, limited partnership, sole proprietorship, association, ~~etc.~~; The applicant  
must provide documentation from the Florida Department of State, Division of Corporations,  
showing:

1. The utility's business name and registration/document number for the business, unless  
operating as a sole proprietor; and

2. The utility's fictitious name and registration number for the fictitious name, if operating  
under a fictitious name;



- 1 (e)(e) The name(s), and address(es), and percentage of ownership of each entity or person  
2 which owns or will own more than a 5 percent of all corporate officers, directors, partners, or  
3 any other person(s) owning an interest in the utility;
- 4 (f) A statement indicating whether the application is for water, wastewater, or both. If the  
5 applicant is applying for water or wastewater only, the statement shall include how the other  
6 service is provided;
- 7 (g) A description of the types of customers served, i.e., single family homes, mobile homes,  
8 duplexes, golf course clubhouse, or commercial;
- 9 (h) A schedule showing the number of customers currently served, by class and meter size, as  
10 well as the number of customers projected to be served when the requested service territory is  
11 fully developed;
- 12 (i)(d) To demonstrate A statement regarding that the applicant has the necessary financial and  
13 technical ability of the applicant to continue to provide service to the proposed service area,  
14 the applicant shall provide:
- 15 1. A detailed financial statement (balance sheet and income statement), audited if available, of  
16 the financial condition of the applicant, which shows all assets and liabilities of every kind and  
17 character. The financial statements shall be for the preceding calendar or fiscal year. The  
18 financial statement shall be prepared in accordance with Rule 25-30.115, F.A.C. If available,  
19 a statement of the sources and uses of funds shall also be provided;
- 20 2. A list of all entities, including affiliates, upon which the applicant is relying to provide  
21 funding to the utility and an explanation of the manner and amount of such funding. The list  
22 need not include any person or entity holding less than 5 percent ownership interest in the  
23 utility. The applicant shall provide copies of any financial agreements between the listed  
24 entities and the utility and proof of the listed entities' ability to provide funding, such as  
25 financial statements;

- 1 (j) To demonstrate the technical ability of the applicant to provide service, the applicant shall  
2 provide the following:
- 3 1. A statement of the applicant's experience in the water and wastewater industry;
  - 4 2. A copy of all current permits from the Department of Environmental Protection (DEP) and  
5 the water management district;
  - 6 3. A copy of the most recent DEP and/or county health department sanitary survey,  
7 compliance inspection report, and secondary standards drinking water report; and
  - 8 4. A copy of all correspondence with the DEP, county health department, and water  
9 management district, including consent orders and warning letters, and the utility's responses  
10 to the same, for the past five years;
- 11 (k) To describe the proposed service area, the applicant shall provide:
- 12 1. A legal description of the proposed service area in the format prescribed in Rule 25-30.029,  
13 F.A.C.;
  - 14 2. A detailed system map showing existing and proposed lines and treatment facilities with the  
15 territory proposed to be served plotted thereon, consistent with the legal description provided  
16 in subparagraph (1)(k)1. above. Any territory not served at the time of the application shall be  
17 specifically identified on the system map. The map shall be of sufficient scale and detail to  
18 enable correlation with the description of the territory proposed to be served; and
  - 19 3. An official county tax assessment map; or other map showing township, range, and section  
20 with a scale such as 1"=200' or 1"=400', with the proposed territory plotted thereon, consistent  
21 with the legal description provided in subparagraph (k)1. above;
- 22 (l) A statement explaining when and under what circumstances the applicant began providing  
23 service prior to obtaining a certificate of authorization;
- 24 (m)(e) Documentation of the utility's right to access and continued term use of Evidence that  
25 the utility owns the land upon which the utility treatment facilities are located. Documentation



1 of continued use shall be in the form of a recorded warranty deed, recorded quit claim deed  
2 accompanied by title insurance, recorded lease or a copy of an agreement which provides for  
3 the continued use of the land, such as a 99-year lease, or recorded easement. The applicant  
4 may submit an unrecorded copy of the instrument granting the utility's right to access and  
5 continued use of the land upon which the utility treatment facilities are or will be located,  
6 provided the applicant files a recorded copy within the time required in the order granting the  
7 certificate. The Commission may consider a written easement or other cost-effective  
8 alternative;  
9 (n) Documentation specifying on what date and under what authority the current rates and  
10 charges were established; and  
11 (o)(f) ~~A~~ One original and two copies of a model tariff, containing all rates, classifications,  
12 charges, rules, and regulations, which shall be consistent with Chapter 25-9, F.A.C. Form PSC  
13 1010 (12/15), entitled "Water Tariff" and Form PSC 1011 (12/15), entitled "Wastewater  
14 Tariff," which are incorporated by reference in Rule 25-30.033, F.A.C., are example tariffs  
15 that may be completed by the applicant and included in the application. These forms may also  
16 be obtained from the Commission's website, [www.floridapsc.com](http://www.floridapsc.com). Model tariffs are available  
17 from the Division of Economics, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-  
18 0850;  
19 (g) A statement specifying on what date and under what authority the current rates and charges  
20 were established;  
21 (h) A description of the territory to be served, using township, range and section references as  
22 specified in subsection 25-30.030(2), F.A.C.;  
23 (i) One copy of a detailed system map showing the lines, treatment facilities and the territory  
24 to be served. Any territory not served at the time of the application shall be specifically  
25 identified on the system map. The map shall be of sufficient scale and detail to enable



- 1 correlation with the description of the territory to be served;
- 2 (j) One copy of the official county tax assessment map, or other map showing township,
- 3 range, and section with a scale such as 1"=200' or 1"=400', with the proposed territory plotted
- 4 thereon by use of metes and bounds or quarter sections, and with a defined reference point of
- 5 beginning;
- 6 (k) The numbers and dates of any permits issued for the systems by the Department of
- 7 Environmental Protection;
- 8 (l) The date the utility was established;
- 9 (m) A statement explaining how and why applicant began providing service prior to obtaining
- 10 a certificate of authorization; and
- 11 (n) A schedule showing the number of customers currently served, by class and meter size, as
- 12 well as the number of customers projected to be served when the requested service territory is
- 13 fully occupied.
- 14 (2) If the applicant is requesting any territory not served at the time of application, provide the
- 15 following:
- 16 (a) To demonstrate A statement showing the need for service in the proposed area, the
- 17 applicant shall provide the following:
- 18 1. The number of customers proposed to be served, by customer class and meter size,
- 19 including a description of the types of customers anticipated to be served, i.e., single family
- 20 homes, mobile homes, duplexes, golf course clubhouse, or commercial. If the development
- 21 will be in phases, this information shall be separated by phase; and
- 22 2. A copy of all requests for service from property owners or developers in areas not currently
- 23 served; and
- 24 (b) The current land use designation of the proposed service territory as described in A
- 25 statement that to the best of the applicant's knowledge, the provision of service in this territory

1 ~~will be consistent with the water and wastewater sections of the local comprehensive plan as~~  
2 ~~approved by the Department of Community Affairs at the time the application is filed. If the~~  
3 proposed development will require a revision to the comprehensive plan, describe the steps  
4 taken and to be taken to facilitate those changes, including changes needed to address the  
5 proposed need for service described in paragraph (2)(a) above; and, or, if not consistent, a  
6 ~~statement demonstrating why granting the territory would be in the public interest.~~  
7 (c) Any known land use restrictions, such as environmental restrictions imposed by  
8 governmental authorities.

9 *Rulemaking Authority 350.127(2), 367.045, 367.121(1), 367.1213 FS. Law Implemented*  
10 *367.045, 367.1213 FS. History—New 1-27-91, Amended 11-30-93, \_\_\_\_\_.*  
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25-30.035 Application for Original ~~Grandfather~~ Certificate of Authorization Following  
Rescission of Jurisdiction by a County.

(1) Each applicant for an original a certificate of authorization following rescission of  
jurisdiction by a county under the provisions of Section 367.171, F.S., (commonly known as  
the grandfather provision), shall file with the Commission Clerk one original of ~~provide the~~  
following information: set forth in paragraphs (2) through (16) below. Form PSC 1003  
(12/15), entitled "Application for Original Certificate of Authorization Following Rescission  
of Jurisdiction by a County (Grandfather Certificate)," which is incorporated by reference in  
this rule and is available at [Department of State hyperlink], is an example application that  
may be completed by the applicant and filed with the Office of Commission Clerk to comply  
with this subsection. This form may also be obtained from the Commission's website,  
www.floridapsc.com;

(2) A filing fee pursuant to Rule 25-30.020(2)(d), F.A.C.;

(3)(4) The utility's ~~complete~~ name, and address, telephone number, Federal Employer  
Identification Number, authorized representative, and, if available, e-mail address and fax  
number;

(4)(2) The nature of the utility's business organization, i.e., corporation, limited liability  
company, partnership, limited partnership, sole proprietorship, or association, ~~etc.~~; The  
applicant must provide documentation from the Florida Department of State, Division of  
Corporations, showing:

(a) The utility's business name and registration/document number for the business, unless  
operating as a sole proprietor; and

(b) The utility's fictitious name and registration number for the fictitious name, if operating  
under a fictitious name;

(5)(3) The name(s), and address(es), and percentage of ownership of each entity or person



1 which owns or will own ~~of all corporate officers, directors, partners, or any other person(s)~~  
2 owning more than a 5 percent an interest in the utility;

3 (6) A statement indicating whether the application is for water, wastewater, or both. If the  
4 applicant is applying for water or wastewater only, the statement shall include how the other  
5 service is provided;

6 (7)(4) The date the utility was established;

7 (8)(5) A description of the types of customers served, i.e., single family homes, mobile homes,  
8 duplexes, golf course clubhouse, or commercial, etc.;

9 (9) A schedule showing the number of customers currently served, by class and meter size, as  
10 well as the number of customers projected to be served when the requested service territory is  
11 fully developed;

12 (10) A legal description of the proposed service area in the format prescribed in Rule 25-  
13 30.029, F.A.C. The utility must provide documentation of the territory the utility was serving,  
14 or was authorized to serve, from the county which had jurisdiction over the utility on the day  
15 Chapter 367, F.S., became applicable to the utility;

16 (11)(6) Documentation of the utility's right to access and continued use of ~~Evidence that the~~  
17 ~~utility owns~~ the land upon which the utility treatment facilities are located. Documentation of  
18 continued use shall be in the form of a recorded warranty deed, recorded quit claim deed  
19 accompanied by title insurance, recorded lease, or a copy of an agreement which provides for  
20 the continued use of the land, such as a 99-year lease, or recorded easement. The applicant  
21 may submit an unrecorded copy of the instrument granting the utility's right to access and  
22 continued use of the land upon which the utility treatment facilities are or will be located,  
23 provided the applicant files a recorded copy within the time required in the order granting the  
24 certificate; The Commission may consider a written easement or other cost-effective  
25 alternative;

1 (12) Documentation, or if no documentation exists, a statement, specifying on what date and  
2 under what authority the current rates and charges were established;  
3 ~~(13)(7) One original and two copies of Aa tariff;~~ containing all rates, classifications, charges,  
4 rules, and regulations, which shall be consistent with Chapter 25-9, F.A.C. Form PSC 1010  
5 (12/15), entitled "Water Tariff" and Form PSC 1011 (12/15), entitled "Wastewater Tariff,"  
6 which are incorporated by reference in Rule 25-30.033, F.A.C., are example tariffs that may  
7 be completed by the applicant and included in the application. These forms may also be  
8 obtained from the Commission's website, [www.floridapsc.com](http://www.floridapsc.com); Sample tariffs are available  
9 from the Division of Economic Regulation, 2540 Shumard Oak Boulevard, Tallahassee,  
10 Florida 32399-0850;  
11 ~~(8) A statement specifying on what date and under what authority the current rates and charges~~  
12 ~~were established;~~  
13 ~~(9) A description using township, range, and section references as specified in subsection 25-~~  
14 ~~30.030(2), F.A.C., of the territory the utility was serving, or was authorized to serve by the~~  
15 ~~county which had jurisdiction over the utility on the day Chapter 367, F.S., became applicable~~  
16 ~~to the utility;~~  
17 ~~(14)(10) One copy of A~~ a detailed system map showing the existing and proposed lines; and  
18 treatment facilities, with and the territory proposed to be served plotted thereon, consistent  
19 with the legal description provided in subsection (10) above. Any territory not served at the  
20 time of the application shall be specifically identified, and The map shall be of sufficient  
21 scale and detail to enable correlation with the description of the territory to be served;  
22 ~~(15)(11) An One copy of the~~ official county tax assessment map, or other map showing  
23 township, range, and section; with a scale such as 1" = 200' or 1" = 400', with the proposed  
24 territory plotted thereon, consistent with the legal description provided in subsection (10)  
25 above by use of metes and bounds or quarter sections, and with a defined reference point of

1 beginning; and  
2 ~~(16)(12) The numbers and dates of any~~ A copy of all current permits issued for the systems by  
3 the Department of Environmental Protection and water management district. ~~;~~ and  
4 ~~(13) A schedule showing the number of customers currently served, by class and meter size, as~~  
5 ~~well as the number of customers projected to be served when the requested service territory is~~  
6 ~~fully occupied.~~  
7 *Rulemaking Authority 350.127(2), 367.121, 367.1213 FS. Law Implemented 367.1213,*  
8 *367.171 FS. History—Amended 7-21-65, 1-7-69, 2-3-70, 3-6-71, Revised 9-12-74, Amended 3-*  
9 *26-81, Formerly 25-10.02, 25-10.002, Amended 11-10-86, 1-27-91, 11-30-93, \_\_\_\_\_.*

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25-30.036 Application for Amendment to Certificate of Authorization to Extend or Delete  
Service Area.

(1) This rule applies to any certificated water or wastewater utility that proposes to extend its service territory into an area in which there is no existing water or wastewater system or proposes to delete a portion of its service territory. Form PSC 1004 (12/15) entitled “Application for Amendment of Certificate (Extension, Quick Take Extension, or Deletion),” which is incorporated by reference in this rule and is available at [Department of State hyperlink], is an example application that may be completed by the applicant and filed with the Office of Commission Clerk to comply with subsection (2), (3), or (4) below. This form may also be obtained from the Commission’s website, [www.floridapsc.com](http://www.floridapsc.com).

~~(2) A request for service territory expansion and amendment of an existing certificate or issuance of a new certificate shall be considered approved under the following conditions if no protest is timely filed to the notice of application:~~

~~(a) The utility has provided a written statement of an officer of the utility that the proposed new territory includes a maximum of 25 equivalent residential connections within such territory at the time the territory is at buildout; and~~

~~(b) The utility has provided the written statement of an officer of the utility that, upon investigation, to the best of his or her knowledge:~~

~~1. There is no other utility in the area of the proposed territory that is willing and capable of providing reasonably adequate service to the new territory; and~~

~~2. The person(s) or business(es) requesting water or wastewater service have demonstrated to the utility that service is necessary because (1) a private well has been contaminated or gone dry, (2) a septic tank has failed; or (3) service is otherwise not available.~~

~~(c) The utility has filed a completed application in accordance with subsection (2) of this rule within 45 days of the completion of the notice requirements.~~

1 ~~(2)(3)~~ Each utility proposing to extend its service area (except applications filed pursuant to  
2 subsection (3) below), shall file with the Commission Clerk one original of the information set  
3 forth in paragraphs (a) through (q). ~~(2) above, which shall file only paragraphs (a), (d), (e), (i),~~  
4 ~~(m), (o), (p), (q), and (r) listed below)~~ shall provide the following:

5 (a) A filing fee pursuant to paragraph 25-30.020(2)(b), F.A.C.;  
6 (b) Proof of Noticing pursuant to Rule 25-30.030, F.A.C.;  
7 (c)(a) The utility's certificated complete name, and address, telephone number, Federal  
8 Employer Identification Number, authorized representative, and, if available, e-mail address  
9 and fax number;

10 ~~(b) A statement showing the financial and technical ability of the utility to provide service and~~  
11 ~~the need for service in the area requested;~~

12 (d) To demonstrate the need for service in the proposed area, the applicant must provide:

13 1. The number of customers currently being served and proposed to be served, by customer  
14 class and meter size, including a description of the types of customers anticipated to be served,  
15 i.e., single family homes, mobile homes, duplexes, golf course clubhouse, or commercial;

16 2. A copy of all requests for service from property owners or developers in areas not currently  
17 served;

18 3. The current land use designation of the proposed service territory as described in the local  
19 comprehensive plan at the time the application is filed. If the proposed development will  
20 require a revision to the comprehensive plan, describe the steps taken and to be taken to  
21 facilitate those changes, including changes needed to address the proposed need for service;  
22 and

23 ~~(e) A statement that to the best of the applicant's knowledge the provision of service will be~~  
24 ~~consistent with the water and wastewater sections of the local comprehensive plan at the time~~  
25 ~~the application is filed, as approved by the Department of Community Affairs, or, if not, a~~



1 | ~~statement demonstrating why granting the amendment would be in the public interest;~~  
2 | 4. Any known land use restrictions, such as environmental restrictions imposed by  
3 | governmental authorities;  
4 | ~~(e)(d)~~ If the utility is planning to build a new water or wastewater treatment plant to serve the  
5 | proposed territory, provide documentation of the utility's right to access and continued use of  
6 | ~~Evidence that the utility owns the land upon which the new utility treatment facilities that will~~  
7 | serve the proposed territory will be are located. Documentation of continued use shall be in  
8 | the form of a recorded warranty deed, recorded quit claim deed accompanied by title  
9 | insurance, recorded lease or a copy of an agreement, such as a 99-year lease, or recorded  
10 | easement which provides for the continued use of the land. The applicant may submit an  
11 | unrecorded copy of the instrument granting the utility's right to access and continued use of  
12 | the land upon which the utility treatment facilities are or will be located, provided that the  
13 | applicant files a recorded copy within the time required in the order granting the amendment  
14 | to the certificate of authorization; The Commission may consider a written easement or other  
15 | cost-effective alternative;  
16 | ~~(f)(e)~~ A legal description of the territory proposed to be served, in the format prescribed in  
17 | Rule 25-30.029, F.A.C. In addition, if the extension of territory is adjacent to existing  
18 | territory, provide a legal description of the resulting territory including both existing and  
19 | expanded portions in the format prescribed in Rule 25-30.029, F.A.C. using township, range  
20 | and section references as specified in subsection 25-30.030(2), F.A.C.;  
21 | ~~(g)(f)~~ One copy of Aa detailed system map showing the proposed lines; and treatment  
22 | facilities, with and the territory proposed to be served plotted thereon, consistent with the legal  
23 | description provided in paragraph (2)(f) above. If the territory to be served is adjacent to the  
24 | utility's existing territory, provide a complete map showing both existing and expanded  
25 | territories. The map shall be of sufficient scale and detail to enable correlation with the



- 1 description of the territory;
- 2 ~~(g) If the utility is planning to build a new wastewater treatment plant, or upgrade an existing~~  
3 ~~plant to serve the proposed territory, provide a written description of the proposed method(s)~~  
4 ~~of effluent disposal;~~
- 5 ~~(h) If (g) above does not include effluent disposal by means of reuse, a statement that~~  
6 ~~describes with particularity the reasons for not using reuse;~~
- 7 ~~(h)(i) An~~ One copy of the official county tax assessment map or other map showing township,  
8 range, and section, with a scale such as 1" = 200' or 1" = 400', with the proposed territory  
9 plotted thereon, consistent with the legal description provided in paragraph (2)(f) above;  
10 ~~by use of metes and bounds or quarter sections, and with a defined reference point of~~  
11 ~~beginning;~~
- 12 ~~(i)(j)~~ A statement describing the capacity of the existing lines, the capacity of the existing  
13 treatment facilities, and the design capacity of the proposed extension;
- 14 ~~(j)(k) A copy of all current~~ The numbers and dates of any permits issued for the proposed  
15 systems by the Department of Environmental Protection and by the water management  
16 district;
- 17 (k) A copy of the most recent DEP and/or county health department sanitary survey,  
18 compliance inspection report, and secondary standards drinking water report;
- 19 (l) A copy of all correspondence with the DEP, county health department and water  
20 management district, including consent orders and warning letters, and the utility's response to  
21 the same, for the past five years;
- 22 ~~(m)(h)~~ A detailed statement regarding the proposed method of financing the construction; and  
23 the projected impact on the utility's capital structure;
- 24 ~~(m) A description of the types of customers anticipated to be served by the extension, i.e.,~~  
25 ~~single family homes, mobile homes, duplexes, golf course clubhouse, commercial, etc.;~~

CODING: Words underlined are additions; words in ~~struck through~~ type are deletions from existing law.

- 1 (n) Aa statement regarding the projected impact of the extension on the utility's monthly rates  
2 and service availability charges;
- 3 (o) All tariff pages that reflect the additional proposed service area, which shall be consistent  
4 with Chapter 25-9, F.A.C. Form PSC 1010 (12/15), entitled "Water Tariff" and Form PSC  
5 1011 (12/15), entitled "Wastewater Tariff," which are incorporated by reference in Rule 25-  
6 30.033, F.A.C., are example tariffs that may be completed by the applicant and included in the  
7 application. These forms may also be obtained from the Commission's website,  
8 www.floridapsc.com; The original and two copies of sample tariff sheets reflecting the  
9 additional service area; and
- 10 ~~(p) The applicant's current certificate for possible amendment.~~
- 11 ~~(p)(q)~~ (p) The number of the most recent order of the Commission establishing or changing the  
12 applicant's rates and charges; and :
- 13 ~~(q)(r)~~ (q) An affidavit that the utility has tariffs and annual reports on file with the Commission.
- 14 (3) A request for service territory extension and amendment of an existing certificate  
15 (commonly known as a "quick take" amendment) shall be considered approved under the  
16 following conditions if no protest is timely filed to the notice of application:
- 17 (a) The utility has provided a written statement that the proposed new territory includes a  
18 maximum of 25 equivalent residential connections within such territory at the time the  
19 territory is at buildout. In addition, the statement must include a description of the types of  
20 customers anticipated to be served by the extension, i.e., single family homes, mobile homes,  
21 duplexes, golf course clubhouse, or commercial;
- 22 (b) The utility has provided a written statement that, upon investigation;
- 23 1. There is no other utility in the area of the proposed territory that is willing and capable of  
24 providing reasonably adequate service to the new territory; and
- 25 2. The person(s) or business(es) requesting water or wastewater service have demonstrated to



1 the utility that service is necessary because (1) a private well has been contaminated or gone  
2 dry, (2) a septic tank has failed, or (3) service is otherwise not available; and  
3 (c) The utility has filed an application which meets the requirements of paragraphs (2)(a), (b),  
4 (c), (e), (f), (h), (j), (o), (p) and (q) above.  
5 (4) Each utility proposing to delete a portion of its service area shall file with the Commission  
6 Clerk one original of the information set forth in paragraphs (4)(a) through (k) below. submit  
7 the following:  
8 (a) A filing fee pursuant to paragraph 25-30.020(2)(b), F.A.C.;  
9 (b) Proof of noticing pursuant to Rule 25-30.030, F.A.C.;  
10 (c)(a) The utility's complete name, and address, telephone number, authorized representative,  
11 and, if available, e-mail address and fax number. The utility's name should reflect the business  
12 and/or fictitious name(s) registered with the Department of State's Division of Corporations;  
13 (d) A statement specifying the reasons for the proposed deletion of territory;  
14 (e)(b) A legal description of the territory proposed to be deleted and a legal description of the  
15 remaining territory in the format prescribed in Rule 25-30.029, F.A.C. using township, range  
16 and section references;  
17 (f)(c) One copy of Aa detailed system map with the territory proposed to be deleted and  
18 retained plotted thereon, consistent with the legal description provided in paragraph (e) above.  
19 showing the existing lines, treatment facilities, and territory served. The map shall show  
20 existing lines and treatment facilities in the area retained and shall be of sufficient scale and  
21 detail to enable correlation with the legal description of the territory;  
22 (d) The number of current active connections within the territory to be deleted;  
23 (g)(e) An One copy of the official county tax assessment map, or other map, showing  
24 township, range, and section with a scale such as 1" = 200' or 1" = 400', with the territory  
25 proposed to be deleted plotted thereon, consistent with the legal description provided in



1 paragraph (e) above by use of metes and bounds or quarter sections, and with a defined  
2 reference point of beginning;  
3 ~~(f) A statement specifying the reasons for the proposed deletion of territory;~~  
4 ~~(g) A statement indicating why the proposed deletion of territory is in the public interest;~~  
5 ~~(h) The number of current active connections within the territory to be deleted, as well as the~~  
6 ~~number of connections retained. For each active connection in the area to be deleted, if any,~~  
7 ~~the A statement must detail as to the effect of the proposed deletion on the ability of those~~  
8 ~~customers any customer or potential customer to receive water and wastewater services~~  
9 ~~service, including alternative source(s) of service;~~  
10 ~~(i) All The original and two copies of sample tariff pages sheets that reflect reflecting the~~  
11 ~~revised service area, which shall be consistent with Chapter 25-9, F.A.C. Form PSC 1010~~  
12 ~~(12/15), entitled "Water Tariff," and Form PSC 1011 (12/15), entitled "Wastewater Tariff,"~~  
13 ~~which are incorporated by reference in Rule 25-30.033, F.A.C., are example tariffs that may~~  
14 ~~be completed by the applicant and included in the application. These forms may also be~~  
15 ~~obtained from the Commission's website, [www.floridapsc.com](http://www.floridapsc.com);~~  
16 ~~(j) The applicant's current certificate for possible amendment;~~  
17 ~~(j)(k) The number of the most recent order of the Commission establishing or changing the~~  
18 ~~applicant's rates and charges; and~~  
19 ~~(k)(4) An affidavit that the utility has tariffs and annual reports on file with the Commission.~~  
20 *Rulemaking Authority 350.127(2), 367.045, 367.121, 367.1213 FS. Law Implemented 367.045,*  
21 *367.1213 FS. History—New 1-27-91, Amended 11-30-93,\_\_\_\_\_.*  
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1       25-30.037 Application for Authority to Transfer.

2       (1) This rule applies to any application for the transfer of an existing water or wastewater

3       utility system, regardless of whether service is currently being provided. ~~This rule does not~~

4       ~~apply where the transfer is of an exempt or non-jurisdictional system and will result in the~~

5       ~~system continuing to be exempt from or not subject to Commission jurisdiction.~~ The

6       application for transfer may result in the transfer or cancellation of the seller's existing

7       certificate, amendment of the buyer's existing certificate or granting of an original initial

8       certificate to the buyer, or a transfer of majority organizational control of the utility.

9       (a) If a transfer occurs prior to Commission approval, the utility shall submit an application for

10      authority to transfer no later than 90 days after the sale closing date.

11      (b) When a utility applies for any of the following transfer authorizations by the Commission,

12      it shall provide its application as prescribed in the appropriate subsection below:

13      1. A transfer of a regulated utility to another regulated utility shall be pursuant to subsection

14      (2) below;

15      2. A transfer of an exempt entity to a regulated utility shall be pursuant to subsection (3)

16      below;

17      3. A transfer of a utility in a nonjurisdictional county to a regulated utility that results in a

18      system whose service transverses county boundaries shall be pursuant to subsection (3) below;

19      4. A change of majority organizational control of a regulated utility shall be pursuant to

20      subsection (4) below; or

21      5. A transfer of a regulated utility to an exempt entity other than a governmental authority

22      shall be pursuant to subsection (5) below.

23      (c) Form PSC 1005 (12/15), entitled "Application for Transfer of Certificates or Facilities

24      from a Regulated Utility to Another Regulated Utility," which is incorporated by reference in

25      this rule and which is available at [Department of State hyperlink], Form PSC 1006 (12/15),

CODING: Words underlined are additions; words in ~~struck through~~ type are deletions from existing law.



1 entitled “Application for Transfer of an Exempt Entity to a Regulated Utility or Transfer of a  
2 Utility in a Non-jurisdictional County to a Regulated Utility That Results in a System Whose  
3 Service Transverses County Boundaries,” which is incorporated by reference in this rule and  
4 which is available at [Department of State hyperlink], Form PSC 1007 (12/15), entitled  
5 “Application for a Transfer of Majority Organizational Control of a Regulated Utility,” which  
6 is incorporated by reference in this rule and which is available at [Department of State  
7 hyperlink], and Form PSC 1008 (12/15), entitled “Application for Transfer of Facilities from a  
8 Regulated Utility to an Exempt Entity Other Than a Governmental Authority,” which is  
9 incorporated by reference in this rule and which is available at [Department of State  
10 hyperlink], are example applications that may be completed by the applicant and filed with the  
11 Office of Commission Clerk to comply with subsection (2), (3), (4), or (5) below, respectively.  
12 These forms may also be obtained from the Commission’s website, [www.floridapsc.com](http://www.floridapsc.com).  
13 (2) Transfer of a regulated utility to another regulated utility. Each applicant application for  
14 transfer of certificate of authorization, facilities, or any portion thereof, from a regulated utility  
15 to another regulated utility to a non-governmental entity shall file with the Commission Clerk  
16 the information set forth in paragraphs (a) through (v) below. ~~include the following~~  
17 information:  
18 (a) A filing fee pursuant to Rule 25-30.020(2)(c), F.A.C.;  
19 (b) Proof of noticing pursuant to Rule 25-30.030, F.A.C.;  
20 (c)(a) The ~~certificated~~ complete name, and address, telephone number, certificate number(s),  
21 authorized representative, and, if available, e-mail address and fax number of the utility/seller;  
22 (d)(b) The complete name and, address, telephone number, Federal Employer Identification  
23 Number, authorized representative and, if available, e-mail address and fax number of the  
24 buyer(s) ~~buyer~~ and the new name of the utility if the buyer plans to operate under a different  
25 name;

CODING: Words underlined are additions; words in ~~struck through~~ type are deletions from existing law.



- 1 (e) The name, address, telephone number, and if available, e-mail address and fax number of  
2 the person in possession of the books and records when the application is filed;
- 3 (f)(e) The nature of the buyer's business organization, i.e., corporation, limited liability  
4 company, partnership, limited partnership, sole proprietorship, or association. The buyer must  
5 provide documentation from the Florida Department of State, Division of Corporations,  
6 showing:
- 7 1. The utility's/buyer's business name and registration/document number for the business,  
8 unless operating as a sole proprietor, and
- 9 2. The utility's/buyer's fictitious name and registration number for the fictitious name, if  
10 operating under a fictitious name;
- 11 (g)(d) The name(s), ~~and~~ address(es) and percentage of ownership of each entity or person that  
12 owns or of all of the buyer's corporate officers, directors, partners or any other person(s) who  
13 will own more than a 5 percent ~~an~~ interest in the utility;
- 14 (h)(e) The date and state of incorporation or organization of the buyer;
- 15 ~~(f) The names and locations of any other water or wastewater utilities owned by the buyer;~~
- 16 (i)(g) A copy of the contract for sale and all auxiliary or supplemental agreements. If the sale,  
17 assignment, or transfer occurs prior to Commission approval, the contract shall include a  
18 provision stating that the contract is contingent upon Commission approval; ~~which shall~~  
19 include, if applicable:
- 20 (j) The buyer must provide the following documentation of the terms of the transfer:
- 21 1. The date the closing occurred or will occur;
- 22 ~~2.1.~~ The purchase price and terms of payment;
- 23 ~~3.2.~~ A list of and the dollar amount of the assets purchased and liabilities assumed or not  
24 assumed, including those of nonregulated operations or entities; ~~and~~
- 25 ~~4.3.~~ A description of all consideration between the parties, including for example, promised

1 salaries, retainer fees, stock, stock options, and assumption of obligations; :

2 5.(h) Provisions ~~The contract for sale shall also provide for the disposition, where applicable,~~  
3 ~~of the following: 1. Ccustomer deposits and interest thereon, ; 2. Any guaranteed revenue~~  
4 ~~contracts, ; 3. Ddeveloper agreements, ; 4. Ccustomer advances, ; 5. Ddebt of the utility, ; and~~  
5 ~~6. Lleases;~~

6 6. A statement that the buyer will fulfill the commitments, obligations and representations of  
7 the seller with regard to utility matters;

8 7. A statement that the buyer has or will obtain the books and records of the seller, including  
9 all supporting documentation for rate base additions since the last time rate base was  
10 established for the utility;

11 8. A statement that the utility's books and records will be maintained using the 1996 National  
12 Association of Regulatory Utilities Commissioners (NARUC) Uniform System of Accounts  
13 (USOA), incorporated by reference in Rule 25-30.115, F.A.C.; and

14 9. A statement that the utility's books and records will be maintained at the utility's office(s)  
15 within Florida, or that the utility will comply with the requirements of paragraphs 25-  
16 30.110(1)(b) and (c), F.A.C., regarding maintenance of utility records at another location or  
17 out-of-state. If the records will be maintained at the utility's office(s), the statement should  
18 include the location where the utility intends to maintain the books and records;

19 ~~(i) A statement describing the financing of the purchase;~~

20 ~~(k)(i) A statement explaining why indicating how the transfer is in the public interest,~~  
21 ~~including a summary of the buyer's experience in water or wastewater utility operations, a~~  
22 ~~showing of the buyer's financial ability to provide service, and a statement that the buyer will~~  
23 ~~fulfill the commitments, obligations and representations of the seller with regard to utility~~  
24 ~~matters;~~

25 (l) To demonstrate the financial ability of the buyer to maintain and operate the acquired



1 utility, the buyer shall provide:

2 1. A detailed financial statement (balance sheet and income statement), audited if available, of  
3 the financial condition of the applicant, that shows all assets and liabilities of every kind and  
4 character. The financial statements shall be for the preceding calendar or fiscal year. The  
5 financial statement shall be prepared in accordance with Rule 25-30.115, F.A.C. If available,  
6 a statement of the sources and uses of funds shall also be provided; and

7 2.(k) A list of all entities, including affiliates, upon which the buyer applicant is relying to  
8 provide funding to the utility buyer, and an explanation of the manner and amount of such  
9 funding. The list need not include any person or entity holding less than 5 percent ownership  
10 interest in the utility. The applicant shall provide copies of any financial agreements between  
11 the listed entities and the utility and proof of the listed entities' ability to provide funding, such  
12 as financial statements; , which shall include their financial statements and copies of any  
13 financial agreements with the utility. This requirement shall not apply to any person or entity  
14 holding less than 10 percent ownership interest in the utility;

15 (m) To demonstrate the technical ability of the buyer to provide service, the buyer shall  
16 provide:

17 1. An explanation of the buyer's experience in the water or wastewater industry; and

18 2. The buyer's plans for ensuring continued operation of the utility, such as retaining the  
19 existing plant operator(s) and office personnel, or contracting with outside entities;

20 (n) A legal description of the proposed service area in the format prescribed in Rule 25-  
21 30.029, F.A.C.;

22 (o)(4) The proposed net book value of the system as of the date of the proposed transfer, and a  
23 statement setting out the reasons for the inclusion of an acquisition adjustment, if one is  
24 requested. If rate base has been established by this Commission, provide the docket and state  
25 the order number, and date issued and identify all adjustments made to update this rate base to



1 | ~~the date of transfer;~~ In addition, provide a schedule of all subsequent changes to rate base;  
2 | ~~(m) A statement setting out the reasons for the inclusion of an acquisition adjustment, if one is~~  
3 | ~~requested;~~  
4 | ~~(n) If the books and records of the seller are not available for inspection by the Commission or~~  
5 | ~~are not adequate for purposes of establishing the net book value of the system, a statement by~~  
6 | ~~the buyer that a good faith, extensive effort has been made to obtain such books and records~~  
7 | ~~for inspection by the Commission and detailing the steps taken to obtain the books and~~  
8 | ~~records;~~  
9 | ~~(p)(e)~~ A statement from the buyer that it has obtained or will obtain copies of all of the federal  
10 | income tax returns of the seller from the date the utility was first established; or the rate base  
11 | was last established by the Commission, whichever is later. ~~or, If the tax returns have not~~  
12 | ~~been obtained, provide a description of a statement from the buyer detailing the steps taken to~~  
13 | ~~obtain the tax returns;~~  
14 | ~~(q)(p)~~ A statement from the buyer that after reasonable investigation, the system being  
15 | acquired appears to be in satisfactory condition and in compliance with all applicable  
16 | standards set by the Department of Environmental Protection (DEP) or, if the system is in  
17 | need of repair or improvement, has any outstanding Notice of Violation of any standard set by  
18 | the DEP or any outstanding consent orders with the DEP, the buyer shall provide a description  
19 | of the repairs or improvements that have been identified, the governmental authority that  
20 | required the repairs or improvements, if applicable, the approximate cost to complete the  
21 | repairs or improvements, and any agreements between the seller and buyer regarding who will  
22 | be responsible for any identified repairs or improvements; ~~list of the improvements and repairs~~  
23 | ~~needed and the approximate cost to make them, a list of the action taken by the utility with~~  
24 | ~~regard to the violation, a copy of the Notice of Violation(s), a copy of the consent order and a~~  
25 | ~~list of the improvements and repairs consented to and the approximate cost to make them;~~

- 1 (r) The applicant shall provide the following documents:
- 2 1. A copy of the utility's current permits from the DEP and the water management district;
- 3 2. A copy of the most recent DEP and/or county health department sanitary survey,
- 4 compliance inspection report, and secondary standards drinking water report;
- 5 3. A copy of all of the utility's correspondence with the DEP, county health department, and
- 6 water management district, including consent orders and warning letters, and the utility's
- 7 responses to the same, for the past five years; and
- 8 4. A copy of all customer complaints that the utility has received regarding DEP secondary
- 9 water quality standards during the past five years;
- 10 (s)(q) Documentation of the utility's right to access and continued use of ~~Evidence that the~~
- 11 ~~utility owns~~ the land upon which the utility treatment facilities are located. Documentation of
- 12 continued use shall be in the form of a recorded warranty deed, recorded quit claim deed
- 13 accompanied by title insurance, recorded lease, or a copy of an agreement which provides for
- 14 ~~the continued use of the land,~~ such as a 99-year lease, or recorded easement. The applicant
- 15 may submit an unrecorded copy of the instrument granting the utility's right to access and
- 16 continued use of the land upon which the utility treatment facilities are or will be located,
- 17 provided that the applicant files a recorded copy within the time required in the order granting
- 18 the transfer; The Commission may consider a written easement or other cost-effective
- 19 alternative;
- 20 (t)(†) A statement regarding the disposition of any outstanding regulatory assessment fees,
- 21 finances, or refunds owed and which entity will be responsible for paying regulatory assessment
- 22 fees and filing the annual report for the year of the transfer and subsequent years;
- 23 ~~(u)(s) The original and two copies of sample T~~ tariff sheets reflecting any changes resulting
- 24 from the transfer, the change in ownership; Form PSC 1010 (12/15), entitled "Water Tariff"
- 25 and Form PSC 1011 (12/15), entitled "Wastewater Tariff," which are incorporated by



1 reference in Rule 25-30.033, F.A.C., are example tariffs that may be completed by the  
2 applicant and included in the application. These forms are also available on the Commission's  
3 website, [www.floridapsc.com](http://www.floridapsc.com); and  
4 ~~(t) The utility's current certificate(s), or if not available, provide an explanation of the steps~~  
5 ~~the applicant took to obtain the certificate(s).~~  
6 (v) If the buyer owns other water or wastewater utilities that are regulated by the Commission,  
7 provide a schedule reflecting any economies of scale that are anticipated to be achieved within  
8 the next three years and the effect on rates for existing customers served by both the utility  
9 being purchased and the buyer's other utilities.  
10 (3) Transfer of an exempt entity to a regulated utility, or transfer of a utility in a  
11 nonjurisdictional county to a regulated utility that results in a system whose service  
12 transverses county boundaries. Each applicant shall file with the Commission the information  
13 set forth in paragraphs (a) through (f) below.  
14 (a) A combined filing fee pursuant to Rule 25-30.020(2)(b) and (c), F.A.C.;  
15 (b) Proof of noticing pursuant to Rule 25-30.030, F.A.C.;  
16 (c) The requirements of paragraphs (2)(c), (d), (e), (f), (g), (h), (i), (j), (k), (l), (m), (n), (o), (p),  
17 (q), (r), (s), (t), (u), and (v) above;  
18 (d) The requirements of Rule 25-30.036(2)(h) and (i), F.A.C.;  
19 (e) An explanation of when and under what authority the current rates and charges of the  
20 exempt entity or utility in a non-jurisdictional county were established, if applicable; and  
21 (f) An explanation of how the seller is either exempt pursuant to Section 367.022, F.S., or is a  
22 utility in a nonjurisdictional county.  
23 ~~(4)(3) In case of Aa transfer change of majority organizational control; of a regulated utility.~~  
24 Each applicant for a transfer of majority organizational control shall file with the Commission  
25 the information set forth in paragraphs (a) through (d) below. ~~the application shall include the~~



1 following information:

2 (a) A filing fee pursuant to Rule 25-30.020(2)(c), F.A.C.;

3 (b) Proof of noticing pursuant to Rule 25-30.030, F.A.C.;

4 (c) The requirements of paragraphs (2)(c), (d), (f), (i), (j), (k), (l), (m), (q), (t) and (u) above;

5 and

6 (d) A description of the ownership transfer, including the date the transfer occurred or will  
7 occur and a description of the resulting ownership interests in the utility.

8 ~~(a) The complete name and address of the seller;~~

9 ~~(b) The complete name and address of the buyer;~~

10 ~~(c) The name(s) and address(es) of all of the buyer's corporate officers, directors, partners and~~  
11 ~~any other person(s) who will own an interest in the utility;~~

12 ~~(d) The names and locations of any other water or wastewater utilities owned by the buyer;~~

13 ~~(e) A statement describing the financing of the purchase;~~

14 ~~(f) A statement describing how the transfer is in the public interest, including a summary of~~  
15 ~~the buyer's experience in water or wastewater utility operations, a showing of the buyer's~~  
16 ~~financial ability to provide service, and a statement that the buyer will fulfill the commitments,~~  
17 ~~obligations and representations of the seller with regard to utility matters;~~

18 ~~(g) A list of all entities, including affiliates, that have provided, or will provide, funding to the~~  
19 ~~buyer, and an explanation of the manner and amount of such funding, which shall include their~~  
20 ~~financial statements and copies of any financial agreements with the utility. This requirement~~  
21 ~~shall not apply to any person or entity holding less than 10 percent ownership interest in the~~  
22 ~~utility;~~

23 ~~(h) A statement from the buyer that after reasonable investigation, the system being acquired~~  
24 ~~appears to be in satisfactory condition and in compliance with all applicable standards set by~~  
25 ~~the DEP or, if the system is in need of repair or improvement, has any outstanding Notice of~~

1 ~~Violation(s) of any standard(s) set by the DEP or any outstanding consent orders with the~~  
2 ~~DEP, the buyer shall provide a list of the improvements and repairs needed and the~~  
3 ~~approximate cost to make them, a list of the action taken by the utility with regard to the~~  
4 ~~violations, a copy of the Notice of Violation(s), a copy of the consent order and a list of the~~  
5 ~~improvements and repairs consented to and the approximate cost;~~  
6 ~~(i) Evidence that the utility owns the land upon which the utility treatment facilities are~~  
7 ~~located, or a copy of an agreement which provides for the continued use of the land, such as a~~  
8 ~~99-year lease. The Commission may consider a written easement or other cost effective~~  
9 ~~alternative;~~  
10 ~~(j) The original and two copies of sample tariff sheets reflecting the change in ownership; and~~  
11 ~~(k) The utility's current certificate(s), or if not available, the applicant shall provide an~~  
12 ~~explanation of the steps the applicant took to obtain the certificate(s).~~  
13 (5) A transfer of a regulated utility to an exempt entity other than a governmental authority.  
14 Each applicant for a transfer of ownership of a regulated utility to an exempt entity other than  
15 a governmental authority shall file with the Commission Clerk the information set forth in  
16 paragraphs (a) through (e) below.  
17 (a) A filing fee pursuant to Rule 25-30.020(2)(c), F.A.C.;  
18 (b) Proof of noticing pursuant to Rule 25-30.030, F.A.C.;  
19 (c) The requirements of paragraphs (2)(c), (d), (k), (l), (m), and (r) above;  
20 (d) Documentation of the following terms of the transfer:  
21 1. A copy of the contract for sale and all auxiliary or supplemental agreements. If the sale,  
22 assignment, or transfer occurs prior to Commission approval, the contract shall include a  
23 provision stating that the contract is contingent upon Commission approval;  
24 2. The closing date;  
25 3. A statement regarding the disposition of customer deposits and interest thereon; and



- 1 4. A statement regarding the disposition of any outstanding regulatory assessment fees, fines,  
2 refunds, or annual reports; and
- 3 (e) An explanation of how the buyer is exempt pursuant to Section 367.022, F.S.
- 4 ~~(4) Each application for transfer of certificate of authorization, facilities, or any portion~~  
5 ~~thereof, or majority organizational control to a governmental authority shall contain the~~  
6 ~~following information:~~
- 7 ~~(a) The name and address of the utility and its authorized representative;~~
- 8 ~~(b) The name of the governmental authority and the name and address of its authorized~~  
9 ~~representative;~~
- 10 ~~(c) A copy of the contract or other document transferring the utility system to the~~  
11 ~~governmental authority;~~
- 12 ~~(d) A list of any utility assets not transferred to the governmental authority if such remaining~~  
13 ~~assets constitute a system providing or proposing to provide water or wastewater service to the~~  
14 ~~public for compensation;~~
- 15 ~~(e) A statement that the governmental authority obtained, from the utility or Commission, the~~  
16 ~~most recent available income and expense statement, balance sheet, statement of rate base for~~  
17 ~~regulatory purposes, and contributions in aid of construction;~~
- 18 ~~(f) The date on which the governmental authority proposes to take official action to acquire~~  
19 ~~the utility;~~
- 20 ~~(g) A statement describing the disposition of customer deposits and interest thereon; and~~
- 21 ~~(h) A statement regarding the disposition of any outstanding regulatory assessment fees, fines~~  
22 ~~or refunds owed.~~
- 23 ~~(5) If a utility is transferring a portion of its facilities to a governmental agency, it must~~  
24 ~~provide the following additional information:~~
- 25 ~~(a) A description of the remaining territory using township, range, and section references;~~

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1 ~~(b) One copy of the official county tax assessment map, or other map, showing township,~~  
2 ~~range, and section with a scale such as 1" = 200' or 1" = 400', with the remaining territory~~  
3 ~~plotted thereon by use of metes and bounds or quarter sections, and with a defined reference~~  
4 ~~point of beginning; and~~  
5 ~~(e) The original and two copies of sample tariff sheets reflecting the remaining territory.~~  
6 ~~(6) Upon its receipt of items required in paragraphs (4)(a), (b), (c), (d), (e) and (f), the~~  
7 ~~Commission will issue an order acknowledging that the facilities or any portion thereof have~~  
8 ~~been acquired by the governmental authority.~~  
9 ~~(7) Upon receipt of the items required in paragraphs (4)(g) and (h) and, if applicable,~~  
10 ~~paragraphs (5)(a), (b), and (c), and upon the completion of all pending proceedings before the~~  
11 ~~Commission, the utility's certificate will be amended or cancelled. Amendment or cancellation~~  
12 ~~of the certificate shall not affect the utility's obligation pursuant to Rule 25-30.120, F.A.C.,~~  
13 ~~Regulatory Assessment Fees.~~  
14 *Rulemaking Authority 367.121, 367.1213, 350.127(2) FS. Law Implemented 367.071,*  
15 *367.1213 FS. History—New 1-27-91, Amended 11-30-93,\_\_\_\_\_.*  
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1        25-30.038 Application for Transfer to a Governmental Authority.

2        (1) This rule applies to an application to transfer a regulated utility to a governmental  
3        authority pursuant to Section 367.071(4)(a), F.S.

4        (2) Each applicant for acknowledgement of the transfer of facilities, or any portion thereof,  
5        from a regulated utility to a governmental authority shall file the information set forth in  
6        paragraphs (a) through (h) below with the Office of Commission Clerk. Form PSC 1009  
7        (12/15) entitled "Application for Transfer to a Governmental Authority," which is  
8        incorporated by reference in this rule and is available at [Department of State hyperlink], is an  
9        example application that may be completed by the applicant and filed with the Office of  
10       Commission Clerk to comply with this subsection. This form may also be obtained from the  
11       Commission's website, www.floridapsc.com.

12       (a) The certificated name, address, telephone number, certificate number(s), authorized  
13       representative, and, if available, e-mail address and fax number of the utility;

14       (b) The name, address, and telephone number, and authorized representative, and, if available,  
15       e-mail address and fax number of the governmental authority;

16       (c) The date on which the governmental authority assumed ownership or proposes to assume  
17       ownership, operation, management, or control of the utility;

18       (d) A copy of the contract or other document transferring the utility system to the  
19       governmental authority;

20       (e) A statement that the governmental authority obtained from the utility or Commission the  
21       most recent available annual report;

22       (f) A statement describing the disposition of customer deposits and interest thereon;

23       (g) A statement regarding the disposition of any outstanding regulatory assessment fees, fines  
24       or refunds owed; and

25       (h) If a utility is transferring only a portion of its facilities to a governmental authority, it must

1 provide the following additional information:  
2 1. A list of any utility assets not transferred to the governmental authority, if such remaining  
3 assets constitute a system providing or proposing to provide water or wastewater service to the  
4 public for compensation;  
5 2. A legal description of the territory not transferred to the governmental authority in the  
6 format prescribed in Rule 25-30.029, F.A.C.;  
7 3. An official county tax assessment map or other map showing township, range, and section  
8 with a scale such as 1" = 200' or 1" = 400', with the remaining territory plotted thereon,  
9 consistent with the legal description provided in paragraph (2)(h)2. above; and  
10 4. Tariff sheets reflecting the remaining territory. Form PSC 1010 (12/15), entitled "Water  
11 Tariff" and Form PSC 1011 (12/15), entitled "Wastewater Tariff," which are incorporated by  
12 reference in Rule 25-30.033, F.A.C., are example tariffs that may be completed by the  
13 applicant and included in the application. These forms may also be obtained from the  
14 Commission's website, [www.floridapsc.com](http://www.floridapsc.com).  
15 Rulemaking Authority 367.045, 367.121, 350.127(2) FS. Law Implemented 367.045, 367.071  
16 FS. History—New \_\_\_\_\_.  
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1       25-30.039 Notice of Application for Name Change

2       (1) This rule shall apply to a certificated utility that changes its name only, with no change in  
3       the ownership or control of the utility or its assets.

4       (2) Before notifying its customers of a utility name change, the utility shall provide  
5       Commission staff with the following: Each application for approval of a change in name of a  
6       certificated utility shall include the following information:

7       (a) The utility's certificated complete name, address, telephone number, certificate number(s),  
8       authorized representative, and, if available, e-mail address and fax number and type of  
9       business entity of the certificated utility;

10      (b) The proposed change in name and documentation from the Florida Department of State,  
11      Division of Corporations, showing:

12      1. The utility's business name and registration/document number for the business, unless  
13      operating as a sole proprietor, and

14      2. The utility's fictitious name and registration number for the fictitious name, if operating  
15      under a fictitious name the type of business entity under the new name;

16      ~~(c)~~ A statement setting out the reasons for the name change;

17      ~~(c)~~(d) The effective date of the name change;

18      ~~(d)~~(e) In the case of a corporation, limited partnership, or any other type of entity that is  
19      chartered by the State of Florida or any other state, a copy of the certificate, or other document  
20      issued by the state showing its acceptance of the entity's new name. In addition, an officer of  
21      the entity shall provide A a statement that the ownership and control of the utility and its assets  
22      will not change under the new proposed name. In the case of a sole proprietorship, general  
23      partnership, or any other type of entity not chartered by the State of Florida or any other state,  
24      a statement, signed by a duly authorized representative, that the ownership and control of the  
25      utility and its assets will not change under the proposed name;

1 ~~(e)(f)~~ A draft ~~proposed~~ notice to be sent to the customers of the utility informing them of the  
2 change in utility name; and  
3 ~~(f)(g)~~ A ~~An original and two copies of a proposed~~ tariff reflecting the name change, including  
4 all standard forms. Form PSC 1010 (12/15), entitled "Water Tariff," and Form PSC 1011  
5 (12/15), entitled "Wastewater Tariff," which are incorporated by reference in Rule 25-30.033,  
6 F.A.C., are example tariffs that may be completed by the applicant and included in the  
7 application. These forms may also be obtained from the Commission's website,  
8 www.floridapsc.com, ; and,  
9 ~~(h) The applicant's current certificate.~~  
10 (3) After the Commission staff approves the customer notice, the utility shall send the  
11 approved customer notice to all existing customers with the next regular billing, advising them  
12 of the name change. The utility shall file with the Commission Clerk a statement verifying the  
13 date that the notice was actually sent to the customers.  
14 *Rulemaking Authority 350.127(2), 367.121, 367.1214 FS. Law Implemented 367.121,*  
15 *367.1214 FS. History—New 11-30-93, Amended\_\_\_\_\_.*  
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1           25-30.090 Abandonments.

2   (1) This rule applies to any person, lessee, trustee, or receiver owning, operating, managing, or,  
3   controlling a utility which intends to abandon the utility. The provisions of this rule are  
4   intended to prevent service interruptions to the utility customers.

5   (2) The notice of abandonment to be issued by the utility to the Commission and the county's  
6   administrator, pursuant to ~~required by~~ Section 367.165, F.S., shall identify ~~include~~ the  
7   following:

8   (a) The utility's name and address;

9   (b) The person to contact regarding this notice, including that person's ~~their~~ address, ~~and~~  
10   telephone number, and, if available, e-mail address and fax number;

11   ~~(c)~~ ~~The location of the utility's books and records;~~

12   ~~(c)(d)~~ The date of the notice;

13   ~~(d)(e)~~ The date the utility will be abandoned;

14   ~~(e)(f)~~ Whether the water system, wastewater system, or both are to be abandoned;

15   ~~(f)(g)~~ A statement of the reason the utility will ~~is to~~ be abandoned;

16   ~~(g)(h)~~ A statement of the status of the utility with the Department of Environmental Protection  
17   regarding outstanding citations or violations; and

18   (h) The location of the utility's books and records.

19   (3) Within 10 days of ~~the~~ appointment of a receiver by the circuit court, the receiver shall  
20   provide the Commission with a copy of the order of appointment and shall request from the  
21   Commission a copy of the utility's tariff and most recent annual report.

22   (4) Within 90 days of ~~the~~ appointment, a ~~of the~~ receiver who is not a governmental authority  
23   ~~the receiver~~ shall file the utility's water and/or wastewater ~~a proposed~~ tariff that is revised to  
24   show revision amending the title page to reflect the name, address and telephone number of  
25   the receiver and identifies the receiver as the issuing officer. This revision shall not affect the



1 certificated name of the utility. Form PSC 1010 (12/15), entitled "Water Tariff" and Form  
2 PSC 1011 (12/15), entitled "Wastewater Tariff," which are incorporated by reference in Rule  
3 25-30.033, F.A.C., are example tariffs that may be completed by the applicant and included in  
4 the application. These forms may also be obtained from the Commission's website,  
5 www.floridapsc.com.

6 (5) ~~During the pendency of the receivership, T~~the receiver shall fulfill ~~be responsible for~~  
7 ~~fulfilling~~ the utility's obligations pursuant to Chapter 367, F.S., and Chapter 25-30, F.A.C.,  
8 during the pendency of the receivership. However, In no event shall a receiver shall not be  
9 held responsible by the Commission for failure to provide safe, efficient and sufficient service  
10 where such failure is substantially caused by actions or omissions pre-dating appointment of  
11 the receiver, unless the receiver is given reasonable opportunity to rectify such failure.

12 (6) ~~If the receiver appointed by the circuit court is a governmental authority as defined by~~  
13 ~~Section 367.021(7), F.S., the governmental authority, upon request, shall be found exempt~~  
14 ~~pursuant to Section 367.022(2), F.S.~~

15 *Rulemaking Authority 350.127(2), 367.121 FS. Law Implemented 367.121, 367.165 FS.*

16 *History—New 11-30-93, Amended \_\_\_\_\_.*

**FLORIDA PUBLIC SERVICE COMMISSION**

**INSTRUCTIONS FOR COMPLETING EXAMPLE  
APPLICATION FOR ORIGINAL CERTIFICATE OF AUTHORIZATION  
FOR A PROPOSED OR EXISTING SYSTEM REQUESTING  
INITIAL RATES AND CHARGES**

**(Pursuant to Sections 367.031, 367.045, and 367.081, Florida Statutes, and  
Rule 25-30.033, Florida Administrative Code)**

**General Information**

The attached form is an example application that may be completed by the applicant and filed with the Office of Commission Clerk to comply with Rule 25-30.033, Florida Administrative Code (F.A.C.). Any questions regarding this form should be directed to the Division of Engineering at (850) 413-6910.

**Instructions**

1. Fill out the attached application form completely and accurately.
2. Complete all the items that apply to your utility. If an item is not applicable, mark it "N.A." Do not leave any items blank.
3. Remit the proper filing fee pursuant to Rule 25-30.020, F.A.C., with the application.
4. Provide proof of noticing pursuant to Rule 25-30.030, F.A.C. This may be provided as a late-filed exhibit.
5. The completed application, attached exhibits, and the proper filing fee should be mailed to:

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

**APPLICATION FOR ORIGINAL CERTIFICATE OF AUTHORIZATION**  
**FOR A PROPOSED OR EXISTING SYSTEM REQUESTING**  
**INITIAL RATES AND CHARGES**

(Pursuant to Sections 367.031, 367.045, and 367.081, Florida Statutes, and  
Rule 25-30.033, Florida Administrative Code)

To: **Office of Commission Clerk**  
**Florida Public Service Commission**  
**2540 Shumard Oak Boulevard**  
**Tallahassee, Florida 32399-0850**

The undersigned hereby makes application for original certificate(s) to operate a water ☐  
and/or wastewater ☐ utility in \_\_\_\_\_ County, Florida, and submits the following  
information:

**PART I**

**APPLICANT INFORMATION**

- A) Contact Information for Utility. The utility's name, address, telephone number, Federal Employer Identification Number, and if applicable, fax number, e-mail address, and website address. The utility's name should reflect the business and/or fictitious name(s) registered with the Department of State's Division of Corporations:

\_\_\_\_\_  
Utility Name

\_\_\_\_\_  
Office Street Address

\_\_\_\_\_  
City

\_\_\_\_\_  
State

\_\_\_\_\_  
Zip Code

\_\_\_\_\_  
Mailing Address (if different from Street Address)

\_\_\_\_\_  
City

\_\_\_\_\_  
State

\_\_\_\_\_  
Zip Code

( ) -  
\_\_\_\_\_  
Phone Number

( ) -  
\_\_\_\_\_  
Fax Number

\_\_\_\_\_  
Federal Employer Identification Number



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E-Mail Address

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Website Address

- B) The contact information of the authorized representative to contact concerning this application:

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Name

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Mailing Address

---

City

State

Zip Code

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( ) -

Phone Number

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( ) -

Fax Number

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E-Mail Address

- C) Indicate the nature of the utility's business organization (check one). Provide documentation from the Florida Department of State, Division of Corporations showing the utility's business name and registration/document number for the business, unless operating as a sole proprietor.

- ☐ Corporation \_\_\_\_\_  
Number
- ☐ Limited Liability Company \_\_\_\_\_  
Number
- ☐ Partnership \_\_\_\_\_  
Number
- ☐ Limited Partnership \_\_\_\_\_  
Number
- ☐ Limited Liability Partnership \_\_\_\_\_  
Number
- ☐ Sole Proprietorship \_\_\_\_\_  
Number

- ☐ Association  
☐ Other (Specify) \_\_\_\_\_

If the utility is doing business under a fictitious name, provide documentation from the Florida Department of State, Division of Corporations showing the utility's fictitious name and registration number for the fictitious name.

- ☐ Fictitious Name (d/b/a) \_\_\_\_\_  
Registration Number \_\_\_\_\_

- D) The name(s), address(es), and percentage of ownership of each entity which owns or will own more than 5 percent interest in the utility (use an additional sheet if necessary).

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- E) The election the business has made under the Internal Revenue Code for taxation purposes.

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**PART II      ORIGINAL CERTIFICATE REQUESTING INITIAL RATES**

**A)      DESCRIPTION OF SERVICE**

Exhibit \_\_\_\_\_ - Provide a statement indicating whether the application is for water, wastewater, or both. If the applicant is applying only for water or wastewater, the statement shall include how the other service is provided.

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**B) FINANCIAL ABILITY**

- 1) Exhibit \_\_\_\_\_ - Provide a detailed financial statement (balance sheet and income statement), audited if available, of the financial condition of the applicant, that shows all assets and liabilities of every kind and character. The financial statements shall be for the preceding calendar or fiscal year. The financial statement shall be prepared in accordance with Rule 25-30.115, F.A.C. If available, a statement of the sources and uses of funds shall also be provided.
- 2) Exhibit \_\_\_\_\_ - Provide a list of all entities, including affiliates, upon which the applicant is relying to provide funding to the utility and an explanation of the manner and amount of such funding. The list need not include any person or entity holding less than 5 percent ownership interest in the utility. The applicant shall provide copies of any financial agreements between the listed entities and the utility and proof of the listed entities' ability to provide funding, such as financial statements.

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**C) TECHNICAL ABILITY**

- 1) Exhibit \_\_\_\_\_ - Provide the applicant's experience in the water or wastewater industry;  
  

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- 2) Exhibit \_\_\_\_\_ - Provide the copy of all current permits from the Department of Environmental Protection (DEP) and the water management district;
- 3) Exhibit \_\_\_\_\_ - Provide a copy of the most recent DEP and/or county health department sanitary survey, compliance inspection report and secondary water quality standards report; and
- 4) Exhibit \_\_\_\_\_ - Provide a copy of all correspondence with the DEP, county health department, and water management district, including consent orders and warning letters, and the utility's responses to the same, for the past five years.



**D) NEED FOR SERVICE**

1) Exhibit \_\_\_\_\_ - Provide the following documentation of the need for service in the proposed area:

- a) The number of customers currently being served and proposed to be served, by customer class and meter size, including a description of the types of customers anticipated to be served, i.e., single family homes, mobile homes, duplexes, golf course clubhouse, commercial. If the development will be in phases, this information shall be separated by phase;

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- b) A copy of all requests for service from property owners or developers in areas not currently served;

- c) The current land use designation of the proposed service territory as described in the local comprehensive plan at the time the application is filed. If the proposed development will require a revision to the comprehensive plan, describe the steps taken and to be taken to facilitate those changes, including changes needed to address the proposed need for service area;

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- d) Any known land use restrictions, such as environmental restrictions imposed by governmental authorities.

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- 2) Exhibit \_\_\_\_\_ - Provide the date the applicant began or plans to begin serving customers. If already serving customers, a description of when and under what circumstances applicant began serving.

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**E) TERRITORY DESCRIPTION, MAPS, AND FACILITIES**

- 1) Exhibit \_\_\_\_\_ - Provide a legal description of the proposed service area in the format prescribed in Rule 25-30.029, F.A.C.
- 2) Exhibit \_\_\_\_\_ - Provide documentation of the utility's right to access and continued use of the land upon which the utility treatment facilities are or will be located. This documentation shall be in the form of a recorded warranty deed, recorded quit claim deed accompanied by title insurance, recorded lease such as a 99-year lease, or recorded easement. The applicant may submit an unrecorded copy of the instrument granting the utility's right to access and continued use of the land upon which the utility treatment facilities are or will be located, provided the applicant files a recorded copy within the time prescribed in the order granting the certificate.
- 3) Exhibit \_\_\_\_\_ - Provide a detailed system map showing the existing and proposed lines and treatment facilities, with the territory proposed to be served plotted thereon, consistent with the legal description provided in E-1 above. The map shall be of sufficient scale and detail to enable correlation with the description of the territory proposed to be served.
- 4) Exhibit \_\_\_\_\_ - Provide an official county tax assessment map or other map showing township, range, and section, with a scale such as 1" = 200' or 1" = 400', with the proposed territory plotted thereon, consistent with the legal description provided in E-1 above.
- 5) Exhibit \_\_\_\_\_ - Provide a description of the separate capacities of the existing and proposed lines and treatment facilities in terms of equivalent residential connections (ERCs) and gallons per day estimated demand per ERC for water and wastewater and the basis for such estimate. If the development will be in phases, this information shall be separated by phase.
- 6) Exhibit \_\_\_\_\_ - Provide a description of the type of water treatment, wastewater treatment, and method of effluent disposal.

**F) PROPOSED TARIFF**

Exhibit \_\_\_\_ - Provide a tariff containing all rates, classifications, charges, rules, and regulations, which shall be consistent with Chapter 25-9, F.A.C. See Rule 25-30.033, F.A.C., for information about water and wastewater tariffs that are available and may be completed by the applicant and included in the application.

**G) ACCOUNTING AND RATE INFORMATION**

- 1) Exhibit \_\_\_\_ - Describe the existing and projected cost of the system(s) and associated depreciation by year until design capacity is reached using the 1996 National Association of Regulatory Utility Commissioners (NARUC) Uniform System of Accounts (USOA), which is incorporated by reference in Rule 25-30.115, F.A.C. The applicant shall identify the year that 80 percent of design capacity is anticipated.
- 2) Exhibit \_\_\_\_ - Provide the existing and projected annual contributions-in-aid-of-construction (CIAC) and associated amortization by year including a description of assumptions regarding customer growth projections using the same projections used in documented need for service for the proposed service area. The projected CIAC shall identify cash and property contributions and amortization at 100 percent of design capacity and identify the year when 80 percent of design capacity is anticipated. The projected CIAC shall be consistent with the service availability policy and charges in the proposed tariff provided in F-1 above, the schedule provided in G-6 below, and the CIAC guidelines set forth in Rule 25-30.580, F.A.C. If the utility will be built in phases, this shall apply only to the first phase.
- 3) Exhibit \_\_\_\_ - Provide the current annual operating expenses and the projected annual operating expenses at 80 percent of design capacity using the 1996 NARUC USOA. If the utility will be built in phases, this shall apply only to the first phase.
- 4) Exhibit \_\_\_\_ - Provide a schedule showing the projected capital structure including the methods of financing the construction and operation of the utility until the utility reaches 80 percent of the design capacity of the system. If the utility will be built in phases, this shall apply only to the first phase. A return on common equity shall be established using the current equity leverage formula established by order of this Commission pursuant to Section 367.081(4), Florida Statutes, unless there is competent substantial evidence supporting the use of a different return on common equity. Please reference subsection 25-30.033(4), F.A.C., for additional information regarding the accrual of allowance for funds used during construction (AFUDC).



- 5) Exhibit \_\_\_\_\_ - Provide a schedule showing how the proposed rates were developed. The base facility and usage rate structure (as defined in subsection 25-30.437(6), F.A.C.) shall be utilized for metered service, unless an alternative rate structure is supported by the applicant and authorized by the Commission.
- 6) Exhibit \_\_\_\_\_ - Provide a schedule showing how the proposed service availability policy and charges were developed, including meter installation, main extension, and plant capacity charges, and proposed donated property.
- 7) Exhibit \_\_\_\_\_ - Provide a schedule showing how the customer deposits and miscellaneous service charges were developed, including initial connection, normal reconnection, violation reconnection, and premises visit fees, consistent with Rules 25-30.311 and 25-30.460, F.A.C.

**H) NOTICING REQUIREMENTS**

Exhibit \_\_\_\_\_ - Provide proof of noticing pursuant to Rule 25-30.030, F.A.C. This may be provided as a late-filed exhibit.

**PART III SIGNATURE**

Please sign and date the utility's completed application.

APPLICATION SUBMITTED BY: \_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Applicant's Name (Printed)

\_\_\_\_\_  
Applicant's Title

\_\_\_\_\_  
Date

**FLORIDA PUBLIC SERVICE COMMISSION**

**INSTRUCTIONS FOR COMPLETING EXAMPLE  
APPLICATION FOR ORIGINAL CERTIFICATE OF AUTHORIZATION FOR  
EXISTING UTILITY CURRENTLY CHARGING FOR SERVICE**

**(Pursuant to Sections 367.031, 367.045, and 367.081, Florida Statutes, and  
Rule 25-30.034, Florida Administrative Code)**

**General Information**

The attached form is an example application that may be completed by the applicant and filed with the Office of Commission Clerk to comply with Rule 25-30.034, Florida Administrative Code (F.A.C.). Any questions regarding this form should be directed to the Division of Engineering at (850) 413-6910.

**Instructions**

1. Fill out the attached application form completely and accurately.
2. Complete all the items that apply to your utility. If an item is not applicable, mark it "N.A." Do not leave any items blank.
3. Remit the proper filing fee pursuant to Rule 25-30.020, F.A.C., with the application.
4. Provide proof of noticing pursuant to Rule 25-30.030, F.A.C. This may be provided as a late-filed exhibit.
5. The completed application, attached exhibits, and the proper filing fee should be mailed to:

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

**APPLICATION FOR ORIGINAL CERTIFICATE OF AUTHORIZATION FOR  
EXISTING UTILITY CURRENTLY CHARGING FOR SERVICE**

(Pursuant to Sections 367.031, 367.045, and 367.081, Florida Statutes, and  
Rule 25-30.034, Florida Administrative Code)

To: **Office of Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850**

The undersigned hereby makes application for original certificate(s) to operate a water ☐  
and/or wastewater ☐ utility in \_\_\_\_\_ County, Florida, and submits the following  
information:

**PART I**

**APPLICANT INFORMATION**

- A) Contact Information for Utility. The utility's name, address, telephone number, Federal Employer Identification Number, and if applicable, fax number, e-mail address, and website address. The utility's name should reflect the business and/or fictitious name(s) registered with the Department of State's Division of Corporations:

\_\_\_\_\_  
Utility Name

\_\_\_\_\_  
Office Street Address

\_\_\_\_\_  
City

\_\_\_\_\_  
State

\_\_\_\_\_  
Zip Code

\_\_\_\_\_  
Mailing Address (if different from Street Address)

\_\_\_\_\_  
City

\_\_\_\_\_  
State

\_\_\_\_\_  
Zip Code

( ) -  
\_\_\_\_\_  
Phone Number

( ) -  
\_\_\_\_\_  
Fax Number

\_\_\_\_\_  
Federal Employer Identification Number

\_\_\_\_\_  
E-Mail Address



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Website Address

- B) The contact information of the authorized representative to contact concerning this application:

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Name

---

Mailing Address

---

City

State

Zip Code

---

( ) -

( ) -

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Phone Number

---

Fax Number

---

E-Mail Address

- C) Indicate the nature of the utility's business organization (check one). Provide documentation from the Florida Department of State, Division of Corporations showing the utility's business name and registration/document number for the business, unless operating as a sole proprietor.

☐ Corporation \_\_\_\_\_  
Number

☐ Limited Liability Company \_\_\_\_\_  
Number

☐ Partnership \_\_\_\_\_  
Number

☐ Limited Partnership \_\_\_\_\_  
Number

☐ Limited Liability Partnership \_\_\_\_\_  
Number

☐ Sole Proprietorship

☐ Association

☐ Other (Specify) \_\_\_\_\_

If the utility is doing business under a fictitious name, provide documentation from the Florida Department of State, Division of Corporations showing the utility's fictitious name and registration number for the fictitious name.

☐ Fictitious Name (d/b/a) \_\_\_\_\_  
Registration Number \_\_\_\_\_

- D) The name(s), address(es), and percentage of ownership of each entity which owns or will own more than 5 percent interest in the utility (use an additional sheet if necessary).

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**PART II**                      **ORIGINAL CERTIFICATE FOR EXISTING UTILITY**

**A)      DESCRIPTION OF SERVICE**

- 1) Exhibit \_\_\_\_\_ - Provide a statement indicating whether the application is for water, wastewater, or both. If the applicant is applying only for water or wastewater, the statement shall include how the other service is provided.

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- 2) Exhibit \_\_\_\_\_ - Provide a description of the types of customers served, i.e., single family homes, mobile homes, duplexes, golf course clubhouse, or commercial.

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- 3) Exhibit \_\_\_\_\_ - Provide a schedule showing the number of customers currently served, by class and meter size, as well as the number of customers projected to be served when the requested service territory is fully developed.

**B) FINANCIAL ABILITY**

- 1) Exhibit \_\_\_\_\_ - Provide a detailed financial statement (balance sheet and income statement), audited if available, of the financial condition of the applicant, that shows all assets and liabilities of every kind and character. The financial statements shall be for the preceding calendar or fiscal year. The financial statement shall be prepared in accordance with Rule 25-30.115, F.A.C. If available, a statement of the sources and uses of funds shall also be provided.
- 2) Exhibit \_\_\_\_\_ - Provide a list of all entities, including affiliates, upon which the applicant is relying to provide funding to the utility and an explanation of the manner and amount of such funding. The list need not include any person or entity holding less than 5 percent ownership interest in the utility. The applicant shall provide copies of any financial agreements between the listed entities and the utility and proof of the listed entities' ability to provide funding, such as financial statements.

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**C) TECHNICAL ABILITY**

- 1) Exhibit \_\_\_\_\_ - Provide a statement of the applicant's experience in the water or wastewater industry;  
  

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- 2) Exhibit \_\_\_\_\_ - Provide a copy of all current permits from the Department of Environmental Protection (DEP) and the water management district;
- 3) Exhibit \_\_\_\_\_ - Provide a copy of the most recent sanitary survey, the compliance inspection report available from the DEP or county health department, and the most recent secondary water quality standards report; and
- 4) Exhibit \_\_\_\_\_ - Provide a copy of all correspondence with the DEP, county health department, and water management district, including consent orders and warning letters, and the utility's responses to the same, for the past five years.



**D) NEED FOR SERVICE**

- 1) Exhibit \_\_\_\_\_ - Provide a statement explaining when and under what circumstances the applicant began providing service prior to obtaining a certificate of authorization.

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- 2) Exhibit \_\_\_\_\_ - If the applicant is requesting any territory not served at the time of application, provide the following documentation of the need for service in the proposed area:

- a) The number of customers proposed to be served, by customer class and meter size, including a description of the types of customers anticipated to be served, i.e., single family homes, mobile homes, duplexes, golf course clubhouse, commercial. If the development will be in phases, this information shall be separated by phase.
- b) A copy of all requests for service from property owners or developers in areas not currently served.
- c) The current land use designation of the proposed service territory as described in the local comprehensive plan at the time the application is filed. If the proposed development will require a revision to the comprehensive plan, describe the steps taken and to be taken to facilitate those changes, including changes needed to address the proposed need for service described above.
- d) Any known land use restrictions, such as environmental restrictions imposed by governmental authorities.

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**E) TERRITORY DESCRIPTION AND MAPS**

- 1) Exhibit \_\_\_\_\_ - Provide a legal description of the proposed service area in the format prescribed in Rule 25-30.029, F.A.C.

- 2) Exhibit \_\_\_\_ - Provide documentation of the utility's right to access continued use of the land upon which the utility treatment facilities are located. This documentation shall be in the form of a recorded warranty deed, recorded quit claim deed accompanied by title insurance, recorded lease such as a 99-year lease, or recorded easement. The applicant may submit an unrecorded copy of the instrument granting the utility's right to access and continued use of the land upon which the utility treatment facilities are or will be located, provided the applicant files a recorded copy within the time prescribed in the order granting the certificate.
- 3) Exhibit \_\_\_\_ - Provide a detailed system map showing existing and proposed lines and treatment facilities with the territory proposed to be served plotted thereon, consistent with the legal description provided in E-1 above. Any territory not served at the time of the application shall be specifically identified on the system map. The map shall be of sufficient scale and detail to enable correlation with the description of the territory proposed to be served.
- 4) Exhibit \_\_\_\_ - Provide an official county tax assessment map or other map showing township, range, and section with a scale such as 1"=200' or 1"=400', with the proposed territory plotted thereon, consistent with the legal description provided in E-1 above.

**F) PROPOSED TARIFF AND RATE INFORMATION**

- 1) Exhibit \_\_\_\_ - Provide a tariff containing all rates, classifications, charges, rules, and regulations, which shall be consistent with Chapter 25-9, F.A.C. See Rule 25-30.034, F.A.C., for information about water and wastewater tariffs that are available and may be completed by the applicant and included in the application.
- 2) Exhibit \_\_\_\_ - Provide documentation specifying on what date and under what authority the current rates and charges were established.

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**G) NOTICING REQUIREMENTS**

Exhibit \_\_\_\_ - Provide proof of noticing pursuant to Rule 25-30.030, F.A.C. This may be provided as a late-filed exhibit.

**PART III**

**SIGNATURE**

Please sign and date the utility's completed application.

APPLICATION SUBMITTED BY:

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Applicant's Name (Printed)

\_\_\_\_\_  
Applicant's Title

\_\_\_\_\_  
Date



**FLORIDA PUBLIC SERVICE COMMISSION**

**INSTRUCTIONS FOR COMPLETING EXAMPLE  
APPLICATION FOR ORIGINAL CERTIFICATE OF AUTHORIZATION  
FOLLOWING RESCISSION OF JURISDICTION BY A COUNTY  
(GRANDFATHER CERTIFICATE)**

**(Pursuant to Section 367.171, Florida Statutes, and  
Rule 25-30.035, Florida Administrative Code)**

**General Information**

The attached form is an example application that may be completed by the applicant and filed with the Office of Commission Clerk to comply with Rule 25-30.035, Florida Administrative Code (F.A.C.). Any questions regarding this form should be directed to the Division of Engineering at (850) 413-6910.

**Instructions**

1. Fill out the attached application form completely and accurately.
2. Complete all the items that apply to your utility. If an item is not applicable, mark it "N.A." Do not leave any items blank.
3. Remit the proper filing fee pursuant to Rule 25-30.020, F.A.C., with the application.
4. The completed application and attached exhibits and the proper filing fee should be mailed to:

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

**APPLICATION FOR ORIGINAL CERTIFICATE FOLLOWING RESCISSION  
OF JURISDICTION BY A COUNTY (GRANDFATHER CERTIFICATE)**

**(Pursuant to Section 367.171, Florida Statutes, and  
Rule 25-30.035, Florida Administrative Code)**

To: **Office of Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850**

The undersigned hereby makes application for original certificate(s) to operate a water ☐  
and/or wastewater ☐ utility in \_\_\_\_\_ County, Florida, and submits the following  
information:

**PART I** **APPLICANT INFORMATION**

- A) Contact Information for Utility. The utility's name, address, telephone number, Federal Employer Identification Number, and if applicable, fax number, e-mail address, and website address. The utility's name should reflect the business and/or fictitious name(s) registered with the Department of State's Division of Corporations:

\_\_\_\_\_  
Utility Name

\_\_\_\_\_  
Office Street Address

\_\_\_\_\_  
City

\_\_\_\_\_  
State

\_\_\_\_\_  
Zip Code

\_\_\_\_\_  
Mailing Address (if different from Street Address)

\_\_\_\_\_  
City

\_\_\_\_\_  
State

\_\_\_\_\_  
Zip Code

( ) -  
\_\_\_\_\_  
Phone Number

( ) -  
\_\_\_\_\_  
Fax Number

\_\_\_\_\_  
Federal Employer Identification Number

\_\_\_\_\_  
E-Mail Address

Website Address \_\_\_\_\_

- B) The contact information of the authorized representative to contact concerning this application:

Name \_\_\_\_\_

Mailing Address \_\_\_\_\_

City \_\_\_\_\_

State \_\_\_\_\_

Zip Code \_\_\_\_\_

( ) - \_\_\_\_\_

Phone Number

( ) - \_\_\_\_\_

Fax Number

E-Mail Address \_\_\_\_\_

- C) Indicate the nature of the utility's business organization (check one). Provide documentation from the Florida Department of State, Division of Corporations, showing the utility's business name and registration/document number for the business, unless operating as a sole proprietor.

☐ Corporation \_\_\_\_\_  
Number

☐ Limited Liability Company \_\_\_\_\_  
Number

☐ Partnership \_\_\_\_\_  
Number

☐ Limited Partnership \_\_\_\_\_  
Number

☐ Limited Liability Partnership \_\_\_\_\_  
Number

☐ Sole Proprietorship

☐ Association

☐ Other (Specify) \_\_\_\_\_



If the utility is doing business under a fictitious name, provide documentation from the Florida Department of State, Division of Corporations showing the utility's fictitious name and registration number for the fictitious name.

☐ Fictitious Name (d/b/a) \_\_\_\_\_  
Registration Number \_\_\_\_\_

- D) The name(s), address(es), and percentage of ownership of each entity which owns or will own more than 5 percent interest in the utility (use an additional sheet if necessary).

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## PART II

### GRANDFATHER CERTIFICATE

#### A) DESCRIPTION OF SERVICE

- 1) Exhibit \_\_\_\_ - Provide a statement indicating whether the application is for water, wastewater, or both. If the applicant is applying only for water or wastewater, the statement shall include how the other service is provided.

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- 2) Exhibit \_\_\_\_ - Provide the date the utility was established.

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- 3) Exhibit \_\_\_\_ - Provide a description of the types of customers served, i.e., single family homes, mobile homes, duplexes, golf course clubhouse, or commercial.

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- 4) Exhibit \_\_\_\_ - Provide a schedule showing the number of customers currently served, by class and meter size, as well as the number of customers projected to be served when the requested service territory is fully developed.

**B) TERRITORY DESCRIPTION, MAPS, AND FACILITIES**

- 1) Exhibit \_\_\_\_ - Provide a legal description of the proposed service area in the format prescribed in Rule 25-30.029, F.A.C. The utility must provide documentation of the territory the utility was serving, or was authorized to serve, from the county which had jurisdiction over the utility on the day Chapter 367, Florida Statutes, became applicable to the utility.
- 2) Exhibit \_\_\_\_ - Provide documentation of the utility's right to continued long-term use of the land upon which the utility treatment facilities are located. This documentation shall be in the form of a recorded warranty deed, recorded quit claim deed accompanied by title insurance, recorded long-term lease, such as a 99-year lease, or recorded easement. The applicant may submit an unrecorded copy of the instrument granting the utility's right to access and continued use of the land upon which the utility treatment facilities are or will be located, provided the applicant files a recorded copy within the time prescribed in the order granting the certificate.
- 3) Exhibit \_\_\_\_ - Provide a detailed system map showing existing and proposed lines and treatment facilities with the territory proposed to be served plotted thereon, consistent with the legal description provided in B-1 above. Any territory not served at the time of the application shall be specifically identified on the system map. The map shall be of sufficient scale and detail to enable correlation with the description of the territory proposed to be served.
- 4) Exhibit \_\_\_\_ - Provide an official county tax assessment map or other map showing township, range, and section with a scale such as 1"=200' or 1"=400', with the proposed territory plotted thereon, consistent with the legal description provided in B-1 above.
- 5) Exhibit \_\_\_\_ - Provide a copy of all current permits from the Department of Environmental Protection (DEP) and the water management district.

**C) PROPOSED TARIFF AND RATE INFORMATION**

- 1) Exhibit \_\_\_\_ - Provide a tariff containing all rates, classifications, charges, rules, and regulations, which shall be consistent with Chapter 25-9, F.A.C. See Rule 25-30.035, F.A.C., for information about water and wastewater tariffs that are available and may be completed by the applicant and included in the application.

- 2) Exhibit \_\_\_\_\_ - Provide documentation, or, if no documentation exists, a statement, specifying on what date and under what authority the current rates and charges were established.

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**PART III**

**SIGNATURE**

Please sign and date the utility's completed application.

APPLICATION SUBMITTED BY:

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Applicant's Name (Printed)

\_\_\_\_\_  
Applicant's Title

\_\_\_\_\_  
Date



**FLORIDA PUBLIC SERVICE COMMISSION**  
**INSTRUCTIONS FOR COMPLETING EXAMPLE**  
**APPLICATION FOR AMENDMENT OF CERTIFICATE**  
**(EXTENSION, QUICK TAKE EXTENSION, OR DELETION)**

**(Pursuant to Section 367.045, Florida Statutes, and  
Rule 25-30.036, Florida Administrative Code)**

**General Information**

The attached form is an example application that may be completed by the applicant and filed with the Office of Commission Clerk to comply with Rule 25-30.036, Florida Administrative Code (F.A.C.). Any questions regarding this form should be directed to the Division of Engineering (850) 413-6910.

**Instructions**

1. Fill out the attached application form completely and accurately.
2. Complete all the items that apply to your utility. If an item is not applicable, please mark it "N.A." Do not leave any items blank.
3. Remit the proper filing fee pursuant to Rule 25-30.020, F.A.C., with the application.
4. Provide proof of noticing pursuant to Rule 25-30.030, F.A.C. This may be provided as a late-filed exhibit.
5. The completed application, attached exhibits, and the proper filing fee should be mailed to:

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

**APPLICATION FOR AMENDMENT OF CERTIFICATE  
(EXTENSION, QUICK TAKE EXTENSION, OR DELETION)**

**(Pursuant to Section 367.045, Florida Statutes, and  
Rule 25-30.036, Florida Administrative Code)**

To: **Office of Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, Florida 32399-0850**

The undersigned hereby makes application for amendment of Water Certificate No. \_\_\_\_\_ and/or Wastewater Certificate No. \_\_\_\_\_ to add ☐ or delete ☐ territory located in \_\_\_\_\_ County, Florida, and submits the following information:

Please check the type of amendment being requested. Based upon the type of amendment requested, please complete the following parts of the application. Where specific items are listed, only those items need to be completed under that part.

- ☐ Extension: Complete Parts I, II, V, and VI
- ☐ Quick Take: Complete Parts I, II (only items B-1, 2, 4, 6 and D-1, 2, 3), III, V, and VI
- ☐ Deletion: Complete Parts I, II (only items D-1, 2, 3), IV, V, and VI

**PART I**

**APPLICANT INFORMATION**

- A) Contact Information for Utility. The utility's certificated name, address, telephone number, Federal Employer Identification Number, and if applicable, fax number, e-mail address, and website address. The utility's name should reflect the business and/or fictitious name(s) registered with the Department of State's Division of Corporations:

\_\_\_\_\_  
Utility Name

\_\_\_\_\_  
Office Street Address

\_\_\_\_\_  
City

\_\_\_\_\_  
State

\_\_\_\_\_  
Zip Code

\_\_\_\_\_  
Mailing Address (if different from Street Address)

City	State	Zip Code
(    )    -		(    )    -
Phone Number		Fax Number
Federal Employer Identification Number		
E-Mail Address		
Website Address		

B) The contact information of the authorized representative to contact concerning this application:

Name
Mailing Address
City
State
Zip Code
(    )    -
Phone Number
Fax Number
E-Mail Address

## PART II

## TERRITORY AMENDMENT

Part II should be completed as follows based upon the type of amendment requested.

Extension: Complete all items under Part II

Quick Take Extension: Only need to complete items B-1, 2, 4, 6 and D-1, 2, 3.

Deletion: Only need to complete items D-1, 2, 3.



**A) NEED FOR SERVICE IN THE PROPOSED AREA**

- 1) Exhibit \_\_\_\_ - The number of customers currently being served and proposed to be served, by customer class and meter size, including a description of the types of customers anticipated to be served, i.e., single family homes, mobile homes, duplexes, golf course clubhouse, commercial.

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- 2) Exhibit \_\_\_\_ - Provide a copy of all requests from service from property owners or developers in areas not currently served.

- 3) Exhibit \_\_\_\_ - Provide a copy of the current land use designation of the proposed service territory as described in the local comprehensive plan at the time the application is filed. If the proposed development will require a revision to the comprehensive plan, describe the steps taken and to be taken to facilitate those changes, including changes needed to address the proposed need for service.

- 4) Exhibit \_\_\_\_ - Provide a statement of any known land use restrictions, such as environmental restrictions imposed by governmental authorities.

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**B) TERRITORY DESCRIPTION, MAPS, FACILITIES, AND TECHNICAL ABILITY**

- 1) Exhibit \_\_\_\_ - If the utility is planning to build a new water or wastewater treatment plant to serve the proposed territory, provide documentation of the utility's right to access and continued use of the land upon which the new utility treatment facilities that will serve the proposed territory will be located. This documentation shall be in the form of a recorded warranty deed, recorded quit claim deed accompanied by title insurance, recorded lease such as a 99-year lease, or recorded easement. The applicant may submit an unrecorded copy of the instrument granting the utility's right to access and continued use of the land upon which the utility treatment facilities are or will be located, provided the applicant files a recorded copy within the time prescribed in the order granting the amendment to the certification of authorization.

- 2) Exhibit \_\_\_\_\_ - Provide a legal description of the territory proposed to be served in the format prescribed in Rule 25-30.029, F.A.C. In addition, if the extension of territory is adjacent to existing territory, provide one complete legal description of the resulting territory including both existing and expanded portions.
- 3) Exhibit \_\_\_\_\_ - Provide a detailed system map showing the proposed lines and treatment facilities, with the territory proposed to be served plotted thereon, consistent with the legal description provided in B-1 above. If the territory to be served is adjacent to the utility's existing territory, provide a complete map showing both existing and expanded territories. The map shall be of sufficient scale and detail to enable correlation with the description of the territory.
- 4) Exhibit \_\_\_\_\_ - Provide an official county tax assessment map or other map showing township, range, and section, with a scale such as 1" = 200' or 1" = 400', with the proposed territory plotted thereon, consistent with the legal description provided in B-1 above.
- 5) Exhibit \_\_\_\_\_ - Provide a statement describing the capacity of the existing lines, the capacity of the existing treatment facilities, and the design capacity of the proposed extension.

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- 6) Exhibit \_\_\_\_\_ - Provide a copy of all current permits issued by the Department of Environmental Protection (DEP) and by the water management district.
- 7) Exhibit \_\_\_\_\_ - Provide a copy of the most recent DEP and/or county health department sanitary survey, compliance inspection report, and secondary water quality standards report.
- 8) Exhibit \_\_\_\_\_ - Provide a copy of all correspondence with the DEP, county health department, and water management district, including consent orders and warning letters, and the utility's responses to the same, for the past five years.

C) **FINANCIAL ABILITY**

- 1) Exhibit \_\_\_\_\_ - Provide a detailed statement regarding the proposed method of financing the construction and the projected impact on the utility's capital structure.

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- 2) Exhibit \_\_\_\_\_ - Provide a statement regarding the projected impact of the extension on the utility's monthly rates and service availability charges.

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D) **PROPOSED TARIFF AND RATE INFORMATION**

- 1) Exhibit \_\_\_\_\_ - Provide a tariff containing all rates, classifications, charges, rules, and regulations, which shall be consistent with Chapter 25-9, F.A.C. See Rule 25-30.036, F.A.C., for information about water and wastewater tariffs that are available and may be completed by the applicant and included in the application.

- 2) Exhibit \_\_\_\_\_ - Provide the number of the most recent order of the Commission establishing or changing the applicant's rates and charges.

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- 3) Exhibit \_\_\_\_\_ - An affidavit that the utility has tariffs and annual reports on file with the Commission.



**PART III**

**QUICK TAKE EXTENSION ADDITIONAL INFORMATION**

- A) Exhibit \_\_\_\_\_ - Provide a written statement that the proposed new territory includes a maximum of 25 equivalent residential connections within such territory at the time the territory is at buildout. In addition, the statement should include 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, or commercial.

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- B) Exhibit \_\_\_\_\_ - Provide a written statement that upon investigation:

- 1) There is no other utility in the area of the proposed territory that is willing and capable of providing reasonably adequate service to the new territory.

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- 2) The person(s) or business(es) requesting water or wastewater service have demonstrated to the utility that service is necessary because: (Check all that apply)

- (a) a private well has been contaminated or gone dry ☐,  
(b) a septic tank has failed ☐, or  
(c) service is otherwise not available ☐.

**PART IV**

**TERRITORY DELETION ADDITIONAL INFORMATION**

- A) Exhibit \_\_\_\_\_ - Provide a statement specifying the reasons for the proposed deletion of territory.

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- B) Exhibit \_\_\_\_\_ - Provide a legal description of the territory proposed to be deleted in the format prescribed in Rule 25-30.029, F.A.C., along with a complete legal description of the remaining territory.

- C) Exhibit \_\_\_\_\_ - Provide a detailed system map with the territory proposed to be deleted and retained plotted thereon, consistent with the legal description provided in B above. The map shall show the existing lines and treatment facilities in the area retained and shall be of sufficient scale and detail to enable correlation with the description of the territory.
- D) Exhibit \_\_\_\_\_ - Provide an official county tax assessment map or other map, showing township, range, and section with a scale such as 1" = 200' or 1" = 400', with the territory proposed to be deleted plotted thereon, consistent with the legal description provided in B above.
- E) Exhibit \_\_\_\_\_ - Provide a description of the number of current active connections within the territory to be deleted, as well as the number of connections retained. For each active connection in the area to be deleted, if any, the statement must detail the effect of the proposed deletion on the ability of those customers to receive water and wastewater services, including alternative source(s) of service.

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**PART V      NOTICING REQUIREMENTS**

Exhibit \_\_\_\_\_ - Provide proof of noticing pursuant to Rule 25-30.030, F.A.C. This may be provided as a late-filed exhibit.

**PART VI                                      SIGNATURE**

Please sign and date the utility's completed application.

APPLICATION SUBMITTED BY: \_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Applicant's Name (Printed)

\_\_\_\_\_  
Applicant's Title

\_\_\_\_\_  
Date

**FLORIDA PUBLIC SERVICE COMMISSION**

**INSTRUCTIONS FOR COMPLETING EXAMPLE  
APPLICATION FOR TRANSFER OF CERTIFICATES OR FACILITIES  
FROM A REGULATED UTILITY TO ANOTHER REGULATED UTILITY**

**(Pursuant to Section 367.071, Florida Statutes, and  
Rule 25-30.037(2), Florida Administrative Code)**

**General Information**

The attached form is an example application that may be completed by the applicant and filed with the Office of Commission Clerk to comply with Rule 25-30.037(2), Florida Administrative Code (F.A.C.). Any questions regarding this form should be directed to the Division of Engineering at (850) 413-6910.

**Instructions**

1. Pursuant to Rule 25-30.037(1)(a), F.A.C., if a transfer occurs prior to Commission approval, the utility shall submit an application for authority to transfer no later than 90 days after the sale closing date.
2. Fill out the attached application form completely and accurately.
3. Complete all the items that apply to your utility. If an item is not applicable, mark it "N.A." Do not leave any items blank.
4. Remit the proper filing fee pursuant to Rule 25-30.020, F.A.C., with the application.
5. Provide proof of noticing pursuant to Rule 25-30.030, F.A.C. This may be provided as a late-filed exhibit.
6. The completed application, attached exhibits, and the proper filing fee should be mailed to:

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



**APPLICATION FOR TRANSFER OF CERTIFICATES OR FACILITIES  
FROM A REGULATED UTILITY TO ANOTHER REGULATED UTILITY**

**(Pursuant to Section 367.071, Florida Statutes, and  
Rule 25-30.037(2), Florida Administrative Code)**

Pursuant to Rule 25-30.037(1)(a), F.A.C., if a transfer occurs prior to Commission approval, the utility shall submit an application for authority to transfer no later than 90 days after the sale closing date.

To: **Office of Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850**

The undersigned hereby makes application for the transfer of facilities and transfer ☐ or cancellation ☐ of Water Certificate No. \_\_\_\_\_ and/or Wastewater Certificate No. \_\_\_\_\_ and amendment of Water Certificate No. \_\_\_\_\_ and/or Wastewater Certificate No. \_\_\_\_\_ in \_\_\_\_\_ County, Florida, and submits the following information:

**PART I**

**APPLICANT INFORMATION**

- A) Contact Information for Utility/Seller. The utility/seller's certificated name, address, telephone number, and if applicable, fax number, e-mail address, and website address. The utility's name should reflect the business and/or fictitious name(s) registered with the Department of State's Division of Corporations:

\_\_\_\_\_  
Utility Name

\_\_\_\_\_  
Office Street Address

\_\_\_\_\_  
City

\_\_\_\_\_  
State

\_\_\_\_\_  
Zip Code

\_\_\_\_\_  
Mailing Address (if different from Street Address)

\_\_\_\_\_  
City

\_\_\_\_\_  
State

\_\_\_\_\_  
Zip Code

( ) - ( ) -  
Phone Number Fax Number

Federal Employer Identification Number

E-Mail Address

Website Address

Water Certificate No. Wastewater Certificate No.

- B) The contact information of the seller's authorized representative to contact concerning this application:

Name

Mailing Address

City State Zip Code

( ) - ( ) -  
Phone Number Fax Number

E-Mail Address

- C) Contact Information for Buyer. The buyer's name, address, telephone number, Federal Employer Identification Number, and, if applicable, fax number, e-mail address, website address, and new name of the utility if the buyer plans to operate under a different name. The buyer's business name, and if applicable, new utility name, should reflect the business and/or fictitious name(s) registered with the Department of State's Division of Corporations.

Buyer's Name

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Office Street Address

---

City

State

Zip Code

---

Mailing Address (if different from Street Address)

---

City

State

Zip Code

---

( ) -

( ) -

---

Phone Number

Fax Number

---

Federal Employer Identification Number

---

E-Mail Address

---

New Utility Name

- D) The contact information of the buyer's authorized representative to contact concerning this application:

---

Name

---

Mailing Address

---

City

State

Zip Code

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( ) -

( ) -

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Phone Number

Fax Number

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E-Mail Address



- E) The name, address, telephone number, and if available, e-mail address and fax number of the person in possession of the books and records when the application is filed.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Mailing Address

\_\_\_\_\_  
City

\_\_\_\_\_  
State

\_\_\_\_\_  
Zip Code

(   )   -  
\_\_\_\_\_  
Phone Number

(   )   -  
\_\_\_\_\_  
Fax Number

\_\_\_\_\_  
E-Mail Address

- F) Indicate the nature of the utility's/buyer's business organization (check one). Provide documentation from the Florida Department of State, Division of Corporations, showing the utility's/buyer's business name and registration/document number for the business, unless operating as a sole proprietor.

☐ Corporation \_\_\_\_\_  
Number

☐ Limited Liability Company \_\_\_\_\_  
Number

☐ Partnership \_\_\_\_\_  
Number

☐ Limited Partnership \_\_\_\_\_  
Number

☐ Limited Liability Partnership \_\_\_\_\_  
Number

☐ Sole Proprietorship

☐ Association

☐ Other (Specify) \_\_\_\_\_

If the utility is doing business under a fictitious name, provide documentation from the Florida Department of State, Division of Corporations showing the utility's fictitious name and registration number for the fictitious name.

☐ Fictitious Name (d/b/a) \_\_\_\_\_  
Registration Number \_\_\_\_\_

- G) The name(s), address(es), and percentage of ownership of each entity which owns or will own more than 5 percent interest in the utility (Use additional sheet if necessary).

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- H) Provide the date and state of incorporation or organization of the buyer.

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## PART II

### TRANSFER OF CERTIFICATE

#### A) DESCRIPTION OF SALE AGREEMENT

- 1) Exhibit \_\_\_\_ - Provide a copy of the contract for sale and all auxiliary or supplemental agreements. If the sale, assignment, or transfer occurs prior to Commission approval, the contract shall include provision stating that the contract is contingent upon Commission approval.

- 2) Exhibit \_\_\_\_ - Provide the following documentation of the terms of the transfer:
- a) The date the closing occurred or will occur.

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- b) The purchase price and terms of payment.

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- c) A list of and the dollar amount of the assets purchased and liabilities assumed or not assumed, including those of non-regulated operations or entities.

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- d) A description of all consideration between the parties, including promised salaries, retainer fees, stock, stock options, and assumption of obligations.

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- e) Provisions regarding the disposition, where applicable, of customer deposits and interest thereon, guaranteed revenue contracts, developer agreements, customer advances, debt of the utility, and leases.

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- f) A statement that the buyer will fulfill the commitments, obligations, and representations of the seller with regard to utility matters.

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- g) A provision that the buyer has or will obtain the books and records of the seller, including all supporting documentation for rate base additions since the last time rate base was established for the utility.

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- h) A statement that the utility's books and records will be maintained using the National Association of Regulatory Utility Commissioners (NARUC) Uniform System of Accounts (USOA).

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- i) A statement that the utility's books and records will be maintained at the utility's office(s) within Florida, or that the utility will comply with the requirements of Rule 25-30.110(1)(b) and (c), F.A.C., regarding maintenance of utility records at another location or out-of-state. If the records will not be maintained at the utility's office(s), the statement should include the location where the utility intends to maintain the books and records.

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**B) FINANCIAL ABILITY**

- 1) Exhibit \_\_\_\_ - Provide a detailed financial statement (balance sheet and income statement), audited if available, of the financial condition of the applicant, that shows all assets and liabilities of every kind and character. The financial statements shall be for the preceding calendar or fiscal year. The financial statement shall be prepared in accordance with Rule 25-30.115, F.A.C. If available, a statement of the sources and uses of funds shall also be provided.
- 2) Exhibit \_\_\_\_ - Provide a list of all entities, including affiliates, upon which the buyer is relying to provide funding to the utility and an explanation of the manner and amount of such funding. The list need not include any person or entity holding less than 5 percent ownership interest in the utility. The applicant shall provide copies of any financial agreements between the listed entities and the utility and proof of the listed entities' ability to provide funding, such as financial statements.

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**C) TECHNICAL ABILITY**

- 1) Exhibit \_\_\_\_ - Provide the buyer's experience in the water or wastewater industry.
- 2) Exhibit \_\_\_\_ - Provide the buyer's plans for ensuring continued operation of the utility, such as retaining the existing plant operator(s) and office personnel, or contracting with outside entities.

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**D) TERRITORY DESCRIPTION, PUBLIC INTEREST, AND FACILITIES**

- 1) Exhibit \_\_\_\_\_ - Provide a legal description of the proposed service area in the format prescribed in Rule 25-30.029, F.A.C.
- 2) Exhibit \_\_\_\_\_ - Provide a statement explaining why the transfer is in the public interest.  
  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- 3) Exhibit \_\_\_\_\_ - Provide a statement from the buyer that after reasonable investigation, the system being acquired appears to be in satisfactory condition and compliance with all applicable standards set by the DEP, or, if the system is in need of repair or improvement, has any outstanding Notice of Violation of any standard set by the DEP or any outstanding consent orders with the DEP, the buyer shall provide a description of the repairs or improvements that have been identified, the governmental entity that required the repairs or improvements, if applicable, the approximate cost to complete the repairs or improvements, and any agreements between the seller and buyer regarding who will be responsible for any identified repairs or improvements.  
  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- 4) Exhibit \_\_\_\_\_ - Provide documentation of the utility's right to continued long-term use of the land upon which the utility treatment facilities are located. This documentation shall be in the form of a recorded warranty deed, recorded quit claim deed accompanied by title insurance, recorded long-term lease, such as a 99-year lease, or recorded easement. The applicant may submit an unrecorded copy of the instrument granting the utility's right to access and continued use of the land upon which the utility treatment facilities are or will be located, provided the applicant files a recorded copy within the time prescribed in the order granting the transfer.
- 5) Exhibit \_\_\_\_\_ - Provide a copy of all of the utility's current permits from the Department of Environmental Protection (DEP) and the water management district.
- 6) Exhibit \_\_\_\_\_ - Provide a copy of the most recent DEP and/or county health department sanitary survey, compliance inspection report, and secondary water quality standards report.

- 7) Exhibit \_\_\_\_\_ - Provide a copy of all of the utility's correspondence with the DEP, county health department, and water management district, including consent orders and warning letters, and the utility's responses to the same, for the past five years.
- 8) Exhibit \_\_\_\_\_ - Provide a copy of all customer complaints that the utility has received regarding DEP secondary water quality standards during the past five years.

E) **PROPOSED TARIFF**

Exhibit \_\_\_\_\_ - Provide a tariff containing all rates, classifications, charges, rules, and regulations, which shall be consistent with Chapter 25-9, F.A.C. See Rule 25-30.037, F.A.C., for information about water and wastewater tariffs that are available and may be completed by the applicant and included in the application.

F) **ACCOUNTING INFORMATION**

- 1) Exhibit \_\_\_\_\_ - Provide the proposed net book value of the system as of the date of the proposed transfer, and a statement setting out the reasons for the inclusion of an acquisition adjustment, if one is requested. If rate base has been established by this Commission, provide the docket and the order number. In addition, provide a schedule of all subsequent changes to rate base.

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- 2) Exhibit \_\_\_\_\_ - Provide a statement from the buyer that it has obtained or will obtain copies of all of the federal income tax returns of the seller from the date the utility was first established or the rate base was last established by the Commission, whichever is later. If the tax returns have not been obtained, provide a description of the steps taken to obtain the tax returns.

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- 3) Exhibit \_\_\_\_\_ - Provide a statement regarding the disposition of outstanding regulatory assessment fees, fines, or refunds owed and which entity will be responsible for paying regulatory assessment fees and filing the annual report for the year of the transfer and subsequent years.

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- 4) Exhibit \_\_\_\_\_ - If the buyer currently owns other water or wastewater utilities that are regulated by this Commission, provide a schedule reflecting any economies of scale that are anticipated to be achieved within the next three years and the effect on rates for existing customers served by both the utility being purchased and the buyer's other utilities.

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**G) NOTICING REQUIREMENTS**

Exhibit - \_\_\_\_\_ - Provide proof of noticing pursuant to Rule 25-30.030, F.A.C. This may be provided as a late-filed exhibit.

**PART III**

**SIGNATURE**

Please sign and date the utility's completed application.

APPLICATION SUBMITTED BY:

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Applicant's Name (Printed)

\_\_\_\_\_  
Applicant's Title

\_\_\_\_\_  
Date

## **FLORIDA PUBLIC SERVICE COMMISSION**

### **INSTRUCTIONS FOR COMPLETING EXAMPLE APPLICATION FOR TRANSFER OF AN EXEMPT ENTITY TO A REGULATED UTILITY, OR TRANSFER OF A UTILITY IN A NON-JURISDICTIONAL COUNTY TO A REGULATED UTILITY THAT RESULTS IN A SYSTEM WHOSE SERVICE TRANSVERSES COUNTY BOUNDARIES**

**(Pursuant to Section 367.071, Florida Statutes, and  
Rule 25-30.037(3), Florida Administrative Code)**

#### **General Information**

The attached form is an example application that may be completed by the applicant and filed with the Office of Commission Clerk to comply with Rule 25-30.037(3), Florida Administrative Code (F.A.C.). Any questions regarding this form should be directed to the Division of Engineering at (850) 413-6910.

#### **Instructions**

1. Pursuant to Rule 25-30.037(1)(a), F.A.C., if a transfer occurs prior to Commission approval, the utility shall submit an application for authority to transfer no later than 90 days after the sale closing date.
2. Fill out the attached application form completely and accurately.
3. Complete all the items that apply to your utility. If an item is not applicable, mark it "N.A." Do not leave any items blank.
4. Remit the proper filing fee pursuant to Rule 25-30.020, F.A.C., with the application.
5. Provide proof of noticing pursuant to Rule 25-30.030, F.A.C. This may be provided as a late-filed exhibit.
6. The completed application, attached exhibits, and the proper filing fee should be mailed to:

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

**APPLICATION FOR TRANSFER OF AN EXEMPT ENTITY TO A REGULATED  
UTILITY, OR TRANSFER OF A UTILITY IN A NON-JURISDICTIONAL COUNTY  
TO A REGULATED UTILITY THAT RESULTS IN A SYSTEM WHOSE SERVICE  
TRANSVERSES COUNTY BOUNDARIES**

**(Pursuant to Section 367.071, Florida Statutes, and  
Rule 25-30.037(3), Florida Administrative Code)**

Pursuant to Rule 25-30.037(1)(a), F.A.C., if a transfer occurs prior to Commission approval, the utility shall submit an application for authority to transfer no later than 90 days after the sale closing date.

To: **Office of Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850**

The undersigned hereby makes application for the transfer of facilities of a water ☐ and/or wastewater ☐ utility in \_\_\_\_\_ County, Florida, and amendment of the buyer's Water Certificate No. \_\_\_\_\_ and/or Wastewater Certificate No. \_\_\_\_\_ or granting of a new water certificate \_\_\_\_\_ and/or wastewater certificate \_\_\_\_\_, and submits the following information:

**PART I**

**APPLICANT INFORMATION**

- A) Contact Information for Utility/Seller. The utility/seller's certificated name, address, telephone number, and if applicable, fax number, e-mail address, and website address. The utility's name should reflect the business and/or fictitious name(s) registered with the Department of State's Division of Corporations:

\_\_\_\_\_  
Utility Name

\_\_\_\_\_  
Office Street Address

\_\_\_\_\_  
City

\_\_\_\_\_  
State

\_\_\_\_\_  
Zip Code

\_\_\_\_\_  
Mailing Address (if different from Street Address)

\_\_\_\_\_  
City

\_\_\_\_\_  
State

\_\_\_\_\_  
Zip Code



( ) - ( ) -  
Phone Number Fax Number

Federal Employer Identification Number

E-Mail Address

Website Address

- B) The contact information of the seller's authorized representative to contact concerning this application:

Name

Mailing Address

City State Zip Code

( ) - ( ) -  
Phone Number Fax Number

E-Mail Address

- C) Contact Information for Buyer. The buyer's certificated name, address, telephone number, Federal Employer Identification Number, and if applicable, fax number, e-mail address, website address, and new name of the utility if the buyer plans to operate under a different name. The buyer's business name, and if applicable, new utility name, should reflect the business and/or fictitious name(s) registered with the Department of State's Division of Corporations.

Buyer's Name

Office Street Address

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City	State	Zip Code
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Mailing Address (if different from Street Address)

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City	State	Zip Code
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(   )   -	(   )   -
Phone Number	Fax Number

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Federal Employer Identification Number

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E-Mail Address

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New Utility Name

- D) The contact information of the buyer's authorized representative to contact concerning this application:

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Name

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Mailing Address

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City	State	Zip Code
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(   )   -	(   )   -
Phone Number	Fax Number

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E-Mail Address

- E) The name, address, telephone number, and if available, e-mail address and fax number of the person in possession of the books and records when the application is filed.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Mailing Address

\_\_\_\_\_  
City

\_\_\_\_\_  
State

\_\_\_\_\_  
Zip Code

( ) -  
Phone Number

( ) -  
Fax Number

\_\_\_\_\_  
E-Mail Address

- F) Indicate the nature of the buyer's business organization (check one): Provide documentation from the Florida Department of State, Division of Corporations, showing the utility's/buyer's business name and registration/document number for the business, unless operating as a sole proprietor.

- ☐ Corporation \_\_\_\_\_  
Number
- ☐ Limited Liability Company \_\_\_\_\_  
Number
- ☐ Partnership \_\_\_\_\_  
Number
- ☐ Limited Partnership \_\_\_\_\_  
Number
- ☐ Limited Liability Partnership \_\_\_\_\_  
Number
- ☐ Sole Proprietorship
- ☐ Association
- ☐ Other (Specify) \_\_\_\_\_



If the utility is doing business under a fictitious name, provide documentation from the Florida Department of State, Division of Corporations showing the utility's fictitious name and registration number for the fictitious name.

☐ Fictitious Name (d/b/a) \_\_\_\_\_  
Registration Number \_\_\_\_\_

- G) The name(s), address(es), and percentage of ownership of each entity which owns or will own more than 5 percent interest in the utility (Use additional sheet if necessary).

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- H) Provide the date and state of incorporation or organization of the buyer.

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**PART II**

**TRANSFER OF CERTIFICATE**

**A) DESCRIPTION OF SALE AGREEMENT**

- 1) Exhibit \_\_\_\_ - Provide a copy of the contract for sale and all auxiliary or supplemental agreements. If the sale, assignment, or transfer occurs before Commission approval, the contract shall include a provision that the contract is contingent upon Commission approval.

- 2) Exhibit \_\_\_\_ - Provide documentation of the terms of the transfer, including:

- a) The date the closing occurred or will occur.

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- b) The purchase price and terms of payment.

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- c) A list of and the dollar amount of the assets purchased and liabilities assumed or not assumed, including those of non-regulated operations or entities.

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- d) A description of all consideration between the parties, including promised salaries, retainer fees, stock, stock options, and assumption of obligations.

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- e) Provisions regarding the disposition, where applicable, of customer deposits and interest thereon, guaranteed revenue contracts, developer agreements, customer advances, debt of the utility, and leases.

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- f) A statement that the buyer will fulfill the commitments, obligations, and representations of the seller with regard to utility matters.

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- g) A provision that the buyer has or will obtain the books and records of the seller, including all supporting documentation for rate base additions since the last time rate base was established for the utility;

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- h) A statement that the utility's books and records will be maintained using the National Association of Regulatory Utilities Commissioners (NARUC) Uniform System of Accounts (USOA).

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- i) A statement that the utility's books and records will be maintained at the utility's office(s) within Florida, or that the utility will comply with the requirements of Rule 25-30.110(1)(b) and (c), F.A.C., regarding maintenance of utility records at another location or out-of-state. If the records will not be maintained at the utility's office(s), the statement should include the location where the utility intends to maintain the books and records.

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**B) FINANCIAL ABILITY**

- 1) Exhibit \_\_\_\_ - Provide a detailed financial statement (balance sheet and income statement), audited if available, of the financial condition of the applicant, that shows all assets and liabilities of every kind and character. The financial statements shall be for the preceding calendar or fiscal year. The financial statement shall be prepared in accordance with Rule 25-30.115, F.A.C. If available, a statement of the sources and uses of funds shall also be provided.
- 2) Exhibit \_\_\_\_ - Provide a list of all entities, including affiliates, upon which the buyer is relying to provide funding to the utility and an explanation of the manner and amount of such funding. The list need not include any person or entity holding less than 5 percent ownership interest in the utility. The applicant shall provide copies of any financial agreements between the listed entities and the utility and proof of the listed entities' ability to provide funding, such as financial statements.

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**C) TECHNICAL ABILITY**

- 1) Exhibit \_\_\_\_ - Provide the buyer's experience in the water or wastewater industry.
- 2) Exhibit \_\_\_\_ - Provide the buyer's plans for ensuring continued operation of the utility, such as retaining the existing plant operator(s) and office personnel, or contracting with outside entities.

**D) TERRITORY DESCRIPTION, PUBLIC INTEREST, MAPS AND FACILITIES**

- 1) Exhibit \_\_\_\_ - Provide a legal description of the proposed service area in the format prescribed in Rule 25-30.029, F.A.C.



- 2) Exhibit \_\_\_\_\_ - Provide a statement explaining why the transfer is in the public interest.

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- 3) Exhibit \_\_\_\_\_ - Provide a statement from the buyer that after reasonable investigation, the system being acquired appears to be in satisfactory condition and compliance with all applicable standards set by the DEP, or, if the system is in need of repair or improvement, has any outstanding Notice of Violation of any standard set by the DEP or any outstanding consent orders with the DEP, the buyer shall provide a description of the repairs or improvements that have been identified, the governmental entity that required the repairs or improvements, if applicable, the approximate cost to complete the repairs or improvements, and any agreements between the seller and buyer regarding who will be responsible for any identified repairs or improvements.

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- 4) Exhibit \_\_\_\_\_ - Provide documentation of the utility's right to continued long-term use of the land upon which the utility treatment facilities are located. This documentation shall be in the form of a recorded warranty deed, recorded quit claim deed accompanied by title insurance, recorded long-term lease, such as a 99-year lease, or recorded easement. The applicant may submit an unrecorded copy of the instrument granting the utility's right to access and continued use of the land upon which the utility treatment facilities are or will be located, provided the applicant files a recorded copy within the time prescribed in the order granting the transfer.

- 5) Exhibit \_\_\_\_\_ - Provide an official county tax assessment map or other map showing township, range, and section, with a scale such as 1" = 200' or 1" = 400', with the proposed territory plotted thereon, consistent with the legal description provided in D-1 above.

- 6) Exhibit \_\_\_\_\_ - Provide a statement describing the capacity of the existing lines, the capacity of the existing treatment facilities, and the design capacity of the proposed extension.

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- 7) Exhibit \_\_\_\_\_ - Provide a copy of all of the utility's current permits from the Department of Environmental Protection (DEP) and the water management district.
- 8) Exhibit \_\_\_\_\_ - Provide a copy of the most recent DEP and/or county health department sanitary survey, compliance inspection report, and secondary standards drinking water report.
- 9) Exhibit \_\_\_\_\_ - Provide a copy of all of the utility's correspondence with the DEP, county health department, and water management district, including consent orders and warning letters, and the utility's responses to the same, for the past five years.
- 10) Exhibit \_\_\_\_\_ - Provide a copy of all customer complaints that the utility has received regarding DEP secondary water quality standards during the past five years.

**E) PROPOSED TARIFF AND RATE INFORMATION**

- 1) Exhibit \_\_\_\_\_ - Provide a tariff containing all rates, classifications, charges, rules, and regulations, which shall be consistent with Chapter 25-9, F.A.C. See Rule 25-30.037, F.A.C., for information about water and wastewater tariffs that are available and may be completed by the applicant and included in the application.
- 2) Exhibit \_\_\_\_\_ - Provide documentation of when and under what authority the current rates and charges of the exempt entity were established, if applicable. If the entity provides water or wastewater service without compensation, please describe when and under what authority it was determined that the non-jurisdictional entity would provide service without compensation.
- 3) Exhibit \_\_\_\_\_ - Provide an explanation of how the seller is either exempt pursuant to Section 367.022, F.S., or is a utility in a nonjurisdictional county.

**F) ACCOUNTING INFORMATION**

- 1) Exhibit \_\_\_\_ - Provide the proposed net book value of the system as of the date of the proposed transfer, and a statement setting out the reasons for the inclusion of an acquisition adjustment, if one is requested. If rate base has been established by this Commission, provide the docket and the order number. In addition, provide a schedule of all subsequent changes to rate base.

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- 2) Exhibit \_\_\_\_ - Provide a statement from the buyer that it has obtained or will obtain copies of all of the federal income tax returns of the seller from the date the utility was first established or the rate base was last established by the Commission, whichever is later. If the tax returns have not been obtained, provide a description of the steps taken to obtain the tax returns.

- 3) Exhibit \_\_\_\_ - Provide a statement regarding the disposition of outstanding regulatory assessment fees, fines, or refunds owed and which entity will be responsible for paying regulatory assessment fees and filing the annual report for the year of the transfer and subsequent years.

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- 4) Exhibit \_\_\_\_ - If the buyer currently owns other water or wastewater utilities that are regulated by this Commission, provide a schedule reflecting any economies of scale that are anticipated to be achieved within the next three years and the effect on rates for existing customers served by both the utility being purchased and the buyer's other utilities.

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**G) NOTICING REQUIREMENTS**

Exhibit \_\_\_\_ - Provide proof of noticing pursuant to Rule 25-30.030, F.A.C. This may be provided as a late-filed exhibit.



**PART III**

**SIGNATURE**

Please sign and date the utility's completed application.

APPLICATION SUBMITTED BY: \_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_

Applicant's Name (Printed)

\_\_\_\_\_

Applicant's Title

\_\_\_\_\_

Date

**FLORIDA PUBLIC SERVICE COMMISSION**

**INSTRUCTIONS FOR COMPLETING  
APPLICATION FOR A TRANSFER OF MAJORITY ORGANIZATION CONTROL  
OF A REGULATED UTILITY**

**(Pursuant to Section 367.071, Florida Statutes, and  
Rule 25-30.037(4), Florida Administrative Code)**

**General Information**

The attached form is an example application that may be completed by the applicant and filed with the Office of Commission Clerk to comply with Rule 25-30.037(4), Florida Administrative Code (F.A.C.). Any questions regarding this form should be directed to the Division of Engineering at (850) 413-6910.

**Instructions**

1. Pursuant to Rule 25-30.037(1)(a), F.A.C., if a transfer occurs prior to Commission approval, the utility shall submit an application for authority to transfer no later than 90 days after the sale closing date.
2. Fill out the attached application form completely and accurately.
3. Complete all the items that apply to your utility. If an item is not applicable, mark it "N.A." Do not leave any items blank.
4. Remit the proper filing fee pursuant to Rule 25-30.020, Florida Administrative Code, with the application.
5. Provide proof of noticing pursuant to Rule 25-30.030, F.A.C. This may be provided as a late-filed exhibit.
6. The completed application, attached exhibits, and the proper filing fee should be mailed to:

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

**APPLICATION FOR A TRANSFER OF MAJORITY ORGANIZATION CONTROL  
OF A REGULATED UTILITY**

**(Pursuant to Section 367.071, Florida Statutes, and  
Rule 25-30.037(4), Florida Administrative Code)**

Pursuant to Rule 25-30.037(1)(a), F.A.C., if a transfer occurs prior to Commission approval, the utility shall submit an application for authority to transfer no later than 90 days after the sale closing date.

To: **Office of Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850**

The undersigned hereby makes application for the approval of a transfer of majority ownership of the regulated utility. The change is for all ☐ or part ☐ of the facilities operated under Water Certificate No. \_\_\_\_\_ and/or Wastewater Certificate No. \_\_\_\_\_ located in \_\_\_\_\_ County, Florida, and submits the following:

**PART I APPLICANT INFORMATION**

- A) Contact Information for Utility/Seller. The utility/seller's certificated name, address, telephone number, and, if applicable, fax number, e-mail address, and website address. The utility's name should reflect the business and/or fictitious name(s) registered with the Department of State's Division of Corporations:

\_\_\_\_\_  
Utility Name

\_\_\_\_\_  
Office Street Address

\_\_\_\_\_  
City

\_\_\_\_\_  
State

\_\_\_\_\_  
Zip Code

\_\_\_\_\_  
Mailing Address (if different from Street Address)

\_\_\_\_\_  
City

\_\_\_\_\_  
State

\_\_\_\_\_  
Zip Code



( ) - ( ) -  
Phone Number Fax Number

Federal Employer Identification Number

E-Mail Address

Website Address

Water Certificate No. Wastewater Certificate No.

- B) The contact information of the seller's authorized representative to contact concerning this application:

Name

Mailing Address

City State Zip Code

( ) - ( ) -  
Phone Number Fax Number

E-Mail Address

- C) Indicate the nature of the buyer's business organization (check one). Provide documentation from the Florida Department of State, Division of Corporations showing the utility's business name and registration/document number for the business, unless operating as a sole proprietor.

☐ Corporation \_\_\_\_\_  
Number

☐ Limited Liability Company \_\_\_\_\_  
Number

- ☐ Partnership \_\_\_\_\_  
Number
- ☐ Limited Partnership \_\_\_\_\_  
Number
- ☐ Limited Liability Partnership \_\_\_\_\_  
Number
- ☐ Sole Proprietorship \_\_\_\_\_
- ☐ Association \_\_\_\_\_
- ☐ Other (Specify) \_\_\_\_\_

If the utility is doing business under a fictitious name, provide documentation from the Florida Department of State, Division of Corporations showing the utility's fictitious name and registration number for the fictitious name.

☐ Fictitious Name (d/b/a) \_\_\_\_\_  
Registration Number

- D) Contact Information for Buyer. The buyer's certificated name, address, telephone number, Federal Employer Identification Number, and if applicable, fax number, e-mail address, website address, and new name of the utility if the buyer plans to operate under a different name. The buyer's business name, and if applicable, new utility name, should reflect the business and/or fictitious name(s) registered with the Department of State's Division of Corporations.

\_\_\_\_\_  
Buyer's Name

\_\_\_\_\_  
Office Street Address

\_\_\_\_\_  
City State Zip Code

\_\_\_\_\_  
Mailing Address (if different from Street Address)

\_\_\_\_\_  
City State Zip Code

( ) - ( ) -  
Phone Number Fax Number

Federal Employer Identification Number

E-Mail Address

New Utility Name

- E) The contact information of the buyer's authorized representative to contact concerning this application:

Name

Mailing Address

City State Zip Code

( ) - ( ) -  
Phone Number Fax Number

E-Mail Address

**PART II** **TRANSFER OF MAJORITY OWNERSHIP**

**A) DESCRIPTION OF SALE AGREEMENT**

- 1) Exhibit \_\_\_\_\_ - Provide a copy of the contract for sale and all auxiliary or supplemental agreements. If the sale, assignment, or transfer occurs before Commission approval, the contract shall include a provision that the contract is contingent upon Commission approval.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



2) Exhibit \_\_\_\_\_ - Provide the following documentation of the terms of the transfer:

a) The date the closing occurred or will occur.

\_\_\_\_\_

b) The purchase price and terms of payment.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

c) A list of and the dollar amount of the assets purchased and liabilities assumed or not assumed, including those of non-regulated operations or entities.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

d) A description of all consideration between the parties, including promised salaries, retainer fees, stock, stock options, and assumption of obligations.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

e) Provisions regarding the disposition, where applicable, of customer deposits and interest thereon, guaranteed revenue contracts, developer agreements, customer advances, debt of the utility, and leases.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

f) A statement that the buyer will fulfill the commitments, obligations, and representations of the seller with regard to utility matters.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

- g) A provision that the buyer has or will obtain the books and records of the seller, including all supporting documentation for rate base additions since the last time rate base was established for the utility.

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- h) A statement that the utility's books and records will be maintained using the National Association of Regulatory Utility Commissioners (NARUC) Uniform System of Accounts (USOA).

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- i) A statement that the utility's books and records will be maintained at the utility's office(s) within Florida, or that the utility will comply with the requirements of Rule 25-30.110(1)(b) and (c), F.A.C., regarding maintenance of utility records at another location or out-of-state. If the records will not be maintained at the utility's office(s), the statement should include the location where the utility intends to maintain the books and records.

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- 3) Exhibit \_\_\_\_\_ - Provide a description of the ownership transfer, including the date the transfer occurred or will occur and a description of the resulting ownership interests in the utility.

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**B) FINANCIAL ABILITY**

- 1) Exhibit \_\_\_\_\_ - Provide a detailed financial statement (balance sheet and income statement), audited if available, of the financial condition of the applicant, that shows all assets and liabilities of every kind and character. The financial statements shall be for the preceding calendar or fiscal year. The financial statement shall be prepared in accordance with Rule 25-30.115, F.A.C. If available, a statement of the sources and uses of funds shall also be provided.

- 2) Exhibit \_\_\_\_ - Provide a list of all entities, including affiliates, upon which the buyer is relying to provide funding to the utility and an explanation of the manner and amount of such funding. The list need not include any person or entity holding less than 5 percent ownership interest in the utility. The applicant shall provide copies of any financial agreements between the listed entities and the utility and proof of the listed entities' ability to provide funding, such as financial statements.

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C) **TECHNICAL ABILITY; FACILITIES**

- 1) Exhibit \_\_\_\_ - The buyer's experience in the water or wastewater industry.

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- 2) Exhibit \_\_\_\_ - Provide the buyer's plans for ensuring continued operation of the utility, such as retaining the existing plant operator(s) and office personnel, or contracting with outside entities.

- 3) Exhibit \_\_\_\_ - Provide a statement from the buyer that after reasonable investigation, the system being acquired appears to be in satisfactory condition and compliance with all applicable standards set by the DEP, or, if the system is in need of repair or improvement, has any outstanding Notice of Violation of any standard set by the DEP or any outstanding consent orders with the DEP, the buyer shall provide a description of the repairs or improvements that have been identified, the governmental entity that required the repairs or improvements, if applicable, the approximate cost to complete the repairs or improvements, and any agreements between the seller and buyer regarding who will be responsible for any identified repairs or improvements.

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**D) PUBLIC INTEREST, PROPOSED TARIFF, AND ACCOUNTING INFORMATION**

- 1) Exhibit \_\_\_\_\_ - Provide a statement explaining why the transfer is in the public interest.

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- 2) Exhibit \_\_\_\_\_ - Provide tariff sheets reflecting any changes resulting from the transfer. See Rule 25-30.037, F.A.C., for information about water and wastewater tariff forms that are available and may be completed by the applicant and included in the application.

- 3) Exhibit \_\_\_\_\_ - Provide a statement regarding the disposition of outstanding regulatory assessment fees, fines, or refunds owed and which entity will be responsible for paying regulatory assessment fees and filing the annual report for the year of the transfer and subsequent years.

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**E) NOTICING REQUIREMENTS**

- 1) Exhibit \_\_\_\_\_ - Provide proof of noticing pursuant to Rule 25-30.030, F.A.C. This may be provided as a late-filed exhibit.

**PART III**

**SIGNATURE**

Please sign and date the utility's completed application.

APPLICATION SUBMITTED BY:

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Applicant's Name (Printed)

\_\_\_\_\_  
Applicant's Title

\_\_\_\_\_  
Date

**FLORIDA PUBLIC SERVICE COMMISSION**

**INSTRUCTIONS FOR COMPLETING EXAMPLE  
APPLICATION FOR TRANSFER OF FACILITIES  
FROM A REGULATED UTILITY TO AN EXEMPT ENTITY  
OTHER THAN A GOVERNMENTAL AUTHORITY**

**(Pursuant to Section 367.071, Florida Statutes, and  
Rule 25-30.037(5), Florida Administrative Code)**

**General Information**

The attached form is an example application that may be completed by the applicant and filed with the Office of Commission Clerk to comply with Rule 25-30.037(5), Florida Administrative Code (F.A.C.). Any questions regarding this form should be directed to the Division of Engineering at (850) 413-6910.

**Instructions**

1. Pursuant to Rule 25-30.037(1)(a), F.A.C., if a transfer occurs prior to Commission approval, the utility shall submit an application for authority to transfer no later than 90 days after the sale closing date.
2. Fill out the attached application form completely and accurately.
3. Complete all the items that apply to your utility. If an item is not applicable, mark it "N.A." Do not leave any items blank.
4. Remit the proper filing fee pursuant to Rule 25-30.020, F.A.C., with the application.
5. Provide proof of noticing pursuant to Rule 25-30.030, F.A.C. This may be provided as a late-filed exhibit.
6. The completed application, attached exhibits, and the proper filing fee should be mailed to:

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

**APPLICATION FOR TRANSFER OF FACILITIES**  
**FROM A REGULATED UTILITY TO AN EXEMPT ENTITY**  
**OTHER THAN A GOVERNMENTAL AUTHORITY**

(Pursuant to Section 367.071, Florida Statutes, and  
Rule 25-30.037(5), Florida Administrative Code)

To: **Office of Commission Clerk**  
**Florida Public Service Commission**  
**2540 Shumard Oak Boulevard**  
**Tallahassee, Florida 32399-0850**

The undersigned hereby makes application for the approval of the transfer of all ☐ or part ☐ of the facilities operated under Water Certificate No. \_\_\_\_\_ and/or Wastewater Certificate No. \_\_\_\_\_ and amendment ☐ or cancellation ☐ of Water Certificate No. \_\_\_\_\_ and/or Wastewater Certificate No. \_\_\_\_\_ located in \_\_\_\_\_ County, Florida, and submits the following:

**PART I**

**APPLICANT INFORMATION**

- A) Contact Information for Utility/Seller. The utility/seller's certificated name, address, telephone number, and, if applicable, fax number, e-mail address, and website address. The utility's name should reflect the business and/or fictitious name(s) registered with the Department of State's Division of Corporations:

\_\_\_\_\_  
Utility Name

\_\_\_\_\_  
Office Street Address

\_\_\_\_\_  
City

\_\_\_\_\_  
State

\_\_\_\_\_  
Zip Code

\_\_\_\_\_  
Mailing Address (if different from Street Address)

\_\_\_\_\_  
City

\_\_\_\_\_  
State

\_\_\_\_\_  
Zip Code

( ) -  
\_\_\_\_\_  
Phone Number

( ) -  
\_\_\_\_\_  
Fax Number

\_\_\_\_\_  
Federal Employer Identification Number



\_\_\_\_\_  
E-Mail Address

\_\_\_\_\_  
Website Address

\_\_\_\_\_  
Water Certificate No.

\_\_\_\_\_  
Wastewater Certificate No.

- B) The contact information of the seller's authorized representative to contact concerning this application:

\_\_\_\_\_  
Name

\_\_\_\_\_  
Mailing Address

\_\_\_\_\_  
City

\_\_\_\_\_  
State

\_\_\_\_\_  
Zip Code

( ) -  
\_\_\_\_\_  
Phone Number

( ) -  
\_\_\_\_\_  
Fax Number

\_\_\_\_\_  
E-Mail Address

- C) Indicate the nature of the utility's business organization (check one). Provide documentation from the Florida Department of State, Division of Corporations, showing the utility's business name and registration/document number for the business, unless operating as a sole proprietor.

- ☐ Corporation \_\_\_\_\_  
Number
- ☐ Limited Liability Company \_\_\_\_\_  
Number
- ☐ Partnership \_\_\_\_\_  
Number
- ☐ Limited Partnership \_\_\_\_\_  
Number
- ☐ Limited Liability Partnership \_\_\_\_\_  
Number
- ☐ Sole Proprietorship \_\_\_\_\_  
Number

☐ Association

☐ Other (Specify) \_\_\_\_\_

If the utility is doing business under a fictitious name, provide documentation from the Florida Department of State, Division of Corporations showing the utility's fictitious name and registration number for the fictitious name.

☐ Fictitious Name (d/b/a) \_\_\_\_\_

Registration Number \_\_\_\_\_

- D) Contact Information for Buyer. The buyer's certificated name, address, telephone number, Federal Employer Identification Number, and if applicable, fax number, e-mail address, website address, and new name of the utility if the buyer plans to operate under a different name. The buyer's business name, and if applicable, new utility name, should reflect the business and/or fictitious name(s) registered with the Department of State's Division of Corporations.

\_\_\_\_\_  
Buyer's Name

\_\_\_\_\_  
Office Street Address

\_\_\_\_\_  
City

\_\_\_\_\_  
State

\_\_\_\_\_  
Zip Code

\_\_\_\_\_  
Mailing Address (if different from Street Address)

\_\_\_\_\_  
City

\_\_\_\_\_  
State

\_\_\_\_\_  
Zip Code

\_\_\_\_\_  
( ) -

Phone Number

\_\_\_\_\_  
( ) -

Fax Number

\_\_\_\_\_  
Federal Employer Identification Number

\_\_\_\_\_  
E-Mail Address

\_\_\_\_\_  
New Utility Name

- E) The contact information of the buyer's authorized representative to contact concerning this application:

\_\_\_\_\_  
Name

\_\_\_\_\_  
Mailing Address

\_\_\_\_\_  
City

\_\_\_\_\_  
State

\_\_\_\_\_  
Zip Code

( ) -  
Phone Number

( ) -  
Fax Number

\_\_\_\_\_  
E-Mail Address

## **PART II**

### **TRANSFER OF FACILITIES**

#### **A) DESCRIPTION OF SALE AGREEMENT**

- 1) Exhibit \_\_\_\_ - Provide a copy of the contract for sale and all auxiliary or supplemental agreements. If the sale, assignment, or transfer occurs prior to Commission approval, the contract shall include a provision stating that the contract is contingent upon Commission approval.
- 2) Exhibit \_\_\_\_ - The buyer must provide the following documentation of the terms of the transfer:
  - a) The closing date.

- b) A statement regarding the disposition of customer deposits and interest thereon.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



- c) A statement regarding the disposition of any outstanding regulatory assessment fees, fines, refunds, or annual reports.

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**B) FINANCIAL ABILITY**

- 1) Exhibit \_\_\_\_ - Provide a detailed financial statement (balance sheet and income statement), audited if available, of the financial condition of the applicant, that shows all assets and liabilities of every kind and character. The financial statements shall be for the preceding calendar or fiscal year. The financial statement shall be prepared in accordance with Rule 25-30.115, F.A.C. If available, a statement of the sources and uses of funds shall also be provided.
- 2) Exhibit \_\_\_\_ - Provide a list of all entities, including affiliates, upon which the buyer is relying to provide funding to the utility and an explanation of the manner and amount of such funding. The list need not include any person or entity holding less than 5 percent ownership interest in the utility. The applicant shall provide copies of any financial agreements between the listed entities and the utility and proof of the listed entities' ability to provide funding, such as financial statements.

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**C) TECHNICAL ABILITY; FACILITIES**

- 1) Exhibit \_\_\_\_ - Provide a description of the buyer's experience in the water or wastewater industry.
- 2) Exhibit \_\_\_\_ - Provide an explanation of the buyer's plans for ensuring continued operation of the utility, such as retaining the existing plant operator(s) and office personnel, or contracting with outside entities.

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- 3) Exhibit \_\_\_\_ - Provide a copy of all of the utility's current permits from the Department of Environmental Protection (DEP) and the water management district.
- 4) Exhibit \_\_\_\_ - Provide a copy of the most recent DEP and/or county health department sanitary survey, compliance inspection report, and secondary water quality standards report.
- 5) Exhibit \_\_\_\_ - Provide a copy of all of the utility's correspondence with the DEP, county health department, and water management district, including consent orders and warning letters, and the utility's responses to the same, for the past five years.
- 6) Exhibit \_\_\_\_ - Provide a copy of all customer complaints that the utility has received regarding DEP secondary water quality standards during the past five years.

**D) PUBLIC INTEREST AND EXEMPT STATUS**

- 1) Exhibit \_\_\_\_ - Provide a statement explaining why the transfer is in the public interest.

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- 2) Exhibit \_\_\_\_ - Provide an explanation of how the buyer is exempt pursuant to Section 367.022, F.S.

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**E) NOTICING REQUIREMENTS**

Exhibit \_\_\_\_ - Provide proof of noticing pursuant to Rule 25-30.030, F.A.C. This may be provided as a late-filed exhibit.

**PART III**

**SIGNATURE**

Please sign and date the utility's completed application.

APPLICATION SUBMITTED BY:

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Applicant's Name (Printed)

\_\_\_\_\_  
Applicant's Title

\_\_\_\_\_  
Date



## **FLORIDA PUBLIC SERVICE COMMISSION**

### **INSTRUCTIONS FOR COMPLETING EXAMPLE APPLICATION FOR TRANSFER TO A GOVERNMENTAL AUTHORITY**

**(Pursuant to Section 367.071, Florida Statutes, and  
Rule 25-30.038, Florida Administrative Code)**

#### **General Information**

The attached form is an example application that may be completed by the applicant and filed with the Office of Commission Clerk to comply with Rule 25-30.038, Florida Administrative Code (F.A.C.). Any questions regarding this form should be directed to the Division of Engineering at (850) 413-6910.

#### **Instructions**

1. Fill out the attached application form completely and accurately.
2. Complete all the items that apply to your utility. If an item is not applicable, mark it "N.A." Do not leave any items blank.
3. The completed application and attached exhibits should be mailed to:

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

**APPLICATION FOR TRANSFER TO A GOVERNMENTAL AUTHORITY**

**(Pursuant to Section 367.071, Florida Statutes, and  
Rule 25-30.038, Florida Administrative Code)**

To: **Office of Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850**

The undersigned hereby makes application for acknowledgement of the transfer of all ☐ or part ☐ of the utility's water ☐ and/or wastewater ☐ facilities in \_\_\_\_\_ County, Florida, and cancellation ☐ or amendment ☐ of Water Certificate No. \_\_\_\_\_ and/or Wastewater Certificate No. \_\_\_\_\_ and submits the following information:

**PART I**

**APPLICANT INFORMATION**

- A) Contact Information for Utility/Seller. The utility/seller's certificated name, address, telephone number, and if applicable, fax number, e-mail address, and website address. The utility's name should reflect the business and/or fictitious name(s) registered with the Department of State's Division of Corporations:

\_\_\_\_\_  
Utility Name

\_\_\_\_\_  
Office Street Address

\_\_\_\_\_  
City

\_\_\_\_\_  
State

\_\_\_\_\_  
Zip Code

\_\_\_\_\_  
Mailing Address (if different from Street Address)

\_\_\_\_\_  
City

\_\_\_\_\_  
State

\_\_\_\_\_  
Zip Code

( ) -  
\_\_\_\_\_  
Phone Number

( ) -  
\_\_\_\_\_  
Fax Number

\_\_\_\_\_  
Federal Employer Identification Number

\_\_\_\_\_  
E-Mail Address

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Website Address

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Water Certificate No.

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Wastewater Certificate No.

- B) The contact information of the seller's authorized representative to contact concerning this application:

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Name

---

Mailing Address

---

City

---

State

---

Zip Code

---

( ) -

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( ) -

---

Phone Number

---

Fax Number

---

E-Mail Address

- C) Contact Information for Governmental Authority. The name, address, telephone number, and if applicable, fax number, and e-mail address of the governmental authority.

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Governmental Authority's Name

---

Office Street Address

---

City

---

State

---

Zip Code

---

( ) -

---

( ) -

---

Phone Number

---

Fax Number

---

E-Mail Address



- D) The contact information of the governmental authority's authorized representative to contact concerning this application:

\_\_\_\_\_  
Name

\_\_\_\_\_  
Mailing Address

\_\_\_\_\_  
City

\_\_\_\_\_  
State

\_\_\_\_\_  
Zip Code

( ) -  
Phone Number

( ) -  
Fax Number

\_\_\_\_\_  
E-Mail Address

## **PART II     TRANSFER OF FACILITIES**

### **A)     DESCRIPTION OF SALE/TRANSFER AGREEMENT**

- 1) Exhibit \_\_\_\_ - Provide the date on which the governmental authority assumed ownership or proposes to assume ownership, operation, management, or control of the utility. The transfer of facilities, or any portion thereof, from a regulated utility to a governmental authority shall be effective as of the date the governmental authority assumes ownership, operation, management, or control.

- 2) Exhibit \_\_\_\_ - Provide a copy of the contract or other document transferring the utility system to the governmental authority.

- 3) Exhibit \_\_\_\_ - Provide a statement that the governmental authority obtained from the utility or Commission the most recent available annual report.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- 4) Exhibit \_\_\_\_\_ - Provide a statement describing the disposition of customer deposits and interest thereon.

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- 5) Exhibit \_\_\_\_\_ - Provide a statement regarding the disposition of outstanding regulatory assessment fees, fines or refunds owed. The transfer of a regulated utility to a governmental authority shall not affect the utility's obligation to complete payment of regulatory assessment fees pursuant to Rule 25-30.120, F.A.C.

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**B) DESCRIPTION OF FACILITIES NOT TRANSFERRED**

If a utility is transferring only a portion of its facilities to a governmental authority, it must provide the following additional information:

- 1) Exhibit \_\_\_\_\_ - A list of any utility assets not transferred to the governmental authority, if such remaining assets constitute a system providing or proposing to provide water or wastewater service to the public for compensation.
- 2) Exhibit \_\_\_\_\_ - A legal description of the territory not transferred to the governmental authority in the format prescribed in Rule 25-30.029, F.A.C.
- 3) Exhibit \_\_\_\_\_ - An official county tax assessment map or other map showing township, range, and section with a scale such as 1" = 200' or 1" = 400', with the remaining territory plotted thereon, consistent with the legal description provided in II.B.1.b. above.
- 4) Exhibit \_\_\_\_\_ - A tariff containing all rates, classifications, charges, rules, and regulations, which shall be consistent with Chapter 25-9, F.A.C. See Rule 25-30.038, F.A.C., for information about water and wastewater tariffs that are available and may be completed by the applicant and included in the application.

**PART III     SIGNATURE**

Please sign and date the utility's completed application.

APPLICATION SUBMITTED BY:

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Applicant's Name (Printed)

\_\_\_\_\_  
Applicant's Title

\_\_\_\_\_  
Date



WATER TARIFF

---

NAME OF COMPANY

FILED WITH  
FLORIDA PUBLIC SERVICE COMMISSION

WATER TARIFF

---

NAME OF COMPANY

---

---

---

(ADDRESS OF COMPANY)

---

(Business & Emergency Telephone Numbers)

---

ISSUING OFFICER

---

TITLE

FILED WITH  
FLORIDA PUBLIC SERVICE COMMISSION

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WATER TARIFF

## TABLE OF CONTENTS

	Sheet Number
Communities Served Listing .....	4.0
Description of Territory Served .....	3.1
Index of	
Rates and Charges Schedules.....	11.0
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ISSUING OFFICER

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TITLE



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WATER TARIFF

TERRITORY AUTHORITY

CERTIFICATE NUMBER -

COUNTY -

COMMISSION ORDER(s) APPROVING TERRITORY SERVED -

Order Number

Date Issued

Docket Number

Filing Type

---

ISSUING OFFICER

---

---

WATER TARIFF

DESCRIPTION OF TERRITORY SERVED

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ISSUING OFFICER

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WATER TARIFF

COMMUNITIES SERVED LISTING

County Name	Development Name	Rate Schedule(s) Available	Sheet No.
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ISSUING OFFICER

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WATER TARIFFTECHNICAL TERMS AND ABBREVIATIONS

- 1.0 "BFC" - The abbreviation for "Base Facility Charge" which is the minimum amount the Company may charge its Customers and is separate from the amount the Company bills its Customers for water consumption.
- 2.0 "CERTIFICATE" - A document issued by the Commission authorizing the Company to provide water service in a specific territory.
- 3.0 "COMMISSION" - The shortened name for the Florida Public Service Commission.
- 4.0 "COMMUNITIES SERVED" - The group of Customers who receive water service from the Company and whose service location is within a specific area or locality that is uniquely separate from another.
- 5.0 "COMPANY" - The shortened name for the full name of the utility which is \_\_\_\_\_.
- 6.0 "CUSTOMER" - Any person, firm or corporation who has entered into an agreement to receive water service from the Company and who is liable for the payment of that water service.
- 7.0 "CUSTOMER'S INSTALLATION" - All pipes, shut-offs, valves, fixtures and appliances or apparatus of every kind and nature used in connection with or forming a part of the installation for rendering water service to the Customer's side of the Service Connection whether such installation is owned by the Customer or used by the Customer under lease or other agreement.
- 8.0 "MAIN" - A pipe, conduit, or other facility used to convey water service to individual service lines or through other mains.
- 9.0 "RATE" - Amount which the Company may charge for water service which is applied to the Customer's actual consumption.
- 10.0 "RATE SCHEDULE" - The rate(s) or charge(s) for a particular classification of service plus the several provisions necessary for billing, including all special terms and conditions under which service shall be furnished at such rate or charge.
- 11.0 "SERVICE" - As mentioned in this tariff and in agreement with Customers, "Service" shall be construed to include, in addition to all water service required by the Customer, the readiness and ability on the part of the Company to furnish water service to the Customer. Service shall conform to the standards set forth in Section 367.111 of the Florida Statutes.

(Continued to Sheet No.5.1)

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ISSUING OFFICER

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WATER TARIFF

(Continued from Sheet No. 5.0)

- 12.0     "SERVICE CONNECTION" - The point where the Company's pipes or meters are connected with the pipes of the Customer.
- 13.0     "SERVICE LINES" - The pipes between the Company's Mains and the Service Connection and which includes all of the pipes, fittings and valves necessary to make the connection to the Customer's premises, excluding the meter.
- 14.0     "TERRITORY" - The geographical area described, if necessary, by metes and bounds but, in all cases, with township, range and section in a Certificate, which may be within or without the boundaries of an incorporated municipality and may include areas in more than one county.

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ISSUING OFFICER

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TITLE

## WATER TARIFF

INDEX OF RULES AND REGULATIONS

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(Continued to Sheet No. 6.1)

ISSUING OFFICER

TITI F

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WATER TARIFF

(Continued from Sheet No. 6.0)

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ISSUING OFFICER



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WATER TARIFFRULES AND REGULATIONS

- 1.0 GENERAL INFORMATION - These Rules and Regulations are a part of the rate schedules and applications and contracts of the Company and, in the absence of specific written agreement to the contrary, apply without modifications or change to each and every Customer to whom the Company renders water service.
- The Company shall provide water service to all Customers requiring such service within its Certificated territory pursuant to Chapter 25-30, Florida Administrative Code and Chapter 367, Florida Statutes.
- 2.0 TARIFF DISPUTE - Any dispute between the Company and the Customer or prospective Customer regarding the meaning or application of any provision of this tariff shall be resolved pursuant to Rule 25-22.032, Florida Administrative Code.
- 3.0 APPLICATION - In accordance with Rule 25-30.310, Florida Administrative Code, a signed application is required prior to the initiation of service. The Company shall provide each Applicant with a copy of the brochure entitled "Your Water and Wastewater Service," prepared by the Florida Public Service Commission.
- 4.0 APPLICATIONS BY AGENTS - Applications for water service requested by firms, partnerships, associations, corporations, and others shall be rendered only by duly authorized parties or agents.
- 5.0 REFUSAL OR DISCONTINUANCE OF SERVICE - The Company may refuse or discontinue water service rendered under application made by any member or agent of a household, organization, or business in accordance with Rule 25-30.320, Florida Administrative Code.
- 6.0 EXTENSIONS - Extensions will be made to the Company's facilities in compliance with Commission Rules and Orders and the Company's tariff.
- 7.0 TYPE AND MAINTENANCE - In accordance with Rule 25-30.545, Florida Administrative Code, the Customer's pipes, apparatus and equipment shall be selected, installed, used and maintained in accordance with standard practice and shall conform with the Rules and Regulations of the Company and shall comply with all laws and governmental regulations applicable to same. The Company shall not be responsible for the maintenance and operation of the Customer's pipes and facilities. The Customer expressly agrees not to utilize any appliance or device which is not properly constructed, controlled and protected or which may adversely affect the water service. The Company reserves the right to discontinue or withhold water service to such apparatus or device.
- 8.0 DELINQUENT BILLS - When it has been determined that a Customer is delinquent in paying any bill, water service may be discontinued after the Company has mailed or presented a written notice to the Customer in accordance with Rule 25-30.320, Florida Administrative Code.

(Continued on Sheet No. 8.0)

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ISSUING OFFICER

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**WATER TARIFF**

(Continued from Sheet No. 7.0)

- 9.0 CONTINUITY OF SERVICE - In accordance with Rule 25-30.250, Florida Administrative Code, the Company will at all times use reasonable diligence to provide continuous water service and, having used reasonable diligence, shall not be liable to the Customer for failure or interruption of continuous water service.

If at any time the Company shall interrupt or discontinue its service, all Customers affected by said interruption or discontinuance shall be given not less than 24 hours written notice.

- 10.0 LIMITATION OF USE - Water service purchased from the Company shall be used by the Customer only for the purposes specified in the application for water service. Water service shall be rendered to the Customer for the Customer's own use and the Customer shall not sell or otherwise dispose of such water service supplied by the Company.

In no case shall a Customer, except with the written consent of the Company, extend his lines across a street, alley, lane, court, property line, avenue, or other way in order to furnish water service to the adjacent property through one meter even though such adjacent property may be owned by him. In case of such unauthorized extension, sale, or disposition of service, the Customer's water service will be subject to discontinuance until such unauthorized extension, remetering, sale or disposition of service is discontinued and full payment is made to the Company for water service rendered by the Company (calculated on proper classification and rate schedules) and until reimbursement is made in full to the Company for all extra expenses incurred for clerical work, testing, and inspections. (This shall not be construed as prohibiting a Customer from remetering.)

- 11.0 CHANGE OF CUSTOMER'S INSTALLATION - No changes or increases in the Customer's installation, which will materially affect the proper operation of the pipes, mains, or stations of the Company, shall be made without written consent of the Company. The Customer shall be liable for any charge resulting from a violation of this Rule.

- 12.0 PROTECTION OF COMPANY'S PROPERTY - The Customer shall exercise reasonable diligence to protect the Company's property. If the Customer is found to have tampered with any Company property or refuses to correct any problems reported by the Company, service may be discontinued in accordance with Rule 25-30.320, Florida Administrative Code.

In the event of any loss or damage to property of the Company caused by or arising out of carelessness, neglect, or misuse by the Customer, the cost of making good such loss or repairing such damage shall be paid by the Customer.

(Continued on Sheet No. 9.0)

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ISSUING OFFICER

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WATER TARIFF

(Continued from Sheet No. 8.0)

- 13.0 INSPECTION OF CUSTOMER'S INSTALLATION - All Customer's water service installations or changes shall be inspected upon completion by a competent authority to ensure that the Customer's piping, equipment, and devices have been installed in accordance with accepted standard practice and local laws and governmental regulations. Where municipal or other governmental inspection is required by local rules and ordinances, the Company cannot render water service until such inspection has been made and a formal notice of approval from the inspecting authority has been received by the Company.

Notwithstanding the above, the Company reserves the right to inspect the Customer's installation prior to rendering water service, and from time to time thereafter, but assumes no responsibility whatsoever for any portion thereof.

- 14.0 ACCESS TO PREMISES - In accordance with Rule 25-30.320(2)(f), Florida Administrative Code, the Customer shall provide the duly authorized agents of the Company access at all reasonable hours to its property. If reasonable access is not provided, service may be discontinued pursuant to the above rule.

- 15.0 RIGHT-OF-WAY OR EASEMENTS - The Customer shall grant or cause to be granted to the Company, and without cost to the Company, all rights, easements, permits, and privileges which are necessary for the rendering of water service.

- 16.0 CUSTOMER BILLING - Bills for water service will be rendered ☐ Monthly, ☐ Bimonthly, or ☐ Quarterly as stated in the rate schedule.

In accordance with Rule 25-30.335, Florida Administrative Code, the Company may not consider a Customer delinquent in paying his or her bill until the twenty-first day after the Company has mailed or presented the bill for payment.

A municipal or county franchise tax levied upon a water or wastewater public Company shall not be incorporated into the rate for water or wastewater service but shall be shown as a separate item on the Company's bills to its Customers in such municipality or county.

If a Company utilizes the base facility and usage charge rate structure and does not have a Commission authorized vacation rate, the Company shall bill the Customer the base facility charge regardless of whether there is any usage.

- 17.0 TERMINATION OF SERVICE - When a Customer wishes to terminate service on any premises where water service is supplied by the Company, the Company may require reasonable notice to the Company in accordance with Rule 25-30.325, Florida Administrative Code.

(Continued on Sheet No. 10.0)

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ISSUING OFFICER

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TITLE

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WATER TARIFF

(Continued from Sheet No. 9.0)

- 18.0 PAYMENT OF WATER AND WASTEWATER SERVICE BILLS CONCURRENTLY - In accordance with Rule 25-30.320(2)(g), Florida Administrative Code, when both water and wastewater service are provided by the Company, payment of any water service bill rendered by the Company to a Customer shall not be accepted by the Company without the simultaneous or concurrent payment of any wastewater service bill rendered by the Company.
- 19.0 UNAUTHORIZED CONNECTIONS - WATER - Any unauthorized connections to the Customer's water service shall be subject to immediate discontinuance without notice, in accordance with Rule 25-30.320, Florida Administrative Code.
- 20.0 METERS - All water meters shall be furnished by and remain the property of the Company and shall be accessible and subject to its control, in accordance with Rule 25-30.230, Florida Administrative Code.
- 21.0 ALL WATER THROUGH METER - That portion of the Customer's installation for water service shall be so arranged to ensure that all water service shall pass through the meter. No temporary pipes, nipples or spaces are permitted and under no circumstances are connections allowed which may permit water to by-pass the meter or metering equipment.
- 22.0 ADJUSTMENT OF BILLS - When a Customer has been undercharged as a result of incorrect application of the rate schedule, incorrect reading of the meter, incorrect connection of the meter, or other similar reasons, the amount may be refunded or billed to the Customer as the case may be pursuant to Rules 25-30.340 and 25-30.350, Florida Administrative Code.
- 23.0 ADJUSTMENT OF BILLS FOR METER ERROR - When meter tests are made by the Commission or by the Company, the accuracy of registration of the meter and its performance shall conform with Rule 25-30.262, Florida Administrative Code and any adjustment of a bill due to a meter found to be in error as a result of any meter test performed whether for unauthorized use or for a meter found to be fast, slow, non-registering, or partially registering, shall conform with Rule 25-30.340, Florida Administrative Code.
- 24.0 METER ACCURACY REQUIREMENTS - All meters used by the Company should conform to the provisions of Rule 25-30.262, Florida Administrative Code.
- 25.0 FILING OF CONTRACTS - Whenever a Developer Agreement or Contract, Guaranteed Revenue Contract, or Special Contract or Agreement is entered into by the Company for the sale of its product or services in a manner not specifically covered by its Rules and Regulations or approved Rate Schedules, a copy of such contracts or agreements shall be filed with the Commission prior to its execution in accordance with Rule 25-9.034 and Rule 25-30.550, Florida Administrative Code. If such contracts or agreements are approved by the Commission, a conformed copy shall be placed on file with the Commission within 30 days of execution.

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ISSUING OFFICER

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TITLE



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WATER TARIFFINDEX OF RATES AND CHARGES SCHEDULES

	<u>Sheet Number</u>
Customer Deposits .....	14.0
General Service, GS .....	12.0
Meter Test Deposit .....	15.0
Miscellaneous Service Charges .....	16.0
Residential Service, RS .....	13.0

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ISSUING OFFICER

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TITLE

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WATER TARIFFGENERAL SERVICERATE SCHEDULE GS

- AVAILABILITY - Available throughout the area served by the Company.
- APPLICABILITY - For water service to all Customers for which no other schedule applies.
- LIMITATIONS - Subject to all of the Rules and Regulations of this tariff and General Rules and Regulations of the Commission.
- BILLING PERIOD -
- RATE -

<u>Meter Sizes</u>	<u>Base Facility Charge</u>
5/8" x 3/4"	\$
3/4"	\$
1"	\$
1 1/2"	\$
2"	\$
3"	\$
4"	\$
6"	\$
8"	\$
10"	\$
Charge per 1,000 gallons	\$

MINIMUM CHARGE - Base Facility Charge

TERMS OF PAYMENT - Bills are due and payable when rendered. In accordance with Rule 25-30.320, Florida Administrative Code, if a Customer is delinquent in paying the bill for water service, service may then be discontinued.

EFFECTIVE DATE -

TYPE OF FILING -

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ISSUING OFFICER

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TITLE

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WATER TARIFF

RESIDENTIAL SERVICE

RATE SCHEDULE RS

- AVAILABILITY - Available throughout the area served by the Company.
- APPLICABILITY - For water service for all purposes in private residences and individually metered apartment units.
- LIMITATIONS - Subject to all of the Rules and Regulations of this Tariff and General Rules and Regulations of the Commission.
- BILLING PERIOD -
- RATE -

Base Facility Charge

All Meter Sizes	\$
Charge per 1,000 gallons 10,000 cap	\$

MINIMUM CHARGE - Base Facility Charge

TERMS OF PAYMENT - Bills are due and payable when rendered. In accordance with Rule 25-30.320, Florida Administrative Code, if a Customer is delinquent in paying the bill for water service, service may then be discontinued.

EFFECTIVE DATE -

TYPE OF FILING -

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ISSUING OFFICER



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WATER TARIFF
CUSTOMER DEPOSITS

ESTABLISHMENT OF CREDIT - Before rendering water service, the Company may require an Applicant for service to satisfactorily establish credit, but such establishment of credit shall not relieve the Customer from complying with the Company's rules for prompt payment. Credit will be deemed so established if the Customer complies with the requirements of Rule 25-30.311, Florida Administrative Code.

AMOUNT OF DEPOSIT - The amount of initial deposit shall be the following according to meter size:

	<u>Residential</u>	<u>General Service</u>
5/8" x 3/4"	_____	_____
1"	_____	_____
1 1/2"	_____	_____
Over 2"	_____	_____

ADDITIONAL DEPOSIT - Under Rule 25-30.311(7), Florida Administrative Code, the Company may require a new deposit, where previously waived or returned, or an additional deposit in order to secure payment of current bills provided.

INTEREST ON DEPOSIT - The Company shall pay interest on Customer deposits pursuant to Rules 25-30.311(4) and (4a).

REFUND OF DEPOSIT - After a residential Customer has established a satisfactory payment record and has had continuous service for a period of 23 months, the Company shall refund the Customer's deposit provided the Customer has met the requirements of Rule 25-30.311(5), Florida Administrative Code. The Company may hold the deposit of a non-residential Customer after a continuous service period of 23 months and shall pay interest on the non-residential Customer's deposit pursuant to Rules 25-30.311(4) and (5), Florida Administrative Code.

Nothing in this rule shall prohibit the Company from refunding a Customer's deposit in less than 23 months.

EFFECTIVE DATE -

TYPE OF FILING -

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ISSUING OFFICER

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WATER TARIFF

METER TEST DEPOSIT

METER BENCH TEST REQUEST - If any Customer requests a bench test of his or her water meter, in accordance with Rule 25-30.266, Florida Administrative Code, the Company may require a deposit to defray the cost of testing; such deposit shall not exceed the schedule of fees found in Rule 25-30.266, Florida Administrative Code.

<u>METER SIZE</u>	<u>FEE</u>
5/8" x 3/4"	\$20.00
1" and 1 1/2"	\$25.00
2" and over	Actual Cost

REFUND OF METER BENCH TEST DEPOSIT - The Company may refund the meter bench test deposit in accordance with Rule 25-30.266, Florida Administrative Code.

METER FIELD TEST REQUEST - A Customer may request a no-charge field test of the accuracy of a meter in accordance with Rule 25-30.266, Florida Administrative Code.

EFFECTIVE DATE -

TYPE OF FILING -

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ISSUING OFFICER

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WATER TARIFF
MISCELLANEOUS SERVICE CHARGES

The Company may charge the following miscellaneous service charges in accordance with the terms stated herein. If both water and wastewater services are provided, only a single charge is appropriate unless circumstances beyond the control of the Company require multiple actions.

INITIAL CONNECTION - This charge may be levied for service initiation at a location where service did not exist previously.

NORMAL RECONNECTION - This charge may be levied for transfer of service to a new Customer account at a previously served location or reconnection of service subsequent to a Customer requested disconnection.

VIOLATION RECONNECTION - This charge may be levied prior to reconnection of an existing Customer after disconnection of service for cause according to Rule 25-30.320(2), Florida Administrative Code, including a delinquency in bill payment.

PREMISES VISIT CHARGE (IN LIEU OF DISCONNECTION) - This charge may be levied when a service representative visits a premises for the purpose of discontinuing service for nonpayment of a due and collectible bill and does not discontinue service because the Customer pays the service representative or otherwise makes satisfactory arrangements to pay the bill.

Schedule of Miscellaneous Service Charges

Initial Connection Charge	\$ _____
Normal Reconnection Charge	\$ _____
Violation Reconnection Charge	\$Actual Cost (1)
Premises Visit Charge (in lieu of disconnection)	\$ _____

EFFECTIVE DATE -

TYPE OF FILING -

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ISSUING OFFICER

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TITLE

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WATER TARIFFINDEX OF SERVICE AVAILABILITY POLICY AND CHARGES

<u>Description</u>	<u>Sheet Number</u>
Schedule of Charges .....	19.0
Service Availability Policy .....	18.0

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ISSUING OFFICER

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TITLE



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WATER TARIFF

SERVICE AVAILABILITY POLICY

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ISSUING OFFICER

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WATER TARIFF

SERVICE AVAILABILITY CHARGES

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ISSUING OFFICER

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TITLE

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WATER TARIFF

INDEX OF STANDARD FORMS

<u>Description</u>	<u>Sheet No.</u>
APPLICATION FOR WATER SERVICE .....	21.0
COPY OF CUSTOMER'S BILL .....	22.0

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ISSUING OFFICER

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TITLE

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WATER TARIFF

APPLICATION FOR WATER SERVICE

---

ISSUING OFFICER

---

TITLE



---

WATER TARIFF

COPY OF CUSTOMER'S BILL

---

ISSUING OFFICER

---

TITLE

WASTEWATER TARIFF

---

NAME OF COMPANY

FILED WITH

FLORIDA PUBLIC SERVICE COMMISSION

WASTEWATER TARIFF

---

NAME OF COMPANY

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(ADDRESS OF COMPANY)

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(Business & Emergency Telephone Numbers)

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ISSUING OFFICER

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TITLE

FILED WITH  
FLORIDA PUBLIC SERVICE COMMISSION

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WASTEWATER TARIFF

## TABLE OF CONTENTS

	Sheet Number
Communities Served Listing .....	4.0
Description of Territory Served .....	3.1
Index of	
Rates and Charges Schedules.....	11.0
Rules and Regulations .....	7.0
Service Availability Policy and Charges.....	17.0
Standard Forms.....	19.0
Technical Terms and Abbreviations.....	5.0
Territory Authority.....	3.1

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ISSUING OFFICER

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TITLE



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WASTEWATER TARIFF

TERRITORY AUTHORITY

CERTIFICATE NUMBER: \_\_\_\_\_

COUNTY: \_\_\_\_\_

COMMISSION ORDER(s) APPROVING TERRITORY SERVED -

Order Number

Date Issued

Docket Number

Filing Type

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ISSUING OFFICER

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TITLE

---

WASTEWATER TARIFF

DESCRIPTION OF TERRITORY SERVED

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ISSUING OFFICER

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TITLE

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WASTEWATER TARIFF

COMMUNITIES SERVED LISTING

County Name	Development Name	Rate Schedule(s) Available	Sheet No.
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ISSUING OFFICER

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TITLE

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WASTEWATER TARIFFTECHNICAL TERMS AND ABBREVIATIONS

- 1.0 "BFC" - The abbreviation for "Base Facility Charge" which is the minimum amount the Company may charge its Customers and is separate from the amount the Company bills its Customers for wastewater consumption.
- 2.0 "CERTIFICATE" - A document issued by the Commission authorizing the Company to provide wastewater service in a specific territory.
- 3.0 "COMMISSION" - The shortened name for the Florida Public Service Commission.
- 4.0 "COMMUNITIES SERVED" - The group of Customers who receive wastewater service from the Company and whose service location is within a specific area or locality that is uniquely separate from another.
- 5.0 "COMPANY" - The shortened name for the full name of the utility which is .
- 6.0 "CUSTOMER" - Any person, firm or corporation who has entered into an agreement to receive wastewater service from the Company and who is liable for the payment of that wastewater service.
- 7.0 "CUSTOMER'S INSTALLATION" - All pipes, shut-offs, valves, fixtures and appliances or apparatus of every kind and nature used in connection with or forming a part of the installation for disposing of wastewater located on the Customer's side of the Service Connection whether such installation is owned by the Customer or used by the Customer under lease or other agreement.
- 8.0 "MAIN" - A pipe, conduit, or other facility used to convey wastewater service from individual service lines or through other mains.
- 9.0 "RATE" - Amount which the Company may charge for wastewater service which is applied to the Customer's water consumption.
- 10.0 "RATE SCHEDULE" - The rate(s) or charge(s) for a particular classification of service plus the several provisions necessary for billing, including all special terms and conditions under which service shall be furnished at such rate or charge.
- 11.0 "SERVICE" - As mentioned in this tariff and in agreement with Customers, "Service" shall be construed to include, in addition to all wastewater service required by the Customer, the readiness and ability on the part of the Company to furnish wastewater service to the Customer. Service shall conform to the standards set forth in Section 367.111 of the Florida Statutes.

(Continued to Sheet No. 5.1)

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ISSUING OFFICER

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TITLE



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WASTEWATER TARIFF

(Continued from Sheet No. 5.0)

- 12.0     "SERVICE CONNECTION" - The point where the Company's pipes or meters are connected with the pipes of the Customer.
- 13.0     "SERVICE LINES" - The pipes between the Company's Mains and the Service Connection and which includes all of the pipes, fittings and valves necessary to make the connection to the Customer's premises, excluding the meter.
- 14.0     "TERRITORY" - The geographical area described, if necessary, by metes and bounds but, in all cases, with township, range and section in a Certificate, which may be within or without the boundaries of an incorporated municipality and may include areas in more than one county.

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ISSUING OFFICER

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TITLE

## WASTEWATER TARIFF

INDEX OF RULES AND REGULATIONS

	<u>Sheet Number:</u>	<u>Rule Number:</u>
Access to Premises .....	9.0	12.0
Adjustment of Bills .....	10.0	20.0
Application .....	7.0	3.0
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Change of Customer's Installation .....	8.0	10.0
Continuity of Service .....	8.0	8.0
Customer Billing .....	9.0	15.0
Delinquent Bills .....	10.0	17.0
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Extensions .....	7.0	6.0
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General Information .....	7.0	1.0
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(Continued to Sheet No. 6.1)

ISSUING OFFICER

TITLE

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WASTEWATER TARIFF

(Continued from Sheet No. 6.0)

	<u>Sheet Number:</u>	<u>Rule Number:</u>
Right-of-way or Easements .....	9.0	14.0
Termination of Service .....	10.0	18.0
Type and Maintenance .....	7.0	7.0
Unauthorized Connections - Wastewater .....	10.0	19.0

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ISSUING OFFICER

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TIT I F

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WASTEWATER TARIFFRULES AND REGULATIONS

- 1.0 GENERAL INFORMATION - These Rules and Regulations are a part of the rate schedules and applications and contracts of the Company and, in the absence of specific written agreement to the contrary, apply without modifications or change to each and every Customer to whom the Company renders wastewater service.

The Company shall provide wastewater service to all Customers requiring such service within its Certificated territory pursuant to Chapter 25-30, Florida Administrative Code and Chapter 367, Florida Statutes.

- 2.0 TARIFF DISPUTE - Any dispute between the Company and the Customer or prospective Customer regarding the meaning or application of any provision of this tariff shall be resolved pursuant to Rule 25-22.032, Florida Administrative Code.
- 3.0 APPLICATION - In accordance with Rule 25-30.310, Florida Administrative Code, a signed application is required prior to the initiation of service. The Company shall provide each Applicant with a copy of the brochure entitled "Your Water and Wastewater Service," prepared by the Florida Public Service Commission.
- 4.0 APPLICATIONS BY AGENTS - Applications for wastewater service requested by firms, partnerships, associations, corporations, and others shall be rendered only by duly authorized parties or agents.
- 5.0 REFUSAL OR DISCONTINUANCE OF SERVICE - The Company may refuse or discontinue wastewater service rendered under application made by any member or agent of a household, organization, or business in accordance with Rule 25-30.320, Florida Administrative Code.
- 6.0 EXTENSIONS - Extensions will be made to the Company's facilities in compliance with Commission Rules and Orders and the Company's tariff.
- 7.0 TYPE AND MAINTENANCE - In accordance with Rule 25-30.545, Florida Administrative Code, the Customer's pipes, apparatus and equipment shall be selected, installed, used and maintained in accordance with standard practice and shall conform with the Rules and Regulations of the Company and shall comply with all laws and governmental regulations applicable to same. The Company shall not be responsible for the maintenance and operation of the Customer's pipes and facilities. The Customer expressly agrees not to utilize any appliance or device which is not properly constructed, controlled and protected or which may adversely affect the wastewater service. The Company reserves the right to discontinue or withhold wastewater service to such apparatus or device.

(Continued on Sheet No. 8.0)

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ISSUING OFFICER



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WASTEWATER TARIFF

(Continued from Sheet No. 7.0)

- 8.0 CONTINUITY OF SERVICE - In accordance with Rule 25-30.250, Florida Administrative Code, the Company will at all times use reasonable diligence to provide continuous wastewater service and, having used reasonable diligence, shall not be liable to the Customer for failure or interruption of continuous wastewater service.

If at any time the Company shall interrupt or discontinue its service, all Customers affected by said interruption or discontinuance shall be given not less than 24 hours written notice.

- 9.0 LIMITATION OF USE - Wastewater service purchased from the Company shall be used by the Customer only for the purposes specified in the application for wastewater service. Wastewater service shall be rendered to the Customer for the Customer's own use and shall be collected directly into the Company's main wastewater lines.

In no case shall a Customer, except with the written consent of the Company, extend his lines across a street, alley, lane, court, property line, avenue, or other way in order to furnish wastewater service to the adjacent property even though such adjacent property may be owned by him. In case of such unauthorized extension, sale, or disposition of service, the Customer's wastewater service will be subject to discontinuance until such unauthorized extension, remetering, sale or disposition of service is discontinued and full payment is made to the Company for wastewater service rendered by the Company (calculated on proper classification and rate schedules) and until reimbursement is made in full to the Company for all extra expenses incurred for clerical work, testing, and inspections. (This shall not be construed as prohibiting a Customer from remetering.)

- 10.0 CHANGE OF CUSTOMER'S INSTALLATION - No changes or increases in the Customer's installation, which will materially affect the proper operation of the pipes, mains, or stations of the Company, shall be made without written consent of the Company. The Customer shall be liable for any change resulting from a violation of this Rule.

- 11.0 INSPECTION OF CUSTOMER'S INSTALLATION - All Customer's wastewater service installations or changes shall be inspected upon completion by a competent authority to ensure that the Customer's piping, equipment, and devices have been installed in accordance with accepted standard practice and local laws and governmental regulations. Where municipal or other governmental inspection is required by local rules and ordinances, the Company cannot render wastewater service until such inspection has been made and a formal notice of approval from the inspecting authority has been received by the Company.

Notwithstanding the above, the Company reserves the right to inspect the Customer's installation prior to rendering wastewater service, and from time to time thereafter, but assumes no responsibility whatsoever for any portion thereof.

(Continued on Sheet No. 9.0)

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ISSUING OFFICER

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TITLE

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WASTEWATER TARIFF

(Continued from Sheet No.8.0)

- 12.0 ACCESS TO PREMISES - In accordance with Rule 25-30.320(2)(f), Florida Administrative Code, the Customer shall provide the duly authorized agents of the Company access at all reasonable hours to its property. If reasonable access is not provided, service may be discontinued pursuant to the above rule.
- 13.0 PROTECTION OF COMPANY'S PROPERTY - The Customer shall exercise reasonable diligence to protect the Company's property. If the Customer is found to have tampered with any Company property or refuses to correct any problems reported by the Company, service may be discontinued in accordance with Rule 25-30.320, Florida Administrative Code. In the event of any loss or damage to property of the Company caused by or arising out of carelessness, neglect, or misuse by the Customer, the cost of making good such loss or repairing such damage shall be paid by the Customer.
- 14.0 RIGHT-OF-WAY OR EASEMENTS - The Customer shall grant or cause to be granted to the Company, and without cost to the Company, all rights, easements, permits, and privileges which are necessary for the rendering of wastewater service.
- 15.0 CUSTOMER BILLING - Bills for wastewater service will be rendered - Monthly, Bimonthly, or Quarterly - as stated in the rate schedule.
- In accordance with Rule 25-30.335, Florida Administrative Code, the Company may not consider a Customer delinquent in paying his or her bill until the twenty-first day after the Company has mailed or presented the bill for payment.
- A municipal or county franchise tax levied upon a water or wastewater public utility shall not be incorporated into the rate for water or wastewater service but shall be shown as a separate item on the Company's bills to its Customers in such municipality or county.
- If a utility utilizes the base facility and usage charge rate structure and does not have a Commission authorized vacation rate, the Company shall bill the Customer the base facility charge regardless of whether there is any usage.
- 16.0 PAYMENT OF WATER AND WASTEWATER SERVICE BILLS CONCURRENTLY - In accordance with Rule 25-30.320(2)(g), Florida Administrative Code, when both water and wastewater service are provided by the Company, payment of any wastewater service bill rendered by the Company to a Customer shall not be accepted by the Company without the simultaneous or concurrent payment of any water service bill rendered by the Company.

(Continued on Sheet No. 10.0)

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ISSUING OFFICER

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TITLE



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**WASTEWATER TARIFF**

(Continued from Sheet No. 9.0)

- 17.0 DELINQUENT BILLS - When it has been determined that a Customer is delinquent in paying any bill, wastewater service may be discontinued after the Company has mailed or presented a written notice to the Customer in accordance with Rule 25-30.320, Florida Administrative Code.
- 18.0 TERMINATION OF SERVICE - When a Customer wishes to terminate service on any premises where wastewater service is supplied by the Company, the Company may require reasonable notice to the Company in accordance with Rule 25-30.325, Florida Administrative Code.
- 19.0 UNAUTHORIZED CONNECTIONS - WASTEWATER - Any unauthorized connections to the Customer's wastewater service shall be subject to immediate discontinuance without notice, in accordance with Rule 25-30.320, Florida Administrative Code.
- 20.0 ADJUSTMENT OF BILLS - When a Customer has been undercharged as a result of incorrect application of the rate schedule or, if wastewater service is measured by water consumption and a meter error is determined, the amount may be credited or billed to the Customer as the case may be, pursuant to Rules 25-30.340 and 25-30.350, Florida Administrative Code.
- 21.0 FILING OF CONTRACTS - Whenever a Developer Agreement or Contract, Guaranteed Revenue Contract, or Special Contract or Agreement is entered into by the Company for the sale of its product or services in a manner not specifically covered by its Rules and Regulations or approved Rate Schedules, a copy of such contracts or agreements shall be filed with the Commission prior to its execution in accordance with Rule 25-9.034 and Rule 25-30.550, Florida Administrative Code. If such contracts or agreements are approved by the Commission, a conformed copy shall be placed on file with the Commission within 30 days of execution.
- 22.0 EVIDENCE OF CONSUMPTION - The initiation or continuation or resumption of water service to the Customer's premises shall constitute the initiation or continuation or resumption of wastewater service to the Customer's premises regardless of occupancy.

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ISSUING OFFICER

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TITLE

WASTEWATER TARIFF

INDEX OF RATES AND CHARGES SCHEDULES

	<u>Sheet Number</u>
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Miscellaneous Service Charges .....	15.0
Residential Service, RS .....	13.0

ISSUING OFFICER

TITLE



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WASTEWATER TARIFFGENERAL SERVICERATE SCHEDULE GS

- AVAILABILITY - Available throughout the area served by the Company.
- APPLICABILITY - For wastewater service to all Customers for which no other schedule applies.
- LIMITATIONS - Subject to all of the Rules and Regulations of this Tariff and General Rules and Regulations of the Commission.

BILLING PERIOD -RATE -

<u>Meter Sizes</u>	<u>Base Facility Charge</u>
5/8" x 3/4"	\$
3/4"	\$
1"	\$
1 1/2"	\$
2"	\$
3"	\$
4"	\$
6"	\$
8"	\$
10"	\$
Charge per 1,000 gallons	\$

MINIMUM CHARGE - Base Facility Charge

TERMS OF PAYMENT - Bills are due and payable when rendered. In accordance with Rule 25-30.320, Florida Administrative Code, if a Customer is delinquent in paying the bill for wastewater service, service may then be discontinued.

EFFECTIVE DATE -TYPE OF FILING -

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ISSUING OFFICER

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TITLE

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WASTEWATER TARIFF

RESIDENTIAL SERVICE

RATE SCHEDULE RS

- AVAILABILITY - Available throughout the area served by the Company.
- APPLICABILITY - For wastewater service for all purposes in private residences and individually metered apartment units.
- LIMITATIONS - Subject to all of the Rules and Regulations of this Tariff and General Rules and Regulations of the Commission.
- BILLING PERIOD -
- RATE -

Base Facility Charge

All Meter Sizes \$

Charge per 1,000 gallons \$  
10,000 cap

MINIMUM CHARGE - Base Facility Charge

TERMS OF PAYMENT - Bills are due and payable when rendered. In accordance with Rule 25-30.320, Florida Administrative Code, if a Customer is delinquent in paying the bill for wastewater service, service may then be discontinued.

EFFECTIVE DATE -

TYPE OF FILING -

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ISSUING OFFICER

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TITLE

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WASTEWATER TARIFF
CUSTOMER DEPOSITS

ESTABLISHMENT OF CREDIT - Before rendering wastewater service, the Company may require an Applicant for service to satisfactorily establish credit, but such establishment of credit shall not relieve the Customer from complying with the Company's rules for prompt payment. Credit will be deemed so established if the Customer complies with the requirements of Rule 25-30.311, Florida Administrative Code.

AMOUNT OF DEPOSIT - The amount of initial deposit shall be the following according to meter size:

	<u>Residential</u>	<u>General Service</u>
5/8" x 3/4"	_____	_____
1"	_____	_____
1 1/2"	_____	_____
Over 2"	_____	_____

ADDITIONAL DEPOSIT - Under Rule 25-30.311(7), Florida Administrative Code, the Company may require a new deposit, where previously waived or returned, or an additional deposit in order to secure payment of current bills provided.

INTEREST ON DEPOSIT - The Company shall pay interest on Customer deposits pursuant to Rule 25-30.311(4) and (4a).

REFUND OF DEPOSIT - After a residential Customer has established a satisfactory payment record and has had continuous service for a period of 23 months, the Company shall refund the Customer's deposit provided the Customer has met the requirements of Rule 25-30.311(5), Florida Administrative Code. The Company may hold the deposit of a non-residential Customer after a continuous service period of 23 months and shall pay interest on the non-residential Customer's deposit pursuant to Rule 25-30.311(4) and (5), Florida Administrative Code.

Nothing in this rule shall prohibit the Company from refunding a Customer's deposit in less than 23 months.

EFFECTIVE DATE -

TYPE OF FILING -

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ISSUING OFFICER

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TITLE

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WASTEWATER TARIFF

MISCELLANEOUS SERVICE CHARGES

The Company may charge the following miscellaneous service charges in accordance with the terms state herein. If both water and wastewater services are provided, only a single charge is appropriate unless circumstances beyond the control of the Company require multiple actions.

INITIAL CONNECTION - This charge may be levied for service initiation at a location where service did not exist previously.

NORMAL RECONNECTION - This charge may be levied for transfer of service to a new Customer account at a previously served location or reconnection of service subsequent to a Customer requested disconnection.

VIOLATION RECONNECTION - This charge may be levied prior to reconnection of an existing Customer after disconnection of service for cause according to Rule 25-30.320(2), Florida Administrative Code, including a delinquency in bill payment.

PREMISES VISIT CHARGE (IN LIEU OF DISCONNECTION) - This charge may be levied when a service representative visits a premises for the purpose of discontinuing service for nonpayment of a due and collectible bill and does not discontinue service because the Customer pays the service representative or otherwise makes satisfactory arrangements to pay the bill.

Schedule of Miscellaneous Service Charges

Initial Connection Charge	\$ _____
Normal Reconnection Charge	\$ _____
Violation Reconnection Charge	\$Actual Cost (1)
Premises Visit Charge (in lieu of disconnection)	\$ _____

(1) Actual Cost is equal to the total cost incurred for services.

EFFECTIVE DATE -

TYPE OF FILING -

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ISSUING OFFICER

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TITLE



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WASTEWATER TARIFF

INDEX OF SERVICE AVAILABILITY POLICY AND CHARGES

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Service Availability Policy .....	17.0

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ISSUING OFFICER

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TIT L

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WASTEWATER TARIFF

SERVICE AVAILABILITY POLICY

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ISSUING OFFICER

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TITLE

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WASTEWATER TARIFF

SERVICE AVAILABILITY CHARGES

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ISSUING OFFICER

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TITLE

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WASTEWATER TARIFF

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WASTEWATER TARIFF

APPLICATION FOR WASTEWATER SERVICE

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ISSUING OFFICER

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WASTEWATER TARIFF

COPY OF CUSTOMER'S BILL

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ISSUING OFFICER

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## Notice of Proposed Rule

### **PUBLIC SERVICE COMMISSION**

#### **RULE NOS.:RULE TITLES:**

- 25-30.029 Legal Description Of Service Area
- 25-30.030 Notice of Application
- 25-30.032 Applications
- 25-30.033 Application for Original Certificate of Authorization and Initial Rates and Charges
- 25-30.034 Application for Certificate of Authorization for Existing Utility Currently Charging for Service
- 25-30.035 Application for Grandfather Certificate
- 25-30.036 Application for Amendment to Certificate of Authorization to Extend or Delete Service
- 25-30.037 Application for Authority to Transfer
- 25-30.038 Application for Transfer to a Governmental Authority
- 25-30.039 Application for Name Change
- 25-30.090 Abandonments

**PURPOSE AND EFFECT:** New Rule 25-30.029, F.A.C. specifies the format of the legal description of the utility's service area to be used in water and wastewater certificate applications. New Rule 25-30.038 addresses applications for transfer to a governmental authority. The amendments to Rules 25-30.030, 25-30.032, 25-30.033, 25-30.034, 25-30.035, 25-30.036, and 25-30.037, F.A.C. update, streamline, and clarify the Commission's requirements for applications for water and wastewater utility certificates of authorization. Rule 25-30.039, F.A.C. is changed from an application to a notice of name change. Rule 25-30.090, F.A.C. is updated and clarified as to abandonment requirements. Forms applicable to applications are incorporated by reference in the rules.

Docket No. 150198-WS.

**SUMMARY:** Rule 25-30.029, F.A.C., Legal Description of Service Area, is a new rule addressing legal description requirements for applications for a certificate, extension or deletion of service area, or transfer, which were previously located in Rule 25-30.030, F.A.C. Rule 25-30.030, F.A.C., Notice of Application and of Customer Meeting, is amended to delete the legal description requirements that are relocated into Rule 25-30.029, F.A.C.; to clarify by listing the specific applications and relevant rule sections to which this rule applies; to update application titles; to clarify information to be included in notices; and to update and codify existing practice concerning notice publication and persons to whom notices must be sent. Rule 25-30.032, F.A.C., Combined Applications, is amended to delete the obsolete requirement of filing multiple copies of applications and to reflect that the number of copies to be filed is now addressed in Rule 25-22.028, F.A.C.; to delete an unnecessary subsection concerning the official filing date that is now addressed in Rule 25-30.030(5), F.A.C.; and to amend the title to reflect that the rule addresses combined applications. Rule 25-30.033, F.A.C., Application for Original Certificate of Authorization and Initial Rates and Charges, is amended to clarify and update the rule to reflect current Commission practice and to delete vague, obsolete and redundant language; to clarify by codifying the specific information required by applicants to demonstrate the need for service and the technical and financial ability of the applicant to provide service; and to incorporate by reference an example, fillable application form and water and wastewater tariff forms that will make the application process easier for applicants. Rule 25-30.034, F.A.C., Application for Original Certificate of Authorization for Existing Utility Currently Charging for Service, is amended to clarify and update the rule to reflect current Commission practice and to delete vague, obsolete and redundant language; to clarify by codifying specific information required by applicants to demonstrate the need for service and the technical and financial ability of the applicant to provide service; and to incorporate by reference an example, fillable application form and water and wastewater tariff forms that will make the application process easier for applicants. Rule 25-30.035, Application for Original Certificate of Authorization Following Rescission of Jurisdiction by a County, is amended to clarify and update the rule to reflect current Commission practice and to delete vague, obsolete and redundant language; is amended to codify specific information required in this type of application, including documentation from the county showing authorization to serve and copies of all DEP and water management permits; and is amended to incorporate by reference an example, fillable application form and water and wastewater tariff forms that will make the application process easier for applicants. Rule 25-30.036, F.A.C., Application for Amendment to Certificate of Authorization to Extend or Delete Service Area, is amended to clarify and update the



rule to reflect current Commission practice and to delete vague, obsolete and redundant language; is clarified by codifying specific information required by applicants to demonstrate the need for service; is amended to require a copy of all current DEP and water management district permits, the most recent sanitary survey, compliance inspection report, secondary standards drinking water report, and correspondence with DEP, the county health department and water management district for the past five years, in order for the Commission to be able to assess the utility's compliance with secondary drinking water standards; and is amended to incorporate by reference an example, fillable application form and water and wastewater tariff forms that will make the application process easier for applicants. Rule 25-30.037, F.A.C., Application for Authority to Transfer, is amended to clarify and update the rule to reflect current Commission practice and to delete vague, obsolete and redundant language; is clarified by codifying specific information required by applicants when there is a transfer of an exempt entity or utility in a non-jurisdictional county to a Commission regulated utility that results in a system whose service transverses county boundaries; is amended to require a copy of all current DEP and water management district permits, the most recent sanitary survey, compliance inspection report, secondary standards drinking water report, and correspondence with DEP, the county health department and water management district for the past five years, in order for the Commission to be able to assess the utility's compliance with secondary drinking water standards; and is amended to incorporate by reference an example, fillable application form and water and wastewater tariff forms that will make the application process easier for applicants. Rule 25-30.038, F.A.C., Application for Transfer to a Governmental Authority, is a new rule addressing applications for transfer to a governmental authority that were previously submitted pursuant to Rule 25-30.037(4), F.A.C.. Rule 25-30.039, F.A.C., Notice of Name Change, is amended to require a notice of name change instead of an application for name change, consistent with language of the implementing statute Section 367.1214, F.S; and is amended to codify the practice of requiring the utility to file with the Commission Clerk a statement verifying the date that the notice of name change was sent to the utility customers. Rule 25-30.090, F.A.C., Abandonments, is amended to improve readability and clarity; is amended to require a receiver to provide the Commission with a copy of the court order of appointment within 10 days of appointment; and to clarify that a receiver who is a governmental authority is not required to file a revised tariff with the Commission.

Application requirements related to various actions concerning water and wastewater certificates of authorization are updated, streamlined, and clarified.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:** The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has been prepared by the Agency.

The SERC examined the factors required by Section 120.541(2), FS, and concluded that the proposed rules are not likely to have an adverse impact on the factors listed therein, and that there is no anticipated effect on state or local revenues and no cost to the Public Service Commission, or any other state and local government entity to implement and enforce the rule.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: based upon the information contained in the SERC.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

**RULEMAKING AUTHORITY:** 350.127(2), 367.045, 367.121, 367.1213, 367.1214 FS.

**LAW IMPLEMENTED:** 367.031, 367.045, 367.071, 367.083, 367.121, 367.1213, 367.1214, 367.165, 367.171 FS.

**IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAR.**

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Kathryn G.W. Cowdery, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6216, [kcowdery@psc.state.fl.us](mailto:kcowdery@psc.state.fl.us)

**THE FULL TEXT OF THE PROPOSED RULE IS:**



25-30.029 Legal Description of Service Area

(1) The utility shall provide a legal description of the service area to be served, extended, deleted, or transferred in the following applications:

- (a) An original certificate of authorization and initial rates and charges as provided in Rule 25-30.033, F.A.C.;
- (b) An original certificate of authorization for an existing utility currently charging for service provided in Rule 25-30.034, F.A.C.;
- (c) An original certificate of authorization following rescission of jurisdiction by a county as provided in Rule 25-30.035, F.A.C.;
- (d) An extension of service area as provided in Sections 25-30.036(2) or (3), F.A.C.;
- (e) A deletion of service area as provided in Section 25-30.036(4), F.A.C.;
- (f) A transfer of a regulated utility to another regulated utility as provided in Section 25-30.037(2), F.A.C.;
- (g) A transfer of an exempt entity to a regulated utility or transfer of a utility in a nonjurisdictional county to a regulated utility as provided in Section 25-30.037(3), F.A.C.;
- (h) A transfer of majority organizational control of a regulated utility as provided in Section 25-30.037(4), F.A.C.;
- (i) A transfer of a regulated utility to an exempt entity other than a governmental authority as provided in Section 25-30.037(5), F.A.C.; or
- (j) A partial transfer of a regulated utility to a governmental authority as provided in paragraph 25-30.038(2)(h)2., F.A.C.

(2) The legal description of the service area to be served, extended, deleted or transferred shall identify:

- (a) A reference to township(s), range(s), land section(s), and county(s); and
- (b) A complete and accurate description of the service area to be served, added, deleted, or transferred. The description may reference interstates, state roads, local streets, and major bodies of water, but shall not rely on references to government lots, recorded plats or lots, tracts, or other recorded instruments. The description shall be provided in one of the following formats:

1. Sections. If the service area includes complete sections, the description shall only include the township, range, and section reference. If the service area includes partial sections, the description shall identify the subsections to be included or excluded.

2. Metes and bounds. The description shall identify a point of beginning which is referenced from either a section corner or a subsection corner, such as a quarter corner. The perimeter shall be described by traversing the service area boundary and closing at the point of beginning. The description shall identify all bearings and distances necessary to provide continuous description.

Rulemaking Authority 350.127(2), 367.045, 367.121(1) FS. Law Implemented 367.045, 367.071 FS. History New-

25-30.030 Notice of Application and of Customer Meeting.

(1) When ~~A~~ a utility applies for a certificate of authorization, an extension or deletion of its service area, or a sale, assignment or transfer of its certificate of authorization, facilities or any portion thereof or majority organizational control, it shall provide notice of its application in the manner and to the entities described in this rule when it applies for any of the following: ~~section.~~

- (a) An original certificate of authorization and initial rates and charges as provided in Rule 25-30.033, F.A.C.;
  - (b) An original certificate of authorization for existing utility currently charging for service as provided in Rule 25-30.034, F.A.C.;
  - (c) An extension of service area as provided in Rule 25-30.036(2) or (3), F.A.C.;
  - (d) A deletion of service area as provided in Rule 25-30.036(4), F.A.C.;
  - (e) A transfer of a regulated utility to another regulated utility as provided in Rule 25-30.037(2), F.A.C.;
  - (f) A transfer of an exempt entity to a regulated utility or transfer of a utility in a nonjurisdictional county to a regulated utility as provided in Rule 25-30.037(3), F.A.C.;
  - (g) A transfer of majority organizational control of a regulated utility as provided in Rule 25-30.037(4), F.A.C.;
- or
- (h) A transfer of a regulated utility to an exempt entity other than a governmental authority as provided in Rule



25-30.037(5), F.A.C.

(2) After filing an application as described in subsection (1) above, and bBefore providing notice in accordance with this section, a utility shall obtain from the Commission staff a list of the names and addresses of the governing body of the county(ies) or municipality(ies) affected, municipalities, the county or counties, the appropriate regional planning council, the Office of Public Counsel, the Commission's Office of Commission Clerk, the appropriate regional office of the Department of Environmental Protection, the appropriate water management district, and privately-owned water and wastewater utilities that hold a certificate granted by the Public Service Commission and that are located within the county in which the utility or the territory proposed to be served is located. In addition, If any portion of the proposed territory is within one mile of a county boundary, the utility shall obtain from the Commission a list shall include of the names and addresses of the privately-owned utilities located in the bordering county counties and holding a certificate granted by the Commission. The utility's request for the list shall include a complete legal description of the territory to be requested in the application that includes:

(a) A reference to township(s), range(s), land section(s) and county; and

(b) A complete and accurate description of the territory served or proposed to be served in one of the following formats. The description may reference interstates, state roads, and major bodies of water. The description shall not rely on references to government lots, local streets, recorded plats or lots, tracts, or other recorded instruments.

1. Sections: If the territory includes complete sections, the description shall only include the township, range, and section reference. If the territory includes partial sections, the description shall either identify the subsections included or excluded.

2. Metes and bounds: A point of beginning which is referenced from either a section corner or a subsection corner, such as a quarter corner. The perimeter shall be described by traversing the proposed territory and closing at the point of beginning. The description shall include all bearings and distances necessary to provide a continuous description.

(3) The notice shall be titled, as applicable appropriately styled:

(a) Notice of Application for Original an Initial Certificate of Authorization and Initial Rates and Charges for Water, Wastewater, or Water and Wastewater Service Certificate;

(b) Notice of Application for Original Certificate of Authorization for Existing Utility Currently Charging for Water, Wastewater, or Water and Wastewater Service;

(c)(b) Notice of Application for Amendment to Certificate of Authorization To Extend an Extension of Service Area;

(d)(e) Notice of Application for Amendment to Certificate of Authorization To Delete Deletion of Service Area;

(e)(d) Notice of Application for Authority to a Transfer of Water, Wastewater, or Water and Wastewater Certificate(s) of Authorization to Another Regulated Utility; or

(f) Notice of Application for Authority to Transfer an Exempt Entity to a Regulated Utility or Transfer of a Utility in a Non-jurisdictional County To a Regulated Utility That Results in a System Whose Service Transverses County Boundaries;

(g)(e) Notice of Application for Authority to a Transfer of Majority Organizational Control of a Regulated Utility; or

(h) Notice of Application for Authority to Transfer a Regulated Utility to an Exempt Entity Other than a Governmental Authority.

(4) The Notice of Application notice shall be provided to the Office of Commission Clerk, for Commission staff approval prior to distribution and shall state include the following:

(a) The date the notice is given;

(b) The name, and address, telephone number, and, if available, e-mail address, and fax number of the applicant;

(c) The common name of developments served by the utility;

(d) The application docket number and title, if available;

(e) The common reference of street names bordering the area served by the utility, if applicable;

(f)(e) A description, using township, range and section references, of the service area territory proposed to be either served, extended, added, deleted, or transferred as provided by Rule 25-30.029, F.A.C. An abbreviated description using section, township, and range of the subject service area may be provided so long as the notice



contains a disclosure that the legal description has been simplified and that a complete legal description can be obtained from the applicant; and

(g) If applicable, the notice shall include a statement that the utility is not requesting any changes to its rates, classifications, charges, rules, and regulations in the application; and

(h)(d) A statement that any objections to the application must be filed with the Director, Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, no later than 30 days after the last date that the notice was mailed or published, whichever is later.

(5) Within 7 days of filing its application, the utility shall provide a copy of the notice of the service area proposed to be served, extended, deleted, or transferred as follows by regular mail to:

(a) By regular mail to the governmental entities and utilities identified on the list described in subsection (2) above;

(a) The governing body of the county in which the utility system or the territory proposed to be served is located;

(b) The governing body of any municipality contained on the list obtained pursuant to subsection (2) above;

(c) The regional planning council designated by the Clean Water Act, 33 U.S.C. 1288(2);

(d) All water or wastewater utilities contained on the list(s) obtained pursuant to subsection (2) above;

(e) The office of Public Counsel;

(f) The Commission's Office of Commission Clerk;

(g) The appropriate regional office of the Department of Environmental Protection; and

(h) The appropriate Water Management District.

(b)(6) No sooner than 21 days before the application is filed and no later than 7 days after the application is filed, the utility shall also provide a copy of the Notice, by regular mail or personal service, to each customer and owner of property located within the existing service area and the service area to be served, extended, deleted or transferred; and, of the system to be certificated, transferred, acquired, or deleted.

(c)(7) By publication The Notice shall be published once in a newspaper of general circulation in the proposed service area. If the utility service area crosses county lines, notice shall be published in a newspaper of general circulation in each county territory proposed to be served, added, deleted, or transferred. The publication shall be within 7 days of filing the application.

(6) All applications requiring noticing shall be deemed deficient until affidavits of noticing required by Sections 367.045(1)(e) and (2)(f), F.S., along with a copy of the notice, are filed with the Office of Commission Clerk. The affidavits shall attest that the notices were given as prescribed in paragraphs (5)(a), (b), and (c) above. The applicant shall obtain the affidavit of notice publication, pursuant to paragraph (5)(c) above, from the newspaper(s).

(8) A copy of the notice(s) and list of the entities receiving notice pursuant to this rule shall accompany the affidavit required by Sections 367.045(1)(e) and (2)(f), F.S. The affidavit shall be filed no later than 15 days after filing the application.

(7) No less than 14 days and no more than 30 days prior to the date of a customer meeting conducted by the Commission staff, the utility shall provide written notice of the date, time, location, and purpose of the customer meeting to all customers within the affected service areas. The notice shall be approved by the Commission staff prior to distribution. The notice shall be mailed to the out-of-town address of all customers who have provided the utility with an out-of-town address.

(8)(9) This rule does not apply to applications for grandfather certificates following rescission of jurisdiction by counties filed under Section 367.171, F.S.; or to applications for transfers to governmental authorities filed under Section 367.071, F.S.; or abandonments filed under Section 367.165, F.S. to name changes.  
*Rulemaking Authority 350.127(2), 367.045(2), 367.121(1) FS. Law Implemented 367.031, 367.045, 367.071, FS. History—New 4-5-81, Formerly 25-10.061, 25-10.0061, Amended 11-10-86, 1-27-91, 11-30-93, \_\_\_\_\_.*

#### 25-30.032 Combined Applications.

(1) Each utility subject to regulation by the Commission shall apply for an initial certificate of authorization, amendment to an existing certificate of authorization, transfer, or name change, by filing a completed application and six copies, in accordance with either Rule 25-30.033, 25-30.034, 25-30.035, 25-30.036, subsection 25-30.037(1) or (2), or Rule 25-30.039, F.A.C. However, a utility shall apply for a transfer to a governmental authority by filing a



completed application and two copies, in accordance with subsections 25-30.037 (3) and (4), F.A.C. The application shall be filed with the Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850. Sample application forms may be obtained from the Division of Engineering, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

(2) A utility may file a combined application applications for multiple certificate actions if it is applying for certificates of authorization or any amendments thereto for both water and wastewater systems; however, the utility shall remit a separate application fee for each action and system service. The Commission will treat a combined application as if a separate application had been filed for each action and system service.

(3) The official filing date of an application for an original certificate, any amendment to an existing certificate, or any transfer shall be the date a completed application is filed with the Office of Commission Clerk, except that the noticing requirements set forth in Rule 25-30.030, F.A.C., do not need to be completed at that time. If, however, the utility has not completed the noticing within the time limits prescribed by Rule 25-30.030, F.A.C., the official filing date shall be the date the noticing is complete.

Rulemaking Authority 350.127(2), 367.121 FS. Law Implemented 367.031, 367.045, 367.071, 367.083 FS. History—New 1-27-91, Amended 11-30-93, 5-29-08, \_\_\_\_\_.

#### 25-30.033 Application for Original Certificate of Authorization and Initial Rates and Charges.

(1) Each applicant application for an original certificate of authorization and initial rates and charges shall file with the Commission Clerk provide the following information: set forth in paragraphs (a) through (q). Form PSC 1001 (12/15), entitled "Application for Original Certificate of Authorization for a Proposed or Existing System Requesting Initial Rates and Charges," which is incorporated by reference in this rule and is available at [Dept. of State hyperlink], is an example application that may be completed by the applicant and filed with the Office of Commission Clerk to comply with this subsection. This form is also available on the Commission's Web site, [www.floridapsc.com](http://www.floridapsc.com).

(a) A filing fee pursuant to Rule 25-30.020(2)(a), F.A.C.;

(b) Proof of noticing pursuant to Rule 25-30.030, F.A.C.;

(c)(a) The utility's applicant's name, and address, telephone number, Federal Employer Identification Number, authorized representative, and, if available, e-mail address and fax number;

(d)(b) The nature of the utility's applicant's business organization, i.e., corporation, limited liability company, partnership, limited partnership, sole proprietorship, or association, etc.; The applicant must provide documentation from the Florida Department of State, Division of Corporations, showing:

1. The utility's business name and registration/document number for the business, unless operating as a sole proprietor, and

2. The utility's fictitious name and registration number for the fictitious name, if operating under a fictitious name;

(e)(e) The name(s), and address(es), and percentage of ownership of each entity or person that owns or will own more than 5 percent interest in the utility of all corporate officers, directors, partners, or any other person(s) or entities owning an interest in the applicant's business organization;

(f)(d) The election the business has made Whether the applicant has made an election under the Internal Revenue Code for taxation purposes § 1362 to be an S corporation;

(g) A statement indicating whether the application is for water, wastewater, or both. If the applicant is applying for water or wastewater only, the statement shall include how the other service is provided;

(h)(e) To demonstrate A statement showing the necessary financial and technical ability of the applicant to provide service to the proposed service area, the applicant shall provide; and the need for service in the proposed area. The statement shall identify any other utilities within the area proposed to be served that could potentially provide service, and the steps the applicant took to ascertain whether such other service is available;

1. A detailed financial statement (balance sheet and income statement), audited if available, of the financial condition of the applicant, which shows all assets and liabilities of every kind and character. The financial statements shall be for the preceding calendar or fiscal year. The financial statement shall be prepared in accordance with Rule 25-30.115, F.A.C. If available, a statement of the sources and uses of funds shall also be provided; and

2. A list of all entities, including affiliates, upon which the applicant is relying to provide funding to the utility



and an explanation of the manner and amount of such funding. The list need not include any person or entity holding less than 5 percent ownership interest in the utility. The applicant shall provide copies of any financial agreements between the listed entities and the utility and proof of the listed entities' ability to provide funding, such as financial statements;

(i) To demonstrate the technical ability of the applicant to provide service, the applicant shall provide:

1. A statement of the applicant's experience in the water or wastewater industry;

2. A copy of all current permits from the Department of Environmental Protection (DEP) and the water management district;

3. A copy of the most recent DEP and/or county health department sanitary survey, compliance inspection report, and secondary standards drinking water report; and

4. A copy of all correspondence with the DEP, county health department, and water management district, including consent orders and warning letters, and the utility's responses to the same, for the past five years;

(j) To describe the proposed service area, the applicant shall provide:

1. A legal description of the proposed service area in the format described in Rule 25-30.029, F.A.C.;

2. A detailed system map showing the existing and proposed lines and treatment facilities, with the territory proposed to be served plotted thereon, consistent with the legal description provided in subparagraph (j)1. above. The map shall be of sufficient scale and detail to enable correlation with the description of the territory proposed to be served; and

3. An official county tax assessment map, or other map showing township, range, and section with a scale such as 1" = 200' or 1" = 400', with the proposed territory plotted thereon, consistent with the legal description provided in subparagraph (j)1. above;

(k) To demonstrate the need for service in the proposed area, the applicant shall provide:

1. The number of customers currently being served and proposed to be served, by customer class and meter size, including a description of the types of customers currently being served and anticipated to be served, i.e., single family homes, mobile homes, duplexes, golf course clubhouse, or commercial. If the development will be in phases, this information shall be separated by phase;

2. A copy of all requests for service from property owners or developers in areas not currently served;

3. The current land use designation of the proposed service territory as described in the local comprehensive plan at the time the application is filed. If the proposed development will require a revision to the comprehensive plan, describe the steps taken and to be taken to facilitate those changes, including changes needed to address the proposed need for service; and

(f) 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 as approved by the Department of Community Affairs at the time the application is filed, or, if not consistent, a statement demonstrating why granting the certificate of authorization would be in the public interest;

4. Any known land use restrictions, such as environmental restrictions imposed by governmental authorities;

(l)(g) The date applicant began or plans to begin serving customers. If already serving customers, a description of when and under what circumstances the applicant began serving;

(h) The number of equivalent residential connections (ERCs) proposed to be served, by meter size and customer class. If development will be in phases, separate this information by phase;

(i) A description of the types of customers anticipated, i.e., single family homes, mobile homes, duplexes, golf course clubhouse, commercial, etc.;

(m)(j) Documentation of the utility's right to access and continued use of Evidence, in the form of a warranty deed, that the utility owns the land upon which the utility treatment facilities are or will be located. Documentation of continued use shall be in the form of a recorded warranty deed, recorded quit claim deed accompanied by title insurance, recorded lease, or a copy of an agreement which provides for the continued use of the land, such as a 99-year lease, or recorded easement. The Commission may consider a written easement or other cost-effective alternative. The applicant may submit a contract for the purchase and sale of land with an unrecorded unexecuted copy of the instrument granting the utility's right to access and continued use of the land upon which the utility treatment facilities are or will be located warranty deed, provided the applicant files a an-executed-and recorded copy of the deed, or executed copy of the lease, within the time required in 30 days after the order granting the



certificate;

(k) One original and two copies of a sample tariff, containing all rates, classifications, charges, rules, and regulations, which shall be consistent with Chapter 25-9, F.A.C. Model tariffs are available from the Division of Economics, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850;

(l) A description of the territory to be served, using township, range and section references as specified in subsection 25-30.030(2), F.A.C.;

(m) One copy of a detailed system map showing the proposed lines, treatment facilities and the territory proposed to be served. The map shall be of sufficient scale and detail to enable correlation with the description of the territory proposed to be served;

(n) One copy of the official county tax assessment map, or other 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, and with a defined reference point of beginning;

(n)(o) A description of statement regarding the separate capacities of the existing and proposed lines and treatment facilities in terms of equivalent residential connections (ERCs) and gallons per day estimated demand per ERC for water and wastewater and the basis for such estimate. If the development will be in phases, separate this information shall be separated by phase;

(o)(p) A written description of the type of water treatment, wastewater treatment, and method of effluent disposal;

(q) If subsection (p) above does not include effluent disposal by means of reuse, a statement that describes with particularity the reasons for not using reuse;

(r) A detailed financial statement (balance sheet and income statement), certified if available, of the financial condition of the applicant, that shows all assets and liabilities of every kind and character. The income statement shall be for the preceding calendar or fiscal year. If an applicant has not operated for a full year, then the income statement shall be for the lesser period. The financial statement shall be prepared in accordance with Rule 25-30.115, F.A.C. If available, a statement of the source and application of funds shall also be provided;

(s) A list of all entities, including affiliates, upon which the applicant is relying to provide funding to the utility, and an explanation of the manner and amount of such funding, which shall include their financial statements and copies of any financial agreements with the utility. This requirement shall not apply to any person or entity holding less than 10 percent ownership interest in the utility;

(t) A cost study including customer growth projections supporting the proposed rates, charges and service availability charges. A sample cost study, and assistance in preparing initial rates and charges, are available from the Division of Economics;

(p) To support the proposed rates and charges, the applicant shall provide:

1. The existing and projected cost of the system(s) and associated depreciation by year until design capacity is reached using the National Association of Regulatory Utility Commissioners (NARUC) 1996 Uniform System of Accounts (USOA), which is incorporated by reference in Rule 25-30.115, F.A.C. The applicant shall identify the year that 80 percent of design capacity is anticipated. (u) A schedule showing the projected cost of the proposed system(s) by uniform system of accounts (USOA) account numbers pursuant to Rule 25-30.115, F.A.C., and the related capacity of each system in ERCs and gallons per day. If the utility will be built in phases, this shall apply only to the first phase;

2. The existing and projected annual contributions-in-aid-of-construction (CIAC) and associated amortization by year including a description of assumptions regarding customer growth projections using the same projections used in subparagraph (1)(k)1. above for the proposed service area. The projected CIAC shall identify cash and property contributions and amortization at 100 percent of design capacity and identify the year when 80 percent of design capacity is anticipated. The projected CIAC shall be consistent with the service availability policy and charges in the proposed tariff provided in paragraph (q) below, the schedule provided in subparagraph (p)6. below, and the CIAC guidelines in 25-30.580, F.A.C. If the utility will be built in phases, this shall apply only to the first phase;

(v) A schedule showing the projected operating expenses of the proposed system by USOA account numbers, when 80 percent of the designed capacity of the system is being utilized. If the utility will be built in phases, this shall apply to the first phase; and



3.(w) A schedule showing the projected capital structure including the methods of financing the construction and operation of the utility until the utility reaches 80 percent of the design capacity of the system. If the utility will be built in phases, this shall apply only to the first phase;

4. The current annual operating expenses and the projected annual operating expenses at 80 percent of design capacity using the NARUC USOA. If the utility will be built in phases, this shall apply only to the first phase;

5. A schedule showing how the proposed rates were developed;

6. A schedule showing how the proposed service availability policy and charges were developed, including meter installation, main extension, and plant capacity charges, and proposed donated property; and

7. A schedule showing how the customer deposits and miscellaneous service charges were developed, including initial connection, normal reconnection, violation reconnection, and premises visit fees, consistent with Rules 25-30.311 and 25-30.460, F.A.C.; and

(q) A tariff containing all rates, classifications, charges, rules, and regulations which shall be consistent with Chapter 25-9, F.A.C. Form PSC 1010 (12/15), entitled "Water Tariff," which is incorporated by reference in this rule and is available at [Department of State hyperlink] and Form PSC 1011 (12/15), entitled "Wastewater Tariff," which is incorporated by reference in this rule and is available at [Department of State hyperlink], are example tariffs that may be completed by the applicant and included in the application. These forms may also be obtained from the Commission's website, [www.floridapsc.com](http://www.floridapsc.com).

(2) through 3 No change.

(4) Utilities obtaining original initial certificates of authorization pursuant to this rule are authorized to accrue allowance for funds used during construction (AFUDC) for projects found eligible pursuant to subsection 25-30.116(1), F.A.C.

(a) through (c) No change.

*Rulemaking Authority 350.127(2), 367.045(1), 367.121, 367.1213 FS. Law Implemented 367.031, 367.045, 367.1213 FS. History--New 1-27-91, Amended 11-30-93, \_\_\_\_\_.*

25-30.034 Application for Original Certificate of Authorization for Existing Utility Currently Charging for Service.

(1) Each applicant for an original certificate of authorization for an existing utility currently charging for service, which is applying for an initial certificate of authorization, other than an application filed under Section 367.171, F.S., shall file with the Commission Clerk provide the following information: set forth in paragraphs (a) through (o) and, if applicable, paragraphs (2)(a) through (c). Form PSC 1002 (12/15), entitled "Application for Original Certificate of Authorization for Existing Utility Currently Charging for Service," which is incorporated by reference in this rule and is available at [Department of State hyperlink], is an example application that may be completed by the applicant and filed with the Office of Commission Clerk to comply with this subsection. This form is also available on the Commission's website, [www.floridapsc.com](http://www.floridapsc.com).

(a) A filing fee pursuant to Rule 25-30.020(2)(a), F.A.C.;

(b) Proof of noticing pursuant to Rule 25-30.030, F.A.C.;

(c)(a) The utility's complete name, and address, telephone number, Federal Employer Identification Number, authorized representative, and if available, e-mail address and fax number;

(d)(b) The nature of the utility's business organization, i.e., corporation, limited liability company, partnership, limited partnership, sole proprietorship, association, etc.; The applicant must provide documentation from the Florida Department of State, Division of Corporations, showing:

1. The utility's business name and registration/document number for the business, unless operating as a sole proprietor; and

2. The utility's fictitious name and registration number for the fictitious name, if operating under a fictitious name;

(e)(e) The name(s), and address(es), and percentage of ownership of each entity or person which owns or will own more than a 5 percent of all corporate officers, directors, partners, or any other person(s) owning an interest in the utility;

(f) A statement indicating whether the application is for water, wastewater, or both. If the applicant is applying for water or wastewater only, the statement shall include how the other service is provided;



(g) A description of the types of customers served, i.e., single family homes, mobile homes, duplexes, golf course clubhouse, or commercial;

(h) A schedule showing the number of customers currently served, by class and meter size, as well as the number of customers projected to be served when the requested service territory is fully developed;

(i)(d) To demonstrate A statement regarding that the applicant has the necessary financial and technical ability of the applicant to continue to provide service to the proposed service area, the applicant shall provide:

1. A detailed financial statement (balance sheet and income statement), audited if available, of the financial condition of the applicant, which shows all assets and liabilities of every kind and character. The financial statements shall be for the preceding calendar or fiscal year. The financial statement shall be prepared in accordance with Rule 25-30.115, F.A.C. If available, a statement of the sources and uses of funds shall also be provided;

2. A list of all entities, including affiliates, upon which the applicant is relying to provide funding to the utility and an explanation of the manner and amount of such funding. The list need not include any person or entity holding less than 5 percent ownership interest in the utility. The applicant shall provide copies of any financial agreements between the listed entities and the utility and proof of the listed entities' ability to provide funding, such as financial statements;

(j) To demonstrate the technical ability of the applicant to provide service, the applicant shall provide the following:

1. A statement of the applicant's experience in the water and wastewater industry;

2. A copy of all current permits from the Department of Environmental Protection (DEP) and the water management district;

3. A copy of the most recent DEP and/or county health department sanitary survey, compliance inspection report, and secondary standards drinking water report; and

4. A copy of all correspondence with the DEP, county health department, and water management district, including consent orders and warning letters, and the utility's responses to the same, for the past five years;

(k) To describe the proposed service area, the applicant shall provide:

1. A legal description of the proposed service area in the format prescribed in Rule 25-30.029, F.A.C.;

2. A detailed system map showing existing and proposed lines and treatment facilities with the territory proposed to be served plotted thereon, consistent with the legal description provided in subparagraph (1)(k)1. above. Any territory not served at the time of the application shall be specifically identified on the system map. The map shall be of sufficient scale and detail to enable correlation with the description of the territory proposed to be served; and

3. An official county tax assessment map, or other map showing township, range, and section with a scale such as 1"=200' or 1"=400', with the proposed territory plotted thereon, consistent with the legal description provided in subparagraph (k)1. above;

(l) A statement explaining when and under what circumstances the applicant began providing service prior to obtaining a certificate of authorization;

(m)(e) Documentation of the utility's right to access and continued term use of Evidence that the utility owns the land upon which the utility treatment facilities are located. Documentation of continued use shall be in the form of a recorded warranty deed, recorded quit claim deed accompanied by title insurance, recorded lease or a copy of an agreement which provides for the continued use of the land, such as a 99-year lease, or recorded easement. The applicant may submit an unrecorded copy of the instrument granting the utility's right to access and continued use of the land upon which the utility treatment facilities are or will be located, provided the applicant files a recorded copy within the time required in the order granting the certificate. The Commission may consider a written easement or other cost-effective alternative;

(n) Documentation specifying on what date and under what authority the current rates and charges were established; and

(o)(f) A One original and two copies of a model tariff, containing all rates, classifications, charges, rules, and regulations, which shall be consistent with Chapter 25-9, F.A.C. Form PSC 1010 (12/15), entitled "Water Tariff" and Form PSC 1011 (12/15), entitled "Wastewater Tariff," which are incorporated by reference in Rule 25-30.033, F.A.C., are example tariffs that may be completed by the applicant and included in the application. These forms may also be obtained from the Commission's website, [www.floridapsc.com](http://www.floridapsc.com). Model tariffs are available from the



Division of Economics, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850;

(g) ~~A statement specifying on what date and under what authority the current rates and charges were established;~~

(h) ~~A description of the territory to be served, using township, range and section references as specified in subsection 25-30.030(2), F.A.C.;~~

(i) ~~One copy of a detailed system map showing the lines, treatment facilities and the territory to be served. Any territory not served at the time of the application shall be specifically identified on the system map. The map shall be of sufficient scale and detail to enable correlation with the description of the territory to be served;~~

(j) ~~One copy of the official county tax assessment map, or other 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, and with a defined reference point of beginning;~~

(k) ~~The numbers and dates of any permits issued for the systems by the Department of Environmental Protection;~~

(l) ~~The date the utility was established;~~

(m) ~~A statement explaining how and why applicant began providing service prior to obtaining a certificate of authorization; and~~

(n) ~~A schedule showing the number of customers currently served, by class and meter size, as well as the number of customers projected to be served when the requested service territory is fully occupied.~~

(2) No change.

(a) To demonstrate A statement showing the need for service in the proposed area, the applicant shall provide the following:

1. The number of customers proposed to be served, by customer class and meter size, including a description of the types of customers anticipated to be served, i.e., single family homes, mobile homes, duplexes, golf course clubhouse, or commercial. If the development will be in phases, this information shall be separated by phase; and

2. A copy of all requests for service from property owners or developers in areas not currently served; and

(b) The current land use designation of the proposed service territory as described in A statement that to the best of the applicant's knowledge, the provision of service in this territory will be consistent with the water and wastewater sections of the local comprehensive plan as approved by the Department of Community Affairs at the time the application is filed. If the proposed development will require a revision to the comprehensive plan, describe the steps taken and to be taken to facilitate those changes, including changes needed to address the proposed need for service described in paragraph (2)(a) above; and, or, if not consistent, a statement demonstrating why granting the territory would be in the public interest.

(c) Any known land use restrictions, such as environmental restrictions imposed by governmental authorities.  
*Rulemaking Authority 350.127(2), 367.045, 367.121(1), 367.1213 FS. Law Implemented 367.045, 367.1213 FS. History—New 1-27-91, Amended 11-30-93, \_\_\_\_\_.*

25-30.035 Application for Original Grandfather Certificate of Authorization Following Rescission of Jurisdiction by a County.

(1) Each applicant for an original a certificate of authorization following rescission of jurisdiction by a county under the provisions of Section 367.171, F.S., (commonly known as the grandfather provision), shall file with the Commission Clerk one original of provide the following information: set forth in paragraphs (2) through (16) below. Form PSC 1003 (12/15), entitled "Application for Original Certificate of Authorization Following Rescission of Jurisdiction by a County (Grandfather Certificate)," which is incorporated by reference in this rule and is available at [Department of State hyperlink], is an example application that may be completed by the applicant and filed with the Office of Commission Clerk to comply with this subsection. This form may also be obtained from the Commission's website, www.floridapsc.com;

(2) A filing fee pursuant to Rule 25-30.020(2)(d), F.A.C.;

(3)(4) The utility's complete name, and address, telephone number, Federal Employer Identification Number, authorized representative, and, if available, e-mail address and fax number;



~~(4)(2)~~ The nature of the utility's business organization, i.e., corporation, limited liability company, partnership, limited partnership, sole proprietorship, or association, ~~etc.~~; The applicant must provide documentation from the Florida Department of State, Division of Corporations, showing:

(a) The utility's business name and registration/document number for the business, unless operating as a sole proprietor; and

(b) The utility's fictitious name and registration number for the fictitious name, if operating under a fictitious name;

~~(5)(3)~~ The name(s), and address(es), and percentage of ownership of each entity or person which owns or will own of all corporate officers, directors, partners, or any other person(s) owning more than a 5 percent an interest in the utility;

(6) A statement indicating whether the application is for water, wastewater, or both. If the applicant is applying for water or wastewater only, the statement shall include how the other service is provided;

(7)(4) The date the utility was established;

~~(8)(5)~~ A description of the types of customers served, i.e., single family homes, mobile homes, duplexes, golf course clubhouse, or commercial, etc.;

(9) A schedule showing the number of customers currently served, by class and meter size, as well as the number of customers projected to be served when the requested service territory is fully developed;

(10) A legal description of the proposed service area in the format prescribed in Rule 25-30.029, F.A.C. The utility must provide documentation of the territory the utility was serving, or was authorized to serve, from the county which had jurisdiction over the utility on the day Chapter 367, F.S., became applicable to the utility;

~~(11)(6)~~ Documentation of the utility's right to access and continued use of Evidence that the utility owns the land upon which the utility treatment facilities are located. Documentation of continued use shall be in the form of a recorded warranty deed, recorded quit claim deed accompanied by title insurance, recorded lease, or a copy of an agreement which provides for the continued use of the land, such as a 99-year lease, or recorded easement. The applicant may submit an unrecorded copy of the instrument granting the utility's right to access and continued use of the land upon which the utility treatment facilities are or will be located, provided the applicant files a recorded copy within the time required in the order granting the certificate; The Commission may consider a written easement or other cost effective alternative;

(12) Documentation, or if no documentation exists, a statement, specifying on what date and under what authority the current rates and charges were established;

~~(13)(7)~~ One original and two copies of Aa tariff, containing all rates, classifications, charges, rules, and regulations, which shall be consistent with Chapter 25-9, F.A.C. Form PSC 1010 (12/15), entitled "Water Tariff" and Form PSC 1011 (12/15), entitled "Wastewater Tariff," which are incorporated by reference in Rule 25-30.033, F.A.C., are example tariffs that may be completed by the applicant and included in the application. These forms may also be obtained from the Commission's website, [www.floridapsc.com](http://www.floridapsc.com); Sample tariffs are available from the Division of Economic Regulation, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850;

~~(8)~~ A statement specifying on what date and under what authority the current rates and charges were established;

~~(9)~~ A description using township, range, and section references as specified in subsection 25-30.030(2), F.A.C., of the territory the utility was serving, or was authorized to serve by the county which had jurisdiction over the utility on the day Chapter 367, F.S., became applicable to the utility;

~~(14)(10)~~ One copy of A-a detailed system map showing the existing and proposed lines; and treatment facilities, with and the territory proposed to be served plotted thereon, consistent with the legal description provided in subsection (10) above. Any territory not served at the time of the application shall be specifically identified, and Tthe map shall be of sufficient scale and detail to enable correlation with the description of the territory to be served;

~~(15)(11)~~ An One copy of the official county tax assessment map, or other map showing township, range, and section, with a scale such as 1" = 200' or 1" = 400', with the proposed territory plotted thereon, consistent with the legal description provided in subsection (10) above by use of metes and bounds or quarter sections, and with a defined reference point of beginning; and

~~(16)(12)~~ The numbers and dates of any A copy of all current permits issued for the systems by the Department of Environmental Protection and water management district. ; and



~~(13) A schedule showing the number of customers currently served, by class and meter size, as well as the number of customers projected to be served when the requested service territory is fully occupied.~~  
*Rulemaking Authority 350.127(2), 367.121, 367.1213 FS. Law Implemented 367.1213, 367.171 FS. History—Amended 7-21-65, 1-7-69, 2-3-70, 3-6-71, Revised 9-12-74, Amended 3-26-81, Formerly 25-10.02, 25-10.002, Amended 11-10-86, 1-27-91, 11-30-93, \_\_\_\_\_.*

25-30.036 Application for Amendment to Certificate of Authorization to Extend or Delete Service Area.

(1) This rule applies to any certificated water or wastewater utility that proposes to extend its service territory into an area in which there is no existing water or wastewater system or proposes to delete a portion of its service territory. Form PSC 1004 (12/15) entitled "Application for Amendment of Certificate (Extension, Quick Take Extension, or Deletion)," which is incorporated by reference in this rule and is available at [Department of State hyperlink], is an example application that may be completed by the applicant and filed with the Office of Commission Clerk to comply with subsection (2), (3), or (4) below. This form may also be obtained from the Commission's website, www.floridapsc.com.

~~(2) A request for service territory expansion and amendment of an existing certificate or issuance of a new certificate shall be considered approved under the following conditions if no protest is timely filed to the notice of application:~~

~~(a) The utility has provided a written statement of an officer of the utility that the proposed new territory includes a maximum of 25 equivalent residential connections within such territory at the time the territory is at buildout; and~~

~~(b) The utility has provided the written statement of an officer of the utility that, upon investigation, to the best of his or her knowledge:~~

~~1. There is no other utility in the area of the proposed territory that is willing and capable of providing reasonably adequate service to the new territory; and~~

~~2. The person(s) or business(es) requesting water or wastewater service have demonstrated to the utility that service is necessary because (1) a private well has been contaminated or gone dry, (2) a septic tank has failed; or (3) service is otherwise not available.~~

~~(c) The utility has filed a completed application in accordance with subsection (2) of this rule within 45 days of the completion of the notice requirements.~~

~~(2)(3) Each utility proposing to extend its service area (except applications filed pursuant to subsection (3) below), shall file with the Commission Clerk one original of the information set forth in paragraphs (a) through (q), (2) above, which shall file only paragraphs (a), (d), (e), (i), (m), (o), (p), (q), and (r) listed below) shall provide the following:~~

~~(a) A filing fee pursuant to paragraph 25-30.020(2)(b), F.A.C.;~~

~~(b) Proof of Noticing pursuant to Rule 25-30.030, F.A.C.;~~

~~(c)(a) The utility's certificated complete name, and address, telephone number, Federal Employer Identification Number, authorized representative, and, if available, e-mail address and fax number;~~

~~(b) A statement showing the financial and technical ability of the utility to provide service and the need for service in the area requested;~~

~~(d) To demonstrate the need for service in the proposed area, the applicant must provide:~~

~~1. The number of customers currently being served and proposed to be served, by customer class and meter size, including a description of the types of customers anticipated to be served, i.e., single family homes, mobile homes, duplexes, golf course clubhouse, or commercial;~~

~~2. A copy of all requests for service from property owners or developers in areas not currently served;~~

~~3. The current land use designation of the proposed service territory as described in the local comprehensive plan at the time the application is filed. If the proposed development will require a revision to the comprehensive plan, describe the steps taken and to be taken to facilitate those changes, including changes needed to address the proposed need for service; and~~

~~(e) 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;

4. Any known land use restrictions, such as environmental restrictions imposed by governmental authorities;

~~(e)(d)~~ If the utility is planning to build a new water or wastewater treatment plant to serve the proposed territory, provide documentation of the utility's right to access and continued use of Evidence that the utility owns the land upon which the new utility treatment facilities that will serve the proposed territory will be are located. Documentation of continued use shall be in the form of a recorded warranty deed, recorded quit claim deed accompanied by title insurance, recorded lease or a copy of an agreement, such as a 99-year lease, or recorded easement which provides for the continued use of the land. The applicant may submit an unrecorded copy of the instrument granting the utility's right to access and continued use of the land upon which the utility treatment facilities are or will be located, provided that the applicant files a recorded copy within the time required in the order granting the amendment to the certificate of authorization; The Commission may consider a written easement or other cost-effective alternative;

~~(f)(e)~~ A legal description of the territory proposed to be served, in the format prescribed in Rule 25-30.029, F.A.C. In addition, if the extension of territory is adjacent to existing territory, provide a legal description of the resulting territory including both existing and expanded portions in the format prescribed in Rule 25-30.029, F.A.C. using township, range and section references as specified in subsection 25-30.030(2), F.A.C.;

~~(g)(f)~~ One copy of Aa detailed system map showing the proposed lines, and treatment facilities, with and the territory proposed to be served plotted thereon, consistent with the legal description provided in paragraph (2)(f) above. If the territory to be served is adjacent to the utility's existing territory, provide a complete map showing both existing and expanded territories. The map shall be of sufficient scale and detail to enable correlation with the description of the territory;

~~(g)~~ 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;

~~(h)~~ If ~~(g)~~ above does not include effluent disposal by means of reuse, a statement that describes with particularity the reasons for not using reuse;

~~(h)(i)~~ An One copy of the official county tax assessment map or other map showing township, range, and section, with a scale such as 1" = 200' or 1" = 400', with the proposed territory plotted thereon, consistent with the legal description provided in paragraph (2)(f) above;

by use of metes and bounds or quarter sections, and with a defined reference point of beginning;

~~(i)(i)~~ A statement describing the capacity of the existing lines, the capacity of the existing treatment facilities, and the design capacity of the proposed extension;

~~(j)(k)~~ A copy of all current The numbers and dates of any permits issued for the proposed systems by the Department of Environmental Protection and by the water management district;

~~(k)~~ A copy of the most recent DEP and/or county health department sanitary survey, compliance inspection report, and secondary standards drinking water report;

~~(l)~~ A copy of all correspondence with the DEP, county health department and water management district, including consent orders and warning letters, and the utility's response to the same, for the past five years;

~~(m)(l)~~ A detailed statement regarding the proposed method of financing the construction; and the projected impact on the utility's capital structure;

~~(m)~~ 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.;

~~(n)~~ Aa statement regarding the projected impact of the extension on the utility's monthly rates and service availability charges;

~~(o)~~ All tariff pages that reflect the additional proposed service area, which shall be consistent with Chapter 25-9, F.A.C. Form PSC 1010 (12/15), entitled "Water Tariff" and Form PSC 1011 (12/15), entitled "Wastewater Tariff," which are incorporated by reference in Rule 25-30.033, F.A.C., are example tariffs that may be completed by the applicant and included in the application. These forms may also be obtained from the Commission's website, [www.floridapsc.com](http://www.floridapsc.com); The original and two copies of sample tariff sheets reflecting the additional service area; and

~~(p)~~ The applicant's current certificate for possible amendment.

~~(p)(q)~~ The number of the most recent order of the Commission establishing or changing the applicant's rates and charges; and -



(q)(r) An affidavit that the utility has tariffs and annual reports on file with the Commission.

(3) A request for service territory extension and amendment of an existing certificate (commonly known as a "quick take" amendment) shall be considered approved under the following conditions if no protest is timely filed to the notice of application:

(a) The utility has provided a written statement that the proposed new territory includes a maximum of 25 equivalent residential connections within such territory at the time the territory is at buildout. In addition, the statement must include 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, or commercial;

(b) The utility has provided a written statement that, upon investigation;

1. There is no other utility in the area of the proposed territory that is willing and capable of providing reasonably adequate service to the new territory; and

2. The person(s) or business(es) requesting water or wastewater service have demonstrated to the utility that service is necessary because (1) a private well has been contaminated or gone dry, (2) a septic tank has failed, or (3) service is otherwise not available; and

(c) The utility has filed an application which meets the requirements of paragraphs (2)(a), (b), (c), (e), (f), (h), (j), (o), (p) and (q) above.

(4) Each utility proposing to delete a portion of its service area shall file with the Commission Clerk one original of the information set forth in paragraphs (4)(a) through (k) below, submit the following:

(a) A filing fee pursuant to paragraph 25-30.020(2)(b), F.A.C.;

(b) Proof of noticing pursuant to Rule 25-30.030, F.A.C.;

(c)(a) The utility's complete name, and address, telephone number, authorized representative, and, if available, e-mail address and fax number. The utility's name should reflect the business and/or fictitious name(s) registered with the Department of State's Division of Corporations;

(d) A statement specifying the reasons for the proposed deletion of territory;

(e)(b) A legal description of the territory proposed to be deleted and a legal description of the remaining territory in the format prescribed in Rule 25-30.029, F.A.C. using township, range and section references;

(f)(e) One copy of Aa detailed system map with the territory proposed to be deleted and retained plotted thereon, consistent with the legal description provided in paragraph (e) above, showing the existing lines, treatment facilities, and territory served. The map shall show existing lines and treatment facilities in the area retained and shall be of sufficient scale and detail to enable correlation with the legal description of the territory;

(d) The number of current active connections within the territory to be deleted;

(g)(e) An One copy of the official county tax assessment map, or other map, showing township, range, and section with a scale such as 1" = 200' or 1" = 400', with the territory proposed to be deleted plotted thereon, consistent with the legal description provided in paragraph (e) above by use of metes and bounds or quarter sections, and with a defined reference point of beginning;

(f) A statement specifying the reasons for the proposed deletion of territory;

(g) A statement indicating why the proposed deletion of territory is in the public interest;

(h) The number of current active connections within the territory to be deleted, as well as the number of connections retained. For each active connection in the area to be deleted, if any, the A statement must detail as to the effect of the proposed deletion on the ability of those customers any customer or potential customer to receive water and wastewater services service, including alternative source(s) of service;

(i) All The original and two copies of sample tariff pages sheets that reflect reflecting the revised service area, which shall be consistent with Chapter 25-9, F.A.C. Form PSC 1010 (12/15), entitled "Water Tariff," and Form PSC 1011 (12/15), entitled "Wastewater Tariff," which are incorporated by reference in Rule 25-30.033, F.A.C., are example tariffs that may be completed by the applicant and included in the application. These forms may also be obtained from the Commission's website, [www.floridapsc.com](http://www.floridapsc.com);

(j) The applicant's current certificate for possible amendment;

(j)(k) The number of the most recent order of the Commission establishing or changing the applicant's rates and charges; and

(k)(4) An affidavit that the utility has tariffs and annual reports on file with the Commission.



25-30.037 Application for Authority to Transfer.

(1) This rule applies to any application for the transfer of an existing water or wastewater utility system, regardless of whether service is currently being provided. ~~This rule does not apply where the transfer is of an exempt or non-jurisdictional system and will result in the system continuing to be exempt from or not subject to Commission jurisdiction.~~ The application for transfer may result in the transfer or cancellation of the seller's existing certificate, amendment of the buyer's existing certificate or granting of an original initial certificate to the buyer, or a transfer of majority organizational control of the utility.

(a) If a transfer occurs prior to Commission approval, the utility shall submit an application for authority to transfer no later than 90 days after the sale closing date.

(b) When a utility applies for any of the following transfer authorizations by the Commission, it shall provide its application as prescribed in the appropriate subsection below:

1. A transfer of a regulated utility to another regulated utility shall be pursuant to subsection (2) below;

2. A transfer of an exempt entity to a regulated utility shall be pursuant to subsection (3) below;

3. A transfer of a utility in a nonjurisdictional county to a regulated utility that results in a system whose service transverses county boundaries shall be pursuant to subsection (3) below;

4. A change of majority organizational control of a regulated utility shall be pursuant to subsection (4) below; or

5. A transfer of a regulated utility to an exempt entity other than a governmental authority shall be pursuant to subsection (5) below.

(c) Form PSC 1005 (12/15), entitled "Application for Transfer of Certificates or Facilities from a Regulated Utility to Another Regulated Utility," which is incorporated by reference in this rule and which is available at [Department of State hyperlink], Form PSC 1006 (12/15), entitled "Application for Transfer of an Exempt Entity to a Regulated Utility or Transfer of a Utility in a Non-jurisdictional County to a Regulated Utility That Results in a System Whose Service Transverses County Boundaries," which is incorporated by reference in this rule and which is available at [Department of State hyperlink], Form PSC 1007 (12/15), entitled "Application for a Transfer of Majority Organizational Control of a Regulated Utility," which is incorporated by reference in this rule and which is available at [Department of State hyperlink], and Form PSC 1008 (12/15), entitled "Application for Transfer of Facilities from a Regulated Utility to an Exempt Entity Other Than a Governmental Authority," which is incorporated by reference in this rule and which is available at [Department of State hyperlink], are example applications that may be completed by the applicant and filed with the Office of Commission Clerk to comply with subsection (2), (3), (4), or (5) below, respectively. These forms may also be obtained from the Commission's website, [www.floridapsc.com](http://www.floridapsc.com).

(2) Transfer of a regulated utility to another regulated utility. Each applicant application for transfer of certificate of authorization, facilities, or any portion thereof, from a regulated utility to another regulated utility to a non-governmental entity shall file with the Commission Clerk the information set forth in paragraphs (a) through (v) below, include the following information:

(a) A filing fee pursuant to Rule 25-30.020(2)(c), F.A.C.;

(b) Proof of noticing pursuant to Rule 25-30.030, F.A.C.;

(c)(a) The certificated complete name, and address, telephone number, certificate number(s), authorized representative, and, if available, e-mail address and fax number of the utility/seller; (d)(b) The complete name and, address, telephone number, Federal Employer Identification Number, authorized representative and, if available, e-mail address and fax number of the buyer(s) buyer and the new name of the utility if the buyer plans to operate under a different name;

(e) The name, address, telephone number, and if available, e-mail address and fax number of the person in possession of the books and records when the application is filed;

(f)(e) The nature of the buyer's business organization, i.e., corporation, limited liability company, partnership, limited partnership, sole proprietorship, or association. The buyer must provide documentation from the Florida Department of State, Division of Corporations, showing:

1. The utility's/buyer's business name and registration/document number for the business, unless operating as a



sole proprietor, and

2. The utility's/buyer's fictitious name and registration number for the fictitious name, if operating under a fictitious name;

(g)(d) The name(s), and address(es) and percentage of ownership of each entity or person that owns or of all of the buyer's corporate officers, directors, partners or any other person(s) who will own more than a 5 percent an interest in the utility;

(h)(e) The date and state of incorporation or organization of the buyer;

(f) The names and locations of any other water or wastewater utilities owned by the buyer;

(i)(g) A copy of the contract for sale and all auxiliary or supplemental agreements. If the sale, assignment, or transfer occurs prior to Commission approval, the contract shall include a provision stating that the contract is contingent upon Commission approval; which shall include, if applicable:

(j) The buyer must provide the following documentation of the terms of the transfer:

1. The date the closing occurred or will occur;

2.1. The purchase price and terms of payment;

3.2. A list of and the dollar amount of the assets purchased and liabilities assumed or not assumed, including those of nonregulated operations or entities; and

4.3. A description of all consideration between the parties, including for example, promised salaries, retainer fees, stock, stock options, and assumption of obligations; -

5.(h) Provisions The contract for sale shall also provide for the disposition, where applicable, of the following:  
1. Customer deposits and interest thereon; 2. Any guaranteed revenue contracts; 3. Developer agreements; 4. Customer advances; 5. Debt of the utility; and 6. Leases;

6. A statement that the buyer will fulfill the commitments, obligations and representations of the seller with regard to utility matters;

7. A statement that the buyer has or will obtain the books and records of the seller, including all supporting documentation for rate base additions since the last time rate base was established for the utility;

8. A statement that the utility's books and records will be maintained using the 1996 National Association of Regulatory Utilities Commissioners (NARUC) Uniform System of Accounts (USOA), incorporated by reference in Rule 25-30.115, F.A.C.; and

9. A statement that the utility's books and records will be maintained at the utility's office(s) within Florida, or that the utility will comply with the requirements of paragraphs 25-30.110(1)(b) and (c), F.A.C., regarding maintenance of utility records at another location or out-of-state. If the records will be maintained at the utility's office(s), the statement should include the location where the utility intends to maintain the books and records;

(i) A statement describing the financing of the purchase;

(k)(j) A statement explaining why indicating how the transfer is in the public interest, including a summary of the buyer's experience in water or wastewater utility operations, a showing of the buyer's financial ability to provide service, and a statement that the buyer will fulfill the commitments, obligations and representations of the seller with regard to utility matters;

(l) To demonstrate the financial ability of the buyer to maintain and operate the acquired utility, the buyer shall provide:

1. A detailed financial statement (balance sheet and income statement), audited if available, of the financial condition of the applicant, that shows all assets and liabilities of every kind and character. The financial statements shall be for the preceding calendar or fiscal year. The financial statement shall be prepared in accordance with Rule 25-30.115, F.A.C. If available, a statement of the sources and uses of funds shall also be provided; and

2.(k) A list of all entities, including affiliates, upon which the buyer applicant is relying to provide funding to the utility buyer, and an explanation of the manner and amount of such funding. The list need not include any person or entity holding less than 5 percent ownership interest in the utility. The applicant shall provide copies of any financial agreements between the listed entities and the utility and proof of the listed entities' ability to provide funding, such as financial statements; which shall include their financial statements and copies of any financial agreements with the utility. This requirement shall not apply to any person or entity holding less than 10 percent ownership interest in the utility;

(m) To demonstrate the technical ability of the buyer to provide service, the buyer shall provide:



1. An explanation of the buyer's experience in the water or wastewater industry; and
2. The buyer's plans for ensuring continued operation of the utility, such as retaining the existing plant operator(s) and office personnel, or contracting with outside entities;

(n) A legal description of the proposed service area in the format prescribed in Rule 25-30.029, F.A.C.;

(o)(4) The proposed net book value of the system as of the date of the proposed transfer, and a statement setting out the reasons for the inclusion of an acquisition adjustment, if one is requested. If rate base has been established by this Commission, provide the docket and state -the order number, and date issued and identify all adjustments made to update this rate base to the date of transfer; In addition, provide a schedule of all subsequent changes to rate base;

(m) A statement setting out the reasons for the inclusion of an acquisition adjustment, if one is requested;

(n) If the books and records of the seller are not available for inspection by the Commission or are not adequate for purposes of establishing the net book value of the system, a statement by the buyer that a good faith, extensive effort has been made to obtain such books and records for inspection by the Commission and detailing the steps taken to obtain the books and records;

(p)(e) A statement from the buyer that it has obtained or will obtain copies of all of the federal income tax returns of the seller from the date the utility was first established; or the rate base was last established by the Commission, whichever is later, or, If the tax returns have not been obtained, provide a description of a statement from the buyer detailing the steps taken to obtain the tax returns;

(q)(p) A statement from the buyer that after reasonable investigation, the system being acquired appears to be in satisfactory condition and in compliance with all applicable standards set by the Department of Environmental Protection (DEP) or, if the system is in need of repair or improvement, has any outstanding Notice of Violation of any standard set by the DEP or any outstanding consent orders with the DEP, the buyer shall provide a description of the repairs or improvements that have been identified, the governmental authority that required the repairs or improvements, if applicable, the approximate cost to complete the repairs or improvements, and any agreements between the seller and buyer regarding who will be responsible for any identified repairs or improvements; list of the improvements and repairs needed and the approximate cost to make them, a list of the action taken by the utility with regard to the violation, a copy of the Notice of Violation(s), a copy of the consent order and a list of the improvements and repairs consented to and the approximate cost to make them;

(r) The applicant shall provide the following documents:

1. A copy of the utility's current permits from the DEP and the water management district;
2. A copy of the most recent DEP and/or county health department sanitary survey, compliance inspection report, and secondary standards drinking water report;
3. A copy of all of the utility's correspondence with the DEP, county health department, and water management district, including consent orders and warning letters, and the utility's responses to the same, for the past five years; and
4. A copy of all customer complaints that the utility has received regarding DEP secondary water quality standards during the past five years;

(s)(e) Documentation of the utility's right to access and continued use of Evidence that the utility owns the land upon which the utility treatment facilities are located. Documentation of continued use shall be in the form of a recorded warranty deed, recorded quit claim deed accompanied by title insurance, recorded lease, or a copy of an agreement which provides for the continued use of the land, such as a 99-year lease, or recorded easement. The applicant may submit an unrecorded copy of the instrument granting the utility's right to access and continued use of the land upon which the utility treatment facilities are or will be located, provided that the applicant files a recorded copy within the time required in the order granting the transfer; The Commission may consider a written easement or other cost effective alternative;

(t)(+ ) A statement regarding the disposition of any outstanding regulatory assessment fees, fines, or refunds owed and which entity will be responsible for paying regulatory assessment fees and filing the annual report for the year of the transfer and subsequent years;

(u)(s) The original and two copies of sample Ttariff sheets reflecting any changes resulting from the transfer, the change in ownership; Form PSC 1010 (12/15), entitled "Water Tariff" and Form PSC 1011 (12/15), entitled "Wastewater Tariff," which are incorporated by reference in Rule 25-30.033, F.A.C., are example tariffs that may be completed by the applicant and included in the application. These forms are also available on the Commission's



website, [www.floridapsc.com](http://www.floridapsc.com); and

(t) The utility's current certificate(s), or if not available, provide an explanation of the steps the applicant took to obtain the certificate(s).

(v) If the buyer owns other water or wastewater utilities that are regulated by the Commission, provide a schedule reflecting any economies of scale that are anticipated to be achieved within the next three years and the effect on rates for existing customers served by both the utility being purchased and the buyer's other utilities.

(3) Transfer of an exempt entity to a regulated utility, or transfer of a utility in a nonjurisdictional county to a regulated utility that results in a system whose service transverses county boundaries. Each applicant shall file with the Commission the information set forth in paragraphs (a) through (f) below.

(a) A combined filing fee pursuant to Rule 25-30.020(2)(b) and (c), F.A.C.;

(b) Proof of noticing pursuant to Rule 25-30.030, F.A.C.;

(c) The requirements of paragraphs (2)(c), (d), (e), (f), (g), (h), (i), (j), (k), (l), (m), (n), (o), (p), (q), (r), (s), (t), (u), and (v) above;

(d) The requirements of Rule 25-30.036(2)(h) and (i), F.A.C.;

(e) An explanation of when and under what authority the current rates and charges of the exempt entity or utility in a non-jurisdictional county were established, if applicable; and

(f) An explanation of how the seller is either exempt pursuant to Section 367.022, F.S., or is a utility in a nonjurisdictional county.

(4)(3) In case of a transfer change of majority organizational control, of a regulated utility. Each applicant for a transfer of majority organizational control shall file with the Commission the information set forth in paragraphs (a) through (d) below. the application shall include the following information:

(a) A filing fee pursuant to Rule 25-30.020(2)(c), F.A.C.;

(b) Proof of noticing pursuant to Rule 25-30.030, F.A.C.;

(c) The requirements of paragraphs (2)(c), (d), (f), (i), (j), (k), (l), (m), (q), (t) and (u) above; and

(d) A description of the ownership transfer, including the date the transfer occurred or will occur and a description of the resulting ownership interests in the utility.

(a) The complete name and address of the seller;

(b) The complete name and address of the buyer;

(c) The name(s) and address(es) of all of the buyer's corporate officers, directors, partners and any other person(s) who will own an interest in the utility;

(d) The names and locations of any other water or wastewater utilities owned by the buyer;

(e) A statement describing the financing of the purchase;

(f) A statement describing how the transfer is in the public interest, including a summary of the buyer's experience in water or wastewater utility operations, a showing of the buyer's financial ability to provide service, and a statement that the buyer will fulfill the commitments, obligations and representations of the seller with regard to utility matters;

(g) A list of all entities, including affiliates, that have provided, or will provide, funding to the buyer, and an explanation of the manner and amount of such funding, which shall include their financial statements and copies of any financial agreements with the utility. This requirement shall not apply to any person or entity holding less than 10 percent ownership interest in the utility;

(h) A statement from the buyer that after reasonable investigation, the system being acquired appears to be in satisfactory condition and in compliance with all applicable standards set by the DEP or, if the system is in need of repair or improvement, has any outstanding Notice of Violation(s) of any standard(s) set by the DEP or any outstanding consent orders with the DEP, the buyer shall provide a list of the improvements and repairs needed and the approximate cost to make them, a list of the action taken by the utility with regard to the violations, a copy of the Notice of Violation(s), a copy of the consent order and a list of the improvements and repairs consented to and the approximate cost;

(i) Evidence that the utility owns the land upon which the utility treatment facilities are located, or a copy of an agreement which provides for the continued use of the land, such as a 99-year lease. The Commission may consider a written easement or other cost effective alternative;

(j) The original and two copies of sample tariff sheets reflecting the change in ownership; and



(k) The utility's current certificate(s), or if not available, the applicant shall provide an explanation of the steps the applicant took to obtain the certificate(s).

(5) A transfer of a regulated utility to an exempt entity other than a governmental authority. Each applicant for a transfer of ownership of a regulated utility to an exempt entity other than a governmental authority shall file with the Commission Clerk the information set forth in paragraphs (a) through (e) below.

(a) A filing fee pursuant to Rule 25-30.020(2)(c), F.A.C.;

(b) Proof of noticing pursuant to Rule 25-30.030, F.A.C.;

(c) The requirements of paragraphs (2)(c), (d), (k), (l), (m), and (r) above;

(d) Documentation of the following terms of the transfer:

1. A copy of the contract for sale and all auxiliary or supplemental agreements. If the sale, assignment, or transfer occurs prior to Commission approval, the contract shall include a provision stating that the contract is contingent upon Commission approval;

2. The closing date;

3. A statement regarding the disposition of customer deposits and interest thereon; and

4. A statement regarding the disposition of any outstanding regulatory assessment fees, fines, refunds, or annual reports; and

(e) An explanation of how the buyer is exempt pursuant to Section 367.022, F.S.

~~(4) Each application for transfer of certificate of authorization, facilities, or any portion thereof, or majority organizational control to a governmental authority shall contain the following information:~~

~~(a) The name and address of the utility and its authorized representative;~~

~~(b) The name of the governmental authority and the name and address of its authorized representative;~~

~~(c) A copy of the contract or other document transferring the utility system to the governmental authority;~~

~~(d) A list of any utility assets not transferred to the governmental authority if such remaining assets constitute a system providing or proposing to provide water or wastewater service to the public for compensation;~~

~~(e) A statement that the governmental authority obtained, from the utility or Commission, the most recent available income and expense statement, balance sheet, statement of rate base for regulatory purposes, and contributions in aid of construction;~~

~~(f) The date on which the governmental authority proposes to take official action to acquire the utility;~~

~~(g) A statement describing the disposition of customer deposits and interest thereon; and~~

~~(h) A statement regarding the disposition of any outstanding regulatory assessment fees, fines or refunds owed.~~

~~(5) If a utility is transferring a portion of its facilities to a governmental agency, it must provide the following additional information:~~

~~(a) A description of the remaining territory using township, range, and section references;~~

~~(b) One copy of the official county tax assessment map, or other map, showing township, range, and section with a scale such as 1" = 200' or 1" = 400', with the remaining territory plotted thereon by use of metes and bounds or quarter sections, and with a defined reference point of beginning; and~~

~~(c) The original and two copies of sample tariff sheets reflecting the remaining territory.~~

~~(6) Upon its receipt of items required in paragraphs (4)(a), (b), (c), (d), (e) and (f), the Commission will issue an order acknowledging that the facilities or any portion thereof have been acquired by the governmental authority.~~

~~(7) Upon receipt of the items required in paragraphs (4)(g) and (h) and, if applicable, paragraphs (5)(a), (b), and (c), and upon the completion of all pending proceedings before the Commission, the utility's certificate will be amended or cancelled. Amendment or cancellation of the certificate shall not affect the utility's obligation pursuant to Rule 25-30.120, F.A.C., Regulatory Assessment Fees.~~

*Rulemaking Authority 367.121, 367.1213, 350.127(2) FS. Law Implemented 367.071, 367.1213 FS. History—New 1-27-91, Amended 11-30-93.*

#### 25-30.038 Application for Transfer to a Governmental Authority.

(1) This rule applies to an application to transfer a regulated utility to a governmental authority pursuant to Section 367.071(4)(a), F.S.

(2) Each applicant for acknowledgement of the transfer of facilities, or any portion thereof, from a regulated utility to a governmental authority shall file the information set forth in paragraphs (a) through (h) below with the



Office of Commission Clerk. Form PSC 1009 (12/15) entitled "Application for Transfer to a Governmental Authority," which is incorporated by reference in this rule and is available at [Department of State hyperlink], is an example application that may be completed by the applicant and filed with the Office of Commission Clerk to comply with this subsection. This form may also be obtained from the Commission's website, [www.floridapsc.com](http://www.floridapsc.com).

(a) The certificated name, address, telephone number, certificate number(s), authorized representative, and, if available, e-mail address and fax number of the utility;

(b) The name, address, and telephone number, and authorized representative, and, if available, e-mail address and fax number of the governmental authority;

(c) The date on which the governmental authority assumed ownership or proposes to assume ownership, operation, management, or control of the utility;

(d) A copy of the contract or other document transferring the utility system to the governmental authority;

(e) A statement that the governmental authority obtained from the utility or Commission the most recent available annual report;

(f) A statement describing the disposition of customer deposits and interest thereon;

(g) A statement regarding the disposition of any outstanding regulatory assessment fees, fines or refunds owed; and

(h) If a utility is transferring only a portion of its facilities to a governmental authority, it must provide the following additional information:

1. A list of any utility assets not transferred to the governmental authority, if such remaining assets constitute a system providing or proposing to provide water or wastewater service to the public for compensation;

2. A legal description of the territory not transferred to the governmental authority in the format prescribed in Rule 25-30.029, F.A.C.;

3. An official county tax assessment map or other map showing township, range, and section with a scale such as 1" = 200' or 1" = 400', with the remaining territory plotted thereon, consistent with the legal description provided in paragraph (2)(h)2. above; and

4. Tariff sheets reflecting the remaining territory. Form PSC 1010 (12/15), entitled "Water Tariff" and Form PSC 1011 (12/15), entitled "Wastewater Tariff," which are incorporated by reference in Rule 25-30.033, F.A.C., are example tariffs that may be completed by the applicant and included in the application. These forms may also be obtained from the Commission's website, [www.floridapsc.com](http://www.floridapsc.com).

Rulemaking Authority 367.045, 367.121, 350.127(2) FS. Law Implemented 367.045, 367.071 FS. History—New

#### 25-30.039 Notice of Application for Name Change

(1) No change.

(2) Before notifying its customers of a utility name change, the utility shall provide Commission staff with the following: Each application for approval of a change in name of a certificated utility shall include the following information:

(a) The utility's certificated complete name, address, telephone number, certificate number(s), authorized representative, and, if available, e-mail address and fax number and type of business entity of the certificated utility;

(b) The proposed change in name and documentation from the Florida Department of State, Division of Corporations, showing:

1. The utility's business name and registration/document number for the business, unless operating as a sole proprietor, and

2. The utility's fictitious name and registration number for the fictitious name, if operating under a fictitious name the type of business entity under the new name;

(c) A statement setting out the reasons for the name change;

(c)(d) The effective date of the name change;

(d)(e) In the case of a corporation, limited partnership, or any other type of entity that is chartered by the State of Florida or any other state, a copy of the certificate, or other document issued by the state showing its acceptance of the entity's new name. In addition, an officer of the entity shall provide A statement that the ownership and control of the utility and its assets will not change under the new proposed name. In the case of a sole proprietorship,



~~general partnership, or any other type of entity not chartered by the State of Florida or any other state, a statement, signed by a duly authorized representative, that the ownership and control of the utility and its assets will not change under the proposed name;~~

~~(e)(f) A draft proposed notice to be sent to the customers of the utility informing them of the change in utility name; and~~

~~(f)(g) A An original and two copies of a proposed tariff reflecting the name change, including all standard forms, Form PSC 1010 (12/15), entitled "Water Tariff," and Form PSC 1011 (12/15), entitled "Wastewater Tariff," which are incorporated by reference in Rule 25-30.033, F.A.C., are example tariffs that may be completed by the applicant and included in the application. These forms may also be obtained from the Commission's website, [www.floridapsc.com](http://www.floridapsc.com); and,~~

~~(h) The applicant's current certificate.~~

(3) After the Commission staff approves the customer notice, the utility shall send the approved customer notice to all existing customers with the next regular billing, advising them of the name change. The utility shall file with the Commission Clerk a statement verifying the date that the notice was actually sent to the customers.

*Rulemaking Authority 350.127(2), 367.121, 367.1214 FS. Law Implemented 367.121, 367.1214 FS. History—New 11-30-93, Amended \_\_\_\_\_.*

#### 25-30.090 Abandonments.

(1) No change.

(2) The notice of abandonment to be issued by the utility to the Commission and the county's administrator, pursuant to required by Section 367.165, F.S., shall identify include the following:

(a) No change.

(b) The person to contact regarding this notice, including that person's their address, and telephone number, and, if available, e-mail address and fax number;

~~(c) The location of the utility's books and records;~~

~~(c)(d) The date of the notice;~~

~~(d)(e) The date the utility will be abandoned;~~

~~(e)(f) Whether the water system, wastewater system, or both are to be abandoned;~~

~~(f)(g) A statement of the reason the utility will is to be abandoned;~~

~~(g)(h) A statement of the status of the utility with the Department of Environmental Protection regarding outstanding citations or violations; and~~

~~(h) The location of the utility's books and records.~~

(3) Within 10 days of the appointment of a receiver by the circuit court, the receiver shall provide the Commission with a copy of the order of appointment and shall request from the Commission a copy of the utility's tariff and most recent annual report.

(4) Within 90 days of the appointment, a of the receiver who is not a governmental authority the receiver shall file the utility's water and/or wastewater a proposed tariff that is revised to show revision amending the title page to reflect the name, address and telephone number of the receiver and identifies the receiver as the issuing officer. This revision shall not affect the certificated name of the utility. Form PSC 1010 (12/15), entitled "Water Tariff" and Form PSC 1011 (12/15), entitled "Wastewater Tariff," which are incorporated by reference in Rule 25-30.033, F.A.C., are example tariffs that may be completed by the applicant and included in the application. These forms may also be obtained from the Commission's website, [www.floridapsc.com](http://www.floridapsc.com).

(5) During the pendency of the receivership, Tthe receiver shall fulfill be responsible for fulfilling the utility's obligations pursuant to Chapter 367, F.S., and Chapter 25-30, F.A.C., during the pendency of the receivership. However, In no event shall a receiver shall not be held responsible by the Commission for failure to provide safe, efficient and sufficient service where such failure is substantially caused by actions or omissions pre-dating appointment of the receiver, unless the receiver is given reasonable opportunity to rectify such failure.

(6) If the receiver appointed by the circuit court is a governmental authority as defined by Section 367.021(7), F.S., the governmental authority, upon request, shall be found exempt pursuant to Section 367.022(2), F.S.

*Rulemaking Authority 350.127(2), 367.121 FS. Law Implemented 367.121, 367.165 FS. History—New 11-30-93, Amended \_\_\_\_\_.*

NAME OF PERSON ORIGINATING PROPOSED RULE: Paul Vickery

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 5, 2015

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: Volume 40, Number 141, July 22, 2014



Rules 25-30.029, 25-30.030, 25-30.032, 25-30.033, 25-30.034, 25-30.035, 25-30.036, 25-30.037, 25-30.038, 25-30.039, and 25-30.090, F.A.C.  
Docket No. 150198-WS

STATEMENT OF FACTS AND CIRCUMSTANCES  
JUSTIFYING RULE

25-30.029: Legal Description of Service Area. This rule addresses the legal description requirements for applications for a certificate, extension or deletion of service area, or transfer. These requirements were formerly included in Rule 25-30.030, Notice of Applications. Creating separate Rule 25-30.029 to address legal description requirements, rather than including those requirements in the noticing rule, results in more clarity for applicants.

25-30.030: Notice of Application. This rule is amended to delete the legal description requirements that are relocated into Rule 25-30.029. The rule is amended for clarity by listing the specific applications and relevant rule sections to which this rule applies; to update application titles; to update, codify existing practice, and clarify information to be included in notices; to codify existing practice concerning notice publication and persons to whom notice must be sent; and update, clarify and codify existing agency practice concerning noticing requirements for customer meetings.

25-30.032: Applications. This rule is amended to delete the obsolete requirement of filing multiple copies of applications; to delete an unnecessary subsection concerning the official filing date that is now addressed in Rule 25-30.030(5); and to amend the title to reflect that the rule addresses combined applications.

25-30.033: Application for Original Certificate of Authorization and Initial Rates and Charges. This rule is amended to clarify and update the rule to reflect current Commission practice and to delete vague, obsolete and redundant language. The rule is clarified for applicants by codifying the specific information required to demonstrate the need for service and the technical and financial ability of the applicant to provide service. The rule is amended to incorporate by reference an example, fillable application form and water and wastewater tariff forms that will make the application process easier for applicants.

25-30.034: Application for Certificate of Authorization for Existing Utility Currently Charging for Service. This rule is amended to clarify and update the rule to reflect current Commission practice and to delete vague, obsolete and redundant language. The rule is clarified for applicants by codifying specific information required to demonstrate the need for service and the technical and financial ability of the applicant to provide service. The rule is amended to incorporate by reference an example, fillable application form and water and wastewater tariff forms that will make the application process easier for applicants.

25-30.035: Application for Grandfather Certificate. This rule is amended to clarify and update the rule to reflect current Commission practice and to delete vague, obsolete and redundant language. This rule is amended to codify specific information required in this type of application,

Rules 25-30.029, 25-30.030, 25-30.032, 25-30.033, 25-30.034, 25-30.035, 25-30.036, 25-30.037, 25-30.038, 25-30.039, and 25-30.090, F.A.C.

Docket No. 150198-WS

including documentation from the county showing authorization to serve and copies of all DEP and water management permits. The rule is amended to incorporate by reference an example, fillable application form and water and wastewater tariff forms that will make the application process easier for applicants

25-30.036: Application for Amendment to Certificate of Authorization to Extend or Delete Service. This rule is amended to clarify and update the rule to reflect current Commission practice and to delete vague, obsolete and redundant language. The rule is clarified for applicants by codifying specific information required to demonstrate the need for service. The rule is amended to require a copy of all current DEP and water management district permits, the most recent sanitary survey, compliance inspection report, secondary standards drinking water report, and correspondence with DEP, the county health department and water management district for the past five years, in order for the Commission to be able to assess the utility's compliance with secondary drinking water standards. The rule is amended to incorporate by reference an example, fillable application form and water and wastewater tariff forms that will make the application process easier for applicants.

25-30.037: Application for Authority to Transfer. This rule is amended to clarify and update the rule to reflect current Commission practice and to delete vague, obsolete and redundant language. The rule is clarified for applicants by codifying specific information required when there is a transfer of an exempt entity or utility in a non-jurisdictional county to a Commission regulated utility that results in a system whose service transverses county boundaries. The rule is clarified for applicants by codifying the specific information required to demonstrate financial and technical ability to provide service, including environmental compliance information. The rule is amended to incorporate by reference an example, fillable application form and water and wastewater tariff forms that will make the application process easier for applicants.

25-30.038: Application for Transfer to a Governmental Authority. This rule addresses applications for transfer to a governmental authority that were previously submitted pursuant to Rule 25-30.037(4). The requirements for applications for transfer to a governmental authority are substantially different than the requirements for other transfer applications addressed in Rule 25-30.037. Because of this difference, applications for transfer to a governmental authority are better addressed by separate rule. This rule is amended to clarify and update the rule to reflect current Commission practice and to delete vague, obsolete and redundant language.

25-30.039: Application for Name Change. This rule is amended to change from an application for name change to a notice of name change, consistent with the implementing statute Section 367.1214, F.S. The rule is amended to codify the practice of requiring the utility to file with the Commission Clerk a statement verifying the date that the notice of name change was sent to the utility customers.



Rules 25-30.029, 25-30.030, 25-30.032, 25-30.033, 25-30.034, 25-30.035, 25-30.036, 25-30.037, 25-30.038, 25-30.039, and 25-30.090, F.A.C.

Docket No. 150198-WS

25-30.090: Abandonments. This rule is amended to improve readability and clarity. The rule is amended to require a receiver to provide the Commission with a copy of the court order of appointment within 10 days of appointment, and to clarify that a receiver who is a governmental authority is not required to file a revised tariff with the Commission.

#### STATEMENT ON FEDERAL STANDARDS

There are no federal standards for these rules.



State of Florida



Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD  
TALLAHASSEE, FLORIDA 32399-0850

-M-E-M-O-R-A-N-D-U-M-

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**DATE:** October 15, 2015  
**TO:** Kathryn Gale Winter Cowdery, Senior Attorney, Office of the General Counsel  
**FROM:** Clyde D. Rome, Public Utility Analyst II, Division of Economics *CDR*  
**RE:** Statement of Estimated Regulatory Costs for Recommended Revisions to Chapter 25-30, Florida Administrative Code (F.A.C.), Water and Wastewater Utility Rules

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The purpose of this rulemaking initiative is to update, clarify, and streamline certain Commission rules pertaining to the certification of water and wastewater utilities. Specifically, staff is recommending adoption of Rules 25-30.029 (Legal Description of Service Area) and 25-30.038 (Application for Transfer to a Governmental Authority) F.A.C., and the amendment of Rules 25-30.030 (Notice of Application), 25-30.032 (Applications), 25-30.033 (Application for Original Certificate of Authorization and Initial Rates and Charges), 25-30.034 (Application for Certificate of Authorization for Existing Utility Currently Charging for Service), 25-30.035 (Application for Grandfather Certificate), 25-30.036 (Application for Amendment to Certificate of Authorization to Extend or Delete Service), 25-30.037 (Application for Authority to Transfer), 25-30.039 (Application for Name Change), and 25-30.090 (Abandonments), F.A.C.

The attached Statement of Estimated Regulatory Costs (SERC) addresses the considerations required pursuant to Section 120.541, Florida Statutes (F.S.). The SERC contains an appendix which is divided into three sections. Section 1 of the SERC Appendix includes a summary of the key rule changes. Section 2 contains a discussion of the prospective rule amendments that potentially may result in additional transactional costs. It is anticipated that for most of the recommended rule changes, additional transactional costs, if any, would be de minimis. Benefits of the recommended rule changes are discussed in Section 3 of the SERC Appendix.

A workshop to solicit input on the recommended rules was conducted by Commission staff on October 21, 2014. Several comments that either were received during the workshop or were filed subsequently were incorporated into the draft rules to provide additional clarification. No regulatory alternatives were submitted pursuant to Paragraph 120.541(1)(a), F.S. None of the impact/cost criteria established in Paragraph 120.541(2)(a), F.S., will be exceeded as a result of the recommended revisions.

cc: (Draper, Daniel, Shafer, Golden, King, Vickery, Cibula, SERC file)

**Florida Public Service Commission  
Statement of Estimated Regulatory Costs  
Chapter 25-30, F.A.C.**

1. Will the proposed rule have an adverse impact on small business?  
[120.541(1)(b), F.S.] (See Section E., below, for definition of small business.)

Yes ☐

No ☒

For clarification, please see comments in Sections A(3) and E(1), below.

2. Is the proposed rule likely to directly or indirectly increase regulatory costs in excess of \$200,000 in the aggregate in this state within 1 year after implementation of the rule? [120.541(1)(b), F.S.]

Yes ☐

No ☒

If the answer to either question above is "yes", a Statement of Estimated Regulatory Costs (SERC) must be prepared. The SERC shall include an economic analysis showing:

A. Whether the rule directly or indirectly:

- (1) Is likely to have an adverse impact on any of the following in excess of \$1 million in the aggregate within 5 years after implementation of the rule?  
[120.541(2)(a)1, F.S.]

Economic growth

Yes ☐ No ☒

Private-sector job creation or employment

Yes ☐ No ☒

Private-sector investment

Yes ☐ No ☒

- (2) Is likely to have an adverse impact on any of the following in excess of \$1 million in the aggregate within 5 years after implementation of the rule?  
[120.541(2)(a)2, F.S.]

Business competitiveness (including the ability of persons doing business in the state to compete with persons doing business in other states or domestic markets)

Yes ☐ No ☒

Productivity

Yes ☐ No ☒

Innovation

Yes ☐ No ☒



(3) Is likely to increase regulatory costs, including any transactional costs, in excess of \$1 million in the aggregate within 5 years after the implementation of the rule? [120.541(2)(a)3, F.S.]

Yes ☐

No ☒

Economic Analysis:

A summary of the key rule changes is included in Section 1 of the SERC Appendix. Specific elements of the associated economic analysis are identified below in Sections B through F of this SERC. Staff believes that none of the impact/cost criteria established in paragraph 120.541(2)(a), F.S., will be exceeded as a result of the recommended rule revisions.

B. A good faith estimate of: [120.541(2)(b), F.S.]

(1) The number of individuals and entities likely to be required to comply with the rule.

Potentially affected entities include 145 investor-owned water and wastewater utilities that serve approximately 175,000 Florida customers. Utilities which come under the jurisdiction of the Commission in the future also would be required to comply. The 145 investor-owned water and wastewater utilities are located in 37 counties.

(2) A general description of the types of individuals likely to be affected by the rule.

Staff data retrievals from the Florida Public Service Commission's internal Case Management System indicate that the Commission receives approximately 20 certification applications in a typical year. A general description of the types of applications that potentially may be received is included in Section 2 of the SERC Appendix.

C. A good faith estimate of: [120.541(2)(c), F.S.]

(1) The cost to the Commission to implement and enforce the rule.

☒ None. To be done with the current workload and existing staff.

☐ Minimal. Provide a brief explanation.

☐ Other. Provide an explanation for estimate and methodology used.



(2) The cost to any other state and local government entity to implement and enforce the rule.

- ☒ None. The rule will only affect the Commission.
- ☐ Minimal. Provide a brief explanation.
- ☐ Other. Provide an explanation for estimate and methodology used.

(3) Any anticipated effect on state or local revenues.

- ☒ None.
- ☐ Minimal. Provide a brief explanation.
- ☐ Other. Provide an explanation for estimate and methodology used.

D. A good faith estimate of the transactional costs likely to be incurred by individuals and entities (including local government entities) required to comply with the requirements of the rule. "Transactional costs" include filing fees, the cost of obtaining a license, the cost of equipment required to be installed or used, procedures required to be employed in complying with the rule, additional operating costs incurred, the cost of monitoring or reporting, and any other costs necessary to comply with the rule.  
[120.541(2)(d), F.S.]

- ☐ None. The rule will only affect the Commission.
- ☐ Minimal. Provide a brief explanation.
- ☒ Other. Provide an explanation for estimate and methodology used.

Please refer to Section 2 of the SERC Appendix for a discussion of potential transactional costs that may be associated with the recommended rule revisions. Please refer to Section 3 of the SERC Appendix for a discussion of potential benefits of the prospective rule changes.

E. An analysis of the impact on small businesses, and small counties and small cities:  
[120.541(2)(e), F.S.]

(1) "Small business" is defined by Section 288.703, F.S., as an independently owned and operated business concern that employs 200 or fewer permanent full-time employees and that, together with its affiliates, has a net worth of not more than \$5 million or any firm based in this state which has a Small Business Administration 8(a) certification. As to sole proprietorships, the \$5 million net worth requirement shall include both personal and business investments.

- ☐ No adverse impact on small business.
- ☐ Minimal. Provide a brief explanation.
- ☒ Other. Provide an explanation for estimate and methodology used.

While it is difficult to estimate the number of affected entities that would meet the definition of "Small Business" as defined in Section 288.703, F.S., it is reasonable to assume that many of the affected entities would meet the statutory definition and, therefore, potentially could incur additional transactional costs as defined in Section D, above. However, as discussed in Section 2 of the SERC Appendix, it is anticipated that for the large majority of the rule changes included in this rulemaking initiative, additional transactional costs, if any, are expected to be de minimis.

(2) A "Small City" is defined by Section 120.52, F.S., as any municipality that has an unincarcerated population of 10,000 or less according to the most recent decennial census. A "small county" is defined by Section 120.52, F.S., as any county that has an unincarcerated population of 75,000 or less according to the most recent decennial census.

- ☒ No impact on small cities or small counties.
- ☐ Minimal. Provide a brief explanation.
- ☐ Other. Provide an explanation for estimate and methodology used.

F. Any additional information that the Commission determines may be useful.  
[120.541(2)(f), F.S.]

☐ None.

Additional Information:

A workshop to solicit input on the recommended rules was conducted by Commission staff on October 21, 2014. Several comments that either were received during the workshop or were filed subsequently were incorporated into the draft rules to provide additional clarification.

G. A description of any regulatory alternatives submitted and a statement adopting the alternative or a statement of the reasons for rejecting the alternative in favor of the proposed rule. [120.541(2)(g), F.S.]

☒ No regulatory alternatives were submitted.

☐ A regulatory alternative was received from

☐ Adopted in its entirety.

☐ Rejected. Describe what alternative was rejected and provide a statement of the reason for rejecting that alternative.



## Appendix – Statement of Estimated Regulatory Costs Recommended Revisions to Chapter 25-30, F.A.C.

### Section 1: Introduction and Summary of Recommended Rule Changes

The current rulemaking initiative is intended to update, clarify, and streamline certain Commission rules pertaining to the certification of water and wastewater utilities. Specifically, staff is recommending adoption of Rules 25-30.029 (Legal Description of Service Area) and 25-30.038 (Application for Transfer to a Governmental Authority) F.A.C., and the amendment of Rules 25-30.030 (Notice of Application), 25-30.032 (Applications), 25-30.033 (Application for Original Certificate of Authorization and Initial Rates and Charges), 25-30.034 (Application for Certificate of Authorization for Existing Utility Currently Charging for Service), 25-30.035 (Application for Grandfather Certificate), 25-30.036 (Application for Amendment to Certificate of Authorization to Extend or Delete Service), 25-30.037 (Application for Authority to Transfer), 25-30.039 (Application for Name Change), and 25-30.090 (Abandonments), F.A.C.

A summary of the key rule changes is included in Table 1, below. The majority of the changes are intended to update and clarify existing Commission rules. For most of the recommended rule amendments, additional transactional costs, if any, are expected to be de minimis. The few prospective rule amendments that potentially may result in additional transactional costs to applicants are discussed in Section 2 of this Appendix. Benefits of the recommended rule changes are discussed in Section 3 of this Appendix.

**Table 1  
Summary of Key Rule Changes**

CURRENT RULE(s)	AMENDED OR NEW RULE(s)	CHANGE FROM CURRENT RULE(s)
25-30.030(2)	25-30.029	Movement of existing rule language to new rule in order to clarify requirements for providing legal descriptions of service areas.
25-30.030(6)	25-30.030(5)(b)	Revised language would require that notification be sent by regular mail or personal service to owners of property located within the affected service area(s).
25-30.030(7)	25-30.030(5)(c)	Revised language would clarify that if the utility service area crosses county lines, "notice shall be published in a newspaper of general circulation in each county."

CURRENT RULE(s)	AMENDED OR NEW RULE(s)	CHANGE FROM CURRENT RULE(s)
25-30.033(1)(s) 25-30.037(2)(k) 25-30.037(2)(k) 25-30.037(3)(g) 25-30.037(2)(k)	25-30.033(1)(h)2 25-30.037(2)(l)2 25-30.037(3)(c) 25-30.037(4)(c) 25-30.037(5)(c)	At present, any person or entity holding less than 10 percent ownership interest in the utility does not have to produce financial statements or copies of financial agreements with the utility. This exemption for "less than 10%" owners would be reduced to 5% under the revised rules.
25-30.034(1)(d)	25-30.034(1)(i)	The new rule language would clarify the requirement regarding applicants' financial ability to provide service. Applicants would be required to provide financial statements, as well as any financial agreements between the utility and persons or entities holding 5 percent or more ownership in the utility.
None None None 25-30.037(2)(p) 25-30.037(2)(p) 25-30.037(2)(p)	25-30.033(1)(i)4 25-30.034(1)(j)4 25-30.036(2)(l) 25-30.037(2)(r)3 25-30.037(3)(c) 25-30.037(5)(c)	The new rule language contains a requirement to provide a copy of all correspondence with the DEP, county health department, and water management district, including consent orders and warning letters and the utility's responses to the same, for the past five years. This requirement is consistent with information considered by the Commission in ratemaking, pursuant to paragraph 367.0812(1)(c), F.S.
None 25-30.034(k) 25-30.035(12) 25-30.036(3)(k) 25-30.036(3)(k) None None None	25-30.033(1)(i)2 25-30.034(1)(j)2 25-30.035(16) 25-30.036(2)(j) 25-30.036(3)(c) 25-30.037(2)(r)1 25-30.037(3)(c) 25-30.037(5)(c)	The new language contains a requirement to provide copies of all current DEP and WMD permits rather than having to provide the permit numbers and dates of approval.
25-30.033(1)(f) 25-30.034(2)(b) 25-30.036(3)(c)	25-30.033(1)(k)4 25-30.034(2)(c) 25-30.036(2)(d)4	The new language deletes an obsolete reference to the Department of Community Affairs and would require applicants to provide "any known land use restrictions, such as environmental restrictions imposed by governmental authorities."



CURRENT RULE(s)	AMENDED OR NEW RULE(s)	CHANGE FROM CURRENT RULE(s)
25-30.036(4)(b)	25-30.036(4)(e)	Revised language would clarify the need to provide legal descriptions of both the territory proposed to be deleted as well as of the remaining territory.
None	25-30.037(1)(a)	If a transfer occurs prior to Commission approval, utilities would be required to submit an application for authority to transfer within 90 days after the closing date of the sale.
25-30.037(2)(j) 25-30.037(2)(j) 25-30.037(3)(f) 25-30.037(2)(j)	25-30.037(2)(l)1 25-30.037(3)(c) 25-30.037(4)(c) 25-30.037(5)(c)	Recommended revisions would clarify the types of information needed to demonstrate a prospective buyer's financial ability to provide service.
25-30.037(2)(j) 25-30.037(2)(j) 25-30.037(3)(f) 25-30.037(2)(j)	25-30.037(2)(m)2 25-30.037(3)(c) 25-30.037(4)(c) 25-30.037(5)(c)	Recommended revisions would clarify the types of information needed to demonstrate a prospective buyer's technical ability to provide service.
None	25-30.037(2)(v) 25-30.037(3)(c)	Recommended revisions would establish a new requirement for buyers who own other water or wastewater utilities that are regulated by the Commission to provide a schedule reflecting any economies of scale that are anticipated to be achieved within the next three years and the effect on rates for existing customers served by both the utility being purchased and the buyer's other utilities.
None	25-30.037(3)(e) 25-30.037(3)(f)	The recommended rule revisions would require an explanation of when and under what authority the current rates were established and the statutory basis for exemption.
None	25-30.037(4)(d)	The recommended rule revision would require a description of the ownership transfer, including date of transfer and resulting ownership interests in the utility.



CURRENT RULE(s)	AMENDED OR NEW RULE(s)	CHANGE FROM CURRENT RULE(s)
None	25-30.037(5)(e)	Recommended paragraph (5)(e) would clarify the information needed for staff to determine if prospective buyers are exempt pursuant Section 367.022, F.S.
25-30.037(4) 25-30.037(5)	25-30.038	Movement of existing rule language to new rule in order to clarify requirements for transferring a regulated utility to a governmental authority.

Source: Staff compilation based on draft rules as of October 15, 2015.

## Section 2: Discussion of Potential Additional Transactional Costs

To compile this SERC, staff gathered information from internal and external sources. To ascertain the types of certification applications that the Commission might expect to receive, staff performed data retrievals using the Commission's internal Case Management System (CMS). To identify potential additional transactional costs that might be incurred by applicants, staff sent a data request to all 145 water and wastewater utilities under the jurisdiction of the Commission. One response was received.

### *Types of Potential Applications and Expected Frequency*

To project the number of certification requests that the Commission might expect to receive in a typical year, staff queried CMS for applications received during the period 2010 through 2014. The most recent five-year historical period is believed to be representative of potential future filings by utilities. Staff data retrievals from CMS indicate that the Commission receives approximately 20 certification applications in a typical year. A description of the types of applications and their relative frequency of use is provided in Table 2, below. As illustrated by Table 2, applications for certification represent a relatively small percentage (0.2 percent) of the 8,479 filings<sup>1</sup> that the Commission typically receives each year. Therefore, additional transactional costs that potentially may result from the recommended rule revisions are not expected to affect large numbers of entities.

<sup>1</sup> Statement of Estimated Regulatory Costs, Docket No. 150143-OT, Proposed repeal of Rule 25-22.028, F.A.C., and proposed amendment of Rule 25-40.001, F.A.C., June 5, 2015.

**Table 2**  
**Summary of Projected Annual Application Frequencies**

<b>Application Description</b>	<b>Ch. 25-30 Section</b>	<b>0-1 per yr</b>	<b>2-3 per yr</b>	<b>4-6 per yr</b>
Original Certificate – Initial Rates and Charges	.033		x	
Original Certificate – Existing Utility	.034	x		
Original Certificate – “Grandfather”	.035	x		
Amendment – Extension of Area	.036(2)		x	
Amendment – “Quick Take”	.036(3)	x		
Amendment – Deletion of Area	.036(4)	x		
Transfer – Regulated to Regulated	.037(2)			x
Transfer – Exempt to Regulated	.037(3)	x		
Transfer – Non-Juris to Reg/crosses county boundaries	.037(3)	x		
Transfer – Majority Organizational Control	.037(4)	x		
Transfer – Regulated to Non-Government Exempt	.037(5)	x		
Transfer – Regulated to Government	.038		x	
Name Change Only	.039	x		
Abandonments	.090	x		

Source: Florida Public Service Commission Case Management System. Rule Sections are prospective.

Staff notes that no applications were received pursuant to Rule 25-30.039, F.A.C., during the period 2010 through 2014. The most recent application received pursuant to Rule 25-30.037(3), F.A.C., was in 2010; this is not unexpected as it is more common when an exempt entity is sold for the new owner to submit an application for an original certificate pursuant to Rule 25-30.034, F.A.C., rather than to file for a transfer.

### ***Potential Additional Transactional Cost Identification***

Rule references shown below are prospective and identify the recommended rule amendments for which it is anticipated that potential additional transactional costs to applicants may result. For the large majority of the rule changes included in this rulemaking initiative, additional transactional costs, if any, are expected to be de minimis and, therefore, are not discussed individually. Information provided by the respondent to staff's data request was combined with staff's analysis and the results are discussed below for the indicated rule changes.

#### **Rule 25-30.030(5)(b), F.A.C.**

Under current rules, each customer of a system that is being certificated, transferred, acquired, or deleted must be notified by regular mail or personal service. The amended rules would require that notification also be sent by regular mail or personal service to owners of property located within the existing service area and the service area to be served, extended, deleted, or transferred. Additional transactional costs that potentially could result from the rule amendments would be associated with additional time that might be required to research property records to locate property owners in the affected territory that are not currently customers of the utility. However, advances by county property appraiser offices in providing considerable online



information in easily searchable formats should significantly reduce the amount of work involved in conducting property owner searches. Staff estimates that depending upon the size of the affected territory, the incremental cost of performing the online search may range from approximately \$60 to \$240 per application, assuming a range of 4 to 16 hours of compilation time by an administrative professional priced at \$15.00 per hour.

Other additional transactional costs that potentially could result from the rule amendments would be associated with the costs of mailing notices to property owners that are not currently customers of the utility. The respondent to staff's data request stated that sending correspondence by regular mail to international addresses is expensive (*e.g.*, \$1.50 per item to Canada) and also is subject to delivery uncertainties and delays. The respondent suggested that out-of-country property owners would be better served by email notification rather than regular mail. However, the current and prospective rule language pertaining to the practice of notification by mail follows the direction provided in Section 367.045, F.S., which does not currently authorize notification by email. Staff also notes that because the current rule already requires that notices be mailed to current customers, any additional mailing costs that potentially may result from the proposed revisions would be limited to costs associated with mailing notices to property owners that are not customers of the utility. These incremental costs would vary by utility depending upon the number of non-customer property owners that would have to be notified and are difficult to estimate.

#### **Rule 25-30.033(1)(h)2, F.A.C.**

At present, any person or entity holding less than 10 percent ownership interest in the utility does not have to produce financial statements or copies of financial agreements with the utility. This exemption for "less than 10%" owners would be reduced to 5 percent under the revised rules; these comparatively small-percentage owners prospectively would be required to provide a copy of any financial agreements with the utility and proof of the ability to provide funding, such as financial statements. This change potentially could represent a new impact to previously exempt small-percentage owners. This new language also affects recommended amendments to Rules 25-30.034(1)(i)2, 25-30.037(2)(l)2, 25-30.037(3)(c), 25-30.037(4)(c), and 25-30.037(5)(c), F.A.C.

It is not anticipated that this change in rule language would affect significant numbers of prospective applicants. Using the currently regulated utilities as a proxy to estimate the numbers of prospective applicants that might be affected, staff notes that 22 entities (individuals, businesses, and trusts) holding between 5 and 10 percent ownership in a utility's voting securities henceforth would be required to provide financial information under the revised rules. Based on a review of ownership information included in the most recent available utility annual reports, staff estimates that approximately 9 percent of future certification applications (*i.e.*, about two per year) would be affected by these recommended rule revisions.

Regulated utilities have reported ownership interests of entities holding 5 percent or more of the voting securities of the reporting utility to the Commission in their annual reports since 1997. In addition, under certain conditions, the federal Securities and Exchange Commission (SEC) requires a "beneficial ownership report" when an entity acquires beneficial ownership of more than 5 percent of a voting class of a company's equity securities. Based on both the



Commission's and the SEC's reporting procedures, staff believes that utilities should be able to identify easily the entities which hold more than 5 percent ownership and that the information should be readily available without causing significant additional transactional costs.

**Rule 25-30.033(1)(i)2, F.A.C.**

The revised rule language would contain a requirement to provide copies of all current Department of Environmental Protection (DEP) and water management district (WMD) permits rather than having to provide the permit numbers and dates of approval pursuant to the current rules. This new language also affects recommended amendments to Rules 25-30.034(1)(j)2, 25-30.035(16), 25-30.036(2)(j), 25-30.036(3)(c), 25-30.037(2)(r)1, 25-30.037(3)(c), and 25-30.037(5)(c), F.A.C.

Staff notes that DEP and WMD permits are routinely reviewed during the course of certification dockets. Presently, the permit information is obtained either from the utility through a written request for additional information or directly from DEP or the WMDs. Staff believes that the inclusion of this current business practice in the rules will streamline the process and benefit both applicants and Commission staff by saving time and providing consistency during the application evaluation process; the information is readily available and it is not expected that additional transactional costs would result.

**Rule 25-30.033(1)(i)4, F.A.C.**

The draft rule language requires the utility to provide a copy of all correspondence with the DEP, county health department, and WMD, including consent orders and warning letters and the utility's responses to the same, for the past five years. This new language also affects recommended amendments to Rules 25-30.034(1)(j)4, 25-30.036(2)(l), 25-30.037(2)(r)3, 25-30.037(3)(c), and 25-30.037(5)(c), F.A.C.

Staff notes that the DEP, county health department, and WMD consent order/warning letter correspondence referenced in the foregoing paragraph is routinely reviewed during the evaluation of certification applications to determine if there are any compliance or customer service issues. The information typically is obtained from the utility through a request for additional information. However, staff's requests for additional information historically have covered the most recent three years of data. Therefore, staff recognizes that requiring five years of a utility's consent order/warning letter correspondence with the DEP, county health department, and WMD would represent an incremental requirement that is likely to result in additional transactional costs to utilities. Similar comments were received from the respondent to staff's SERC data request and from another utility representative who participated in the October 2014 rule development workshop, but neither entity provided a quantitative estimate of potential incremental cost impacts. The incremental transactional costs would be associated with providing the additional two years of documentation and are difficult to estimate; however, staff does not anticipate that the impacts to utilities would be significant.

Staff also notes that pursuant to Section 367.0812, F.S., the Commission in fixing rates must consider customer complaints regarding the applicable secondary water quality standards filed with the Commission, DEP, the respective local government entity, or a county health department, during the past five years. The requirement for five years of correspondence



contained in the recommended rule revisions is consistent with the statutory requirement in Section 367.0812, F.S., regarding the Commission's consideration of five years of complaint letters pertaining to applicable secondary water quality standards. The consent order/warning letter correspondence with the DEP, county health department, and WMD often deals with primary water quality standards, which are more important measures than secondary standards. Therefore, since the 2014 amendment of Section 367.0812, F.S., requires the Commission in rate fixing to consider five years of complaints concerning secondary water quality standards, staff believes it is prudent to evaluate correspondence pertaining to applicable primary water quality standards for the same time period.

**Rule 25-30.033(1)(k)4, F.A.C.**

Presently, Rule 25-30.033(1)(f), F.A.C., requires that utilities provide "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 as approved by the Department of Community Affairs at the time the application is filed, or, if not consistent, a statement demonstrating why granting the certificate of authorization would be in the public interest." Staff has updated Commission rules to reflect the current regulatory processes related to land use designations in recommended Rule 25-30.033(1)(k)3, F.A.C.

The new language in recommended Rule 25-30.033(1)(k)4, F.A.C., would require applicants to provide "any known land use restrictions, such as environmental restrictions imposed by governmental authorities." The provision of this information potentially could be complicated for applicants if they have to obtain documentation from multiple entities such as the DEP, local governments, WMDs, Chapter 298 Districts, Community Development Districts, Homeowners' Associations, and/or other entities. Similar comments were received from the respondent to staff's SERC data request but the respondent did not provide a quantitative estimate of potential incremental cost impacts. The incremental transactional costs would arise from extending the requirement for information beyond the current practice of compliance with the comprehensive plan and are difficult to estimate. However, staff does not believe that applicants would be likely to encounter applicable land use restrictions other than those in the comprehensive plans on a frequent basis. The new language also affects recommended amendments to Rules 25-30.034(2)(c) and 25-30.036(2)(d)4, F.A.C.

**Rule 25-30.037(1)(a), F.A.C.**

The recommended rule revisions contain new language stating that, henceforth, if a transfer occurs prior to Commission approval, utilities would be required to submit an application for authority to transfer no later than 90 days after the sale closing date. The respondent to staff's data request also identified this provision as a new requirement, but did not comment or provide an estimate regarding potential incremental transactional costs.

Staff included this provision in the rule amendments to prevent problems that could occur if a considerable amount of time were allowed to lapse between the sale of a utility and the submission by the buyer of an application for authority to transfer. With the increased passage of time subsequent to a utility sale closing, the probability of difficulties associated with the unavailability of important documentation potentially could increase. By establishing a specific date by which transfer applications must be submitted, staff seeks to minimize the likelihood that



an application filing would languish and create unnecessary problems that could further complicate or delay the application review process. Staff believes that additional transactional costs resulting from these recommended revisions, if any, would be de minimis.

#### **Rules 25-30.037(2)(v) and 25-30.037(3)(c), F.A.C.**

Recommended revisions would establish a new requirement for buyers who own other water or wastewater utilities that are regulated by the Commission to provide a schedule reflecting any economies of scale that are anticipated to be achieved within the next three years and the effect on rates for existing customers served by both the utility being purchased and the buyer's other utilities. This incremental requirement represents a new impact to applicants for 'authority to transfer' that potentially could result in additional transactional costs. Staff estimates that these recommended revisions potentially might affect a range of 2-6 applications per year.

The respondent to staff's data request expressed concerns regarding these prospective requirements and indicated a preference for removing them. The respondent stated that a schedule of this nature would be complex with many variables to be considered; therefore, the preparation of such a schedule would be difficult. The respondent further stated that given the complexity, it would be problematic to project results three years forward. The respondent expressed concerns that one might be held accountable for projections that contain many variables over which one has no control. The respondent did not provide an estimate of potential additional transactional costs.

Staff believes the information that would be required by the recommended revisions would serve a valuable purpose. This information will help to determine if any benefits to customers are expected as a result of the common ownership of multiple systems, or if the purchase is more likely to lead to a rate increase if existing customers have to absorb increased costs associated with improving a newly acquired system that is in poor condition. Staff estimates the incremental cost of providing the additional information to be approximately \$536 per application, assuming 20 hours of preparation time by a senior-level accountant priced at \$26.80 per hour.<sup>2</sup>

Staff notes that there potentially could be additional costs if the expertise of an engineer or a plant operator were needed. The work of an engineer or plant operator would involve reviewing the condition of the system to optimize the efficiency of scheduled maintenance and repair work. These activities typically are already part of routine operational due diligence work; therefore, this information should be able to be translated into expected economies of scale projections without significant difficulty.

### **Section 3: Benefits of the Recommended Rule Changes**

The intent of this rulemaking initiative is to update, clarify, and streamline Commission water and wastewater certification rules. The efforts to provide clarification in the new rule language should benefit both applicants and staff and result in a streamlining of the application process.

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<sup>2</sup> 2012 AWWA (American Water Works Association) Water Utility Compensation Survey – Small and Medium-Sized Utilities, 17<sup>th</sup> Annual Report, September 2012; prepared by Verisight, Inc.



Staff anticipates that fewer requests for additional information would be necessary and less time potentially would be required to evaluate certification applications.

In conjunction with the recommended amendments to Commission rules, staff also has developed updated application forms and model tariff templates to be posted on the Commission's web site to assist prospective applicants with compiling the information required to be submitted with certification applications. Currently, applicants have to compile and submit the required information on their own by either creating new documents or using a PDF version of the existing applications and model tariffs available on the Commission's web site. Implementation of the updated application forms and model tariff templates would provide applicants with the opportunity to download a copy of the documents in MS Word format and then modify them easily to facilitate their specific application. A key advantage of the new forms and templates is that the documents have been designed to include fillable fields that allow the information to be easily typed into the document; therefore, the applicant's need for custom formatting and creation of new documents is reduced. Both applicants and Commission staff should benefit from this improvement over the current forms and templates as the application process should be streamlined.