

NORTH CHARLOTTE WATERWORKS, INC.

August 11, 2016

FILED AUG 11, 2016
DOCUMENT NO. 06470-16
FPSC - COMMISSION CLERK

Ray Sandrock
County Administrator
Charlotte County BCC
18500 Murdock Circle
Port Charlotte, FL 33948

Re: Docket No. 160185-WS - Application of North Charlotte Waterworks, Inc. for Staff Assisted Rate Case in Charlotte and DeSoto Counties

Dear Mr. Sandrock,

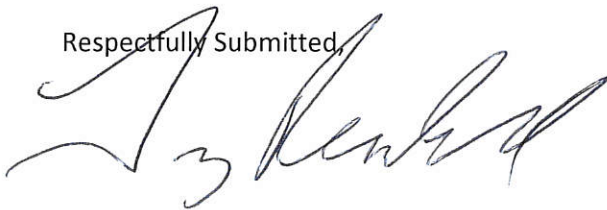
Please find attached North Charlotte Waterworks, Inc. (North Charlotte) application for a staff assisted rate case (SARC) in Charlotte and DeSoto Counties which was filed with the Florida Public Service Commission in Docket No. 160185-WS.

Pursuant to Section 367.091(2), Florida Statutes,

Upon filing an application for new rates, the utility shall mail a copy of the application to the chief executive officer of the governing body of each county within the service areas included in the rate request. The governing body may petition the commission for leave to intervene in the rate change proceeding, and the commission shall grant intervenor status to any governing body that files a petition.

If you have any questions, please do not hesitate to contact me at (727) 848-8292, ext. 245.

Respectfully Submitted,



Troy Rendell
Manager of Regulated Utilities
// for North Charlotte Waterworks, Inc.

Cc: Commission Clerk, Florida Public Service Commission

NORTH CHARLOTTE WATERWORKS, INC.

August 11, 2016

Mandy Hines
County Administrator
DeSoto County BCC
201 East Oak Street | Suite 201
Arcadia, FL 34266

Re: Docket No. 160185-WS - Application of North Charlotte Waterworks, Inc. for Staff Assisted Rate Case in Charlotte and DeSoto Counties

Dear Ms. Hines,

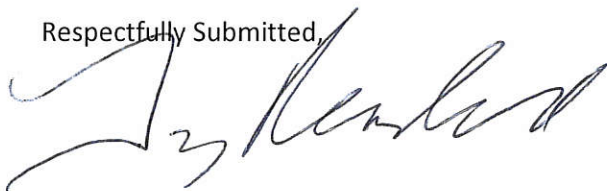
Please find attached North Charlotte Waterworks, Inc. (North Charlotte) application for a staff assisted rate case (SARC) in Charlotte and DeSoto Counties which was filed with the Florida Public Service Commission in Docket No. 1600185-WS.

Pursuant to Section 367.091(2), Florida Statutes,

Upon filing an application for new rates, the utility shall mail a copy of the application to the chief executive officer of the governing body of each county within the service areas included in the rate request. The governing body may petition the commission for leave to intervene in the rate change proceeding, and the commission shall grant intervenor status to any governing body that files a petition.

If you have any questions, please do not hesitate to contact me at (727) 848-8292, ext. 245.

Respectfully Submitted,



Troy Rendell
Manager of Regulated Utilities
// for North Charlotte Waterworks, Inc.

Cc: Commission Clerk, Florida Public Service Commission

North Charlotte Waterworks, Inc.

July 18, 2016

Check received with filing and forwarded to Fiscal for deposit. Fiscal to forward deposit information to Records.

Initials of person who forwarded check:



Office of Commission Clerk
Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399

COMMISSION
CLERK

2016 AUG -5 PM 1:07

RECEIVED-PPSC

Re: Application for Staff Assisted Rate Case (SARC) in Charlotte and DeSoto Counties by North Charlotte Waterworks, Inc.

Dear Commission Clerk,

North Charlotte Waterworks, Inc. (North Charlotte) submits its application for a staff assisted rate case (SARC) in Charlotte and DeSoto Counties by North Charlotte Waterworks, Inc. Currently North Charlotte only provides water and wastewater services to customers located within Charlotte County.

Need for Rate Relief

Sun River Utilities, Inc. filed a Notice of Abandonment on December 10, 2015. Docket No. 150264-WS was established to process the abandonment. Subsequently, North Charlotte entered into an Asset Purchase Agreement (APA) with Sun River Utilities, Inc. on January 22, 2016. The closing of the sales transaction took place on February 5, 2016. Subsequently, Sun River Utilities filed a Rescission of Notice of Abandonment on February 5, 2016. North Charlotte's application for a transfer of certificates is currently before the Commission in Docket No. 160058-WS.

This utility has experienced significant net operating losses for numerous years. As indicated in the 2012, 2013 and 2014 Annual Reports of Sun River Utilities, the utility has experienced significant net operating losses of (\$76,009), (\$57,299) and (\$55,887), respectively. Due to the financial situation of the utility, North Charlotte has no alternative to file for this staff assisted rate case in order to establish financial stability and meet its required obligations for continued quality of water and wastewater services to its customers. The last SARC for this utility was in 2006 in Docket No. 050587-WS. Thus this utility has not had a rate case in ten (10) years.

As indicated in the attached SARC application, North Charlotte has selected the calendar year ending 2015, with adjustments for post test year expenses under the new ownership. The application contains several adjustments which will subsequently be explained below to reflect the continued operations under the new ownership. The adjustments reflect an overall reduction of operation and maintenance expenses of (\$15,610) for water and (\$21,411) for wastewater from the previous owner. These reductions in expenses reflect the efficiency obtained under the new ownership of the utility on a going forward basis.

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North Charlotte believes it is prudent and necessary to make these reduction in expenses, while at the same time recognize the increases under the ownership. These overall costs savings benefits the existing customers in recognizing the efficiencies under the new ownership.

It should also be noted that in the utility's last SARC, the PSC approved substantially higher Operation & Maintenance (O&M) expenses than what is being requested by North Charlotte. In Order No. PSC-06-0684-PAA-WS, issued August 8, 2006, the PSC approved O&M expenses of \$60,657 for water and \$41,876 for wastewater. In its request, North Charlotte is requesting adjusted O&M of \$29,355 for water and \$27,505 for wastewater. This represents a savings to the existing customers of (\$31,302) for water and (\$14,371) for wastewater.

Pro Forma Plant

North Charlotte is requesting several capital improvements pro forma adjustments to its existing plant. These replacements were necessary due to the condition of the plant when it was purchased. The specific requests are contained in the SARC application's supporting documents. During the processing of the SARC, additional documentation will be provided. However, it should be noted that North Charlotte is requesting an operating ratio in determining the appropriate revenue requirement instead of the rate of return methodology. This is subsequently discussed later in this submission.

Pro Forma Adjustments to O&M

As previously indicated, the SARC application reflects reductions in O&M related to the previous owners O&M expenses. The majority of these reductions relate to the operations and maintenance costs of the previous owner. These services will now be included in the operation and maintenance contract with U.S. Water Service Corporation. Under the new U.S. Water contract, these services will be provided at a significant savings to the utility's customers. The amount requested and supported by documents reflect more efficient and less costly services provided on an on-going basis.

North Charlotte has removed the previous expenses of 2015 related to operations, maintenance, vehicles, materials & supplies, accounting, travel, telephone, and office supplies from the previous owners. These reductions reflect amounts of (\$40,473) for water and (\$45,041) for wastewater. The U.S. Contract that covers the majority of these services reflect amounts of \$18,076 for water and \$16,173 for wastewater, thus reflecting significant savings.

In addition to the contractual services, North Charlotte is also requesting increases relating to the amortization of the closing costs, accounting services, FDEP permit renewals, sludge removal, liability insurance, and amortization of noticing requirements for the transfer application.

Due to the noticing requirement of the newly adopted Rule No. 25.030(5)(b), FAC, North Charlotte was required to send notices to approximately 1,900 property owners within the utility's existing territory. Due to the significantly large service territory and the vacant properties contain there within, numerous property owners were mailed notices. North Charlotte

**Mailing: C/O 4939 Cross Bayou Boulevard, New Port Richey, Florida 34652
Tel: 727-848-8292**

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took every effort to comply with this new requirement. This created a significant administrative burden to the buyer at a significant cost. North Charlotte acknowledges that this is a relatively unique event due to the size of the service territory with no immediate plans to provide service to these areas. The current number of existing customers is fifty-five (55) water and wastewater customers.

As previously stated, North Charlotte purchased this utility in February 2016. During the processing of this SARC, North Charlotte will be able to provide the FPSC staff the most current documentation concerning the Operation and Maintenance Expenses for the current owner during the calendar year 2016.

Operating Ratio

The adjusted rate base in North Charlotte's SARC application, including the pro forma plant results in a rate base of \$9,968 for water and \$14,397 for wastewater. Applying the overall rate of return of 8.74% would result in a net income of \$871 for water and \$1,258 for wastewater. North Charlotte does not believe the traditional calculation of revenue requirements would not provide sufficient revenue to protect against potential variances in revenues and expenses.

Section 367.0814(9), Florida Statutes (F.S.), provides that the FPSC may, by rule, establish standards and procedures for setting rates and charges of small utilities using criteria other than those set forth in Sections 367.081(1), (2)(a), and (3), F.S. Rule 25-30.456, Florida Administrative Code (F.A.C.), provides an alternative to a staff-assisted rate case as described in Rule 25-30.455, F.A.C. As an alternative, utilities with total gross annual operating revenue of less than \$275,000 per system may petition this Commission for staff assistance in alternative rate setting.

The operating ratio methodology is an alternative to the traditional calculation of revenue requirements. Under this methodology, instead of applying a return on the Utility's rate base, the revenue requirement is based on the margin of North Charlotte's O&M expenses. In prior orders, the Commission has found that, when the operating ratio methodology is used, a margin of 10 percent should be used unless unique circumstances justify the use of a greater or lesser margin. The operating margin should be set at a level which allows the utility to provide safe and reliable service and remain a viable entity.

The use of the operating ratio methodology rests on the contention that the principal risk to the utility resides in operating cost rather than in capital cost of the plant. The fair return on a small rate base may not adequately compensate a utility owner for incurring the risk associated with covering the much larger operating cost. Under the rate base method, the return on rate base would be \$871 for water and \$1,258 for wastewater, compared to \$2,935 for water and \$2,750 for wastewater, using the operating ratio method. If the return on rate base method were applied, North Charlotte could be left with insufficient funds to cover operating expenses. The margin should provide adequate revenue to protect against potential variability in revenue and expenses. If the Utility's operating expenses increase and revenue decreases, the Utility would not have the funds required for day-to-day operations.

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Therefore, in order to provide North Charlotte with adequate cash flow to meet environmental requirements and to provide some assurance of safe and reliable service, North Charlotte is requesting the use of the operating ratio methodology at a margin of 10 percent of O&M expense for determining the water and wastewater revenue requirements. It should be noted that the requested operating ratio is less than the return allowed in the utility's last rate case.

The SARC filing indicates that the overall increase in revenue requirements should be \$13,928 or 53.48% for water and \$15,077 or 71.15% for wastewater. Taking into consideration the ten (10) years since the last rate case, North Charlotte believes these are reasonable amounts.

It should be noted in the last utility's rate case, the PSC approved a significantly higher revenue requirement. In Order No. PSC-06-0684-PAA-WS, the PSC approved revenue requirements of \$77,177 for water and \$54,556. In its application, North Charlotte is requesting revenue requirements of \$35,871 for water and \$36,270 for wastewater. The requested amounts represent a significant savings to the existing ratepayers.

Interim Rates

In its application, North Charlotte is also requesting interim rates in order for it to recover its going forward O&M expenses during the pendency of this proceeding and to minimize the regulatory lag associated with the processing of the SARC. Based on Commission practice for Class C utilities, the interim rates would allow North Charlotte to recover its going forward O&M expenses.

Typically, the Commission's practice is to allow recover of test year O&M expenses in the collection of interim rates. However, as previously stated, North Charlottes has made several adjustments to reduce the test year O&M. As shown in its application, the prior test year O&M expenses exceed the overall requested revenue requirement. Therefore, if the previous owner's test year O&M expenses were approved for interim purposes, and the final revenue requirement was subsequently approved, this would create a situation where refunds would need to be made.

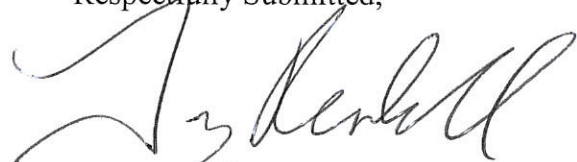
Past practice reflects that a utility may request less than the amount it may be entitled to. Therefore, due to this unique situation, North Charlotte is requesting less interim rates that it may otherwise be entitled to under Florida Statues in order to avoid any potential refunds. North Charlotte requests interim revenues to recover \$29,355 in water O&M expenses and \$27,505 for wastewater. This compares to the test year O&M expenses of \$31,647 for water and \$48,916 for wastewater.

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Tel: 727-848-8292

North Charlotte Waterworks, Inc.
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July 18, 2016

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Troy Rendell". The signature is fluid and cursive, with a large initial "T" and "R".

Troy Rendell
Manager of Regulated Utilities
//For North Charlotte Waterworks, Inc.

FLORIDA PUBLIC SERVICE COMMISSION

APPLICATION FOR A STAFF ASSISTED RATE CASE

I. GENERAL DATA

A

Name of Utility: **North Charlotte Waterworks, Inc.**

B

Address: **4939 Cross Bayou Blvd., New Port Richey, FL 34652**

1. Telephone Nos.: **(727) 848- 8292**

2. County: **Lake**

Nearest City: **Grand Island, FL**

3. General Area Served: **Rivers Edge**

C

Authority: **See Order No. PSC-09-0609-FOF-WS, issued September 8, 2009**

1. Water Certificate No. **646-W**

Date Received: **September 8, 2009**

2. Wastewater Certificate No. **N/A**

Date Received: **N/A**

3. Date Utility Started Operations: Water: **1982**

Wastewater: **N/A**

D

How System Was Acquired: **Purchased from Sun River Utilities Inc.**

If utility was purchased, give date **February 5, 2016**

Amount Paid \$ **\$20,000**

1. Name of Seller: **Sun River Utilities, Inc.**

2. Was seller affiliated with present owners? Yes No

3. Did you purchase: Stock or assets only

E

Type of Legal Entity:

Corporation

Partnership

Sole Proprietorship

F

Ownership & Officers:

	Name	Title	Percent Ownership
1.	<u>Gary Deremer</u>	<u>President</u>	<u>51%</u>
2.	<u>Cecil Delcher</u>	<u>Vice-President</u>	<u>26%</u>
3.	<u>Aaron Voss</u>	<u></u>	<u>7%</u>
4.	<u>Edward Mitchell</u>	<u></u>	<u>5%</u>

G

List of Associated Companies and Addresses:

U.S. Water Services Corporation
4939 Cross Bayou Blvd.
New Port Richey, FL 34652

H

If you have retained an attorney and/or a consultant to represent the utility for this application, furnish the name(s) and address(es):

Name:

Address:

Troy Rendell, U.S. Water Services Corporation

4939 Cross Bayou Blvd.
New Port Richey, FL 34652

II. ACCOUNTING DATA

A

Outside Accountant

1. Name: **Jack Baillie, Jr.**
2. Firm: **J.S. Baillie, Jr.**
3. Address: **2153 Grand Blvd., Holiday, FL 34690**
4. Telephone: **(727) 937- 6650**

B

Individual To Contact On Accounting Matters:

1. Name: **Troy Rendell, Manager of Regulated Utilities, U.S. Water Services Corp.**
2. Telephone: **(727) 848- 8292 ext. 245**

C

Location of Books and Records: **4939 Cross Bayou Blvd., New Port Richey, FL 34652**

D

Have you filed an Annual Report with the Commission? Yes No

Date Last Filed: **2014**

E

Has your latest Regulatory Assessment Fee Payment been made?

(January 30 or July 30 whichever is applicable) Jan 30 July 30

F. Basic Rate Base Data: (Most recent two years)

<u>1. Water:</u>	<u>Year Ending</u> <u>12/31/2015</u>	<u>Proposed</u> <u>Test Year</u>
Cost of Plant In Service	<u>\$ 381,630</u>	<u>\$391,130</u>
Less Accumulated Depreciation	<u>(378,686)</u>	<u>(360,356)</u>
Less Contributed Plant	<u>(90,899)</u>	<u>(90,899)</u>
Plus Accumulated Amortization – CIAC	<u>66,211</u>	<u>66,424</u>
Net Owner's Investment	\$ <u>(21,744)</u>	<u>\$6,299</u>

2. <u>Wastewater:</u>	<u>Year Ending</u> <u>12/31/2015</u>	<u>Proposed</u> <u>Test Year</u>
Cost of Plant In Service	\$ 225,930	\$228,430
Less Accumulated Depreciation	(206,133)	(198,968)
Less Contributed Plant	(99,691)	(99,691)
Plus Accumulated Amotrization - CIAC	81,188	81,188
Net Owner's Investment	\$ 1,294	\$10,959

G. Basic Income Statement: *(Most recent two years)*

1. <u>Water:</u>	<u>Year Ending</u> <u>12/31/2015</u>	<u>Proposed</u> <u>Test Year</u>
Revenues (By Class)		
a. Residential	\$ 21,078	\$21,942
b. Commercial	882	0
c. Other	0	0
Total Operating Revenues:	\$ 21,960	\$ 21,942
Less Expenses:		
a. Salaries & Wages - Employees	0	0
b. Salaries & Wages - Officers, Directors, & Majority Stockholders	0	1,500
c. Employee Pensions & Benefits	0	0
d. Purchased Water	0	0
e. Purchased Power	2,430	2,430
f. Fuel for Power Production	0	0
g. Chemicals	1,218	1,218
h. Contractual Services – Customer Service	2,855	0
i. Contractual Services - Professional	11,105	18,076
j. Contractual Services - Legal		401
k. Contractual Services – Accounting	1,073	1,000
l. Materials and Supplies	2,951	0
m. Rental of Real Estate		2,500
n. Office Supplies	202	0
o. Insurance Expense	8,191	648
p. Regulatory Commission Expense	655	329
q. Bad Debt Expense	0	0
r. Miscellaneous Expense	968	1,255

s.	Depreciation Expense	1,338	2,177
t.	CIAC Amortization Expense	-211	-211
u.	Property Taxes	0	0
v.	Other Taxes - RAFs	988	1,614
w.	Income Taxes	0	0
	Operating Income (Loss)	(\$15,326)	(10,995)
		<u>Year Ending</u>	<u>Proposed</u>
		<u>12/31/2015</u>	<u>Test Year</u>
2.	<u>Wastewater</u>		
	Revenues (By Class):	\$	\$
	a. Residential	20,804	21,192
	b. Commercial	834	0
	c.	0	0
	Total Operating Revenues:	\$ 21,638	\$ 21,192
	Less Expenses:		
	a. Salaries & Wages - Employees	0	0
	b. Salaries & Wages - Officers, Directors, & Majority Stockholders	0	1,500
	c. Employee Pensions & Benefits	0	0
	d. Purchased Wastewater Treatment	0	0
	e. Sludge Removal Expense	268	1,338
	f. Purchased Power	2,718	2,718
	g. Fuel for Power Production	0	0
	h. Chemicals	740	740
	i. Materials & Supplies	6,491	0
	j. Contractual Services - Operations	7,579	16,173
	k. Contractual Services - Accounting	3,473	1,000
	Contractual Services - Testing	13,503	0
	Contractual Services - Maintenance	13,318	0
	Contractual Services - Legal		401
	l. Rents	0	2,500
	m. Transportation Expenses	0	0
	n. Insurance Expense	0	648
	o. Regulatory Commission Expense	0	329
	p. Bad Debt Expense	0	0
	q. Miscellaneous Expense	828	160
	r. Depreciation Expense	3,712	4,382
	s. Amortization CIAC	0	0
	t. Property Taxes	0	0
	u. Other Taxes	974	1,632
	v. Income Taxes	0	0
	Operating Income (Loss)	(\$32,410)	(\$12,329)

H. Outstanding Debt:

	Creditor	Date Borrowed	Balance Due	Interest Rate	Expiration Date
1.	N/A				
2.					
3.					
4.					

I. Indicate Type of Tax Return Filed:

- Form 1120 -Corporation
- Form 1120S -Subchapter S Corporation
- Form 1065 - Partnership
- Form 1040 - Schedule C - Individual (Proprietorship)

III

ENGINEERING DATA

A. Outside Engineering Consultant:

- 1. Name: **N/A**
- 2. Firm:
- 3. Address:
- 4. Telephone: ()

B. Individual to contact on engineering matters:

- 1. Name: **Troy Rendell, Manager of Regulated Utilities, U.S. Water Service Corp.**
- 2. Telephone: **(727) 848- 8292 ext. 245**

C. Is the utility under citation by the Department of Environmental Protection (DEP) or County Health Department?

Yes.

If yes, explain: **Radium exceedance. Public notices required. See Docket No. 160058-WS for further detail.**

D. List any known service deficiencies and steps taken to remedy problems: **Radium exceedance – change filter media (filter)**

E. Name of plant operator(s) and DEP operator certificate number(s) held:

Ron Derossett - U.S. Water Services Corporation

Water Class A - 00003531

Wastewater – Class A - 0003216

F. Is the utility serving customers outside of its certificated area? **No**

If yes, explain: **N/A**

G. Wastewater:

1. Gallons per day capacity of treatment facilities:

a. Existing: **15,000**

b. Under Construction: **N/A**

c. Proposed: **N/A**

2. Type and make of present treatment facilities: **Unknown**

3. Approximate average daily flow of treatment plant effluent: **3,337**

4. Approximate length of wastewater mains:

Size (diameter):	8"	4"			
Linear feet:	4,750	2,800			

5. Number of manholes: **18**

6. Number of lift stations: **2**

7. How do you measure treatment plant effluent? **Based on ETM (electronic timer meters) at lift stations**

8. Is the treatment plant effluent chlorinated? Yes No

If yes, what is the normal dosage rate? **0.1 mg/l/day**

9. Tap in fees – Wastewater: \$ **0**

10. Service availability fees – Wastewater: \$ **1,762.40**

11. Note DEP Treatment Plant Certificate Number and date of expiration:

Number Expiration Date: **FLA014062 – Exp. 11-30-19**

12. Total gallons treated during most recent twelve months: **771,300**

13. Wastewater treatment purchased during most recent twelve months: **0**

H. Water:

1. Gallons per day capacity of treatment facilities:

a. Existing: **60,000**

b. Under Construction : **n/a**

c. Proposed: **n/a**

2. Type of treatment: **Reverse Osmosis (40,000) and Sodium Hypochlorite**

3. Approximate average daily flow of treated water: **2,113 gpd (estimated)**

4. Source of water supply: **Ground Water**

5. Types of chemicals used and their normal dosage rates: **Sodium Hypochlorite**

6. Number of wells in service: **2**

Total capacity in gallons per minute (gpm): **41.6 gpm**

Diameter/Depth:	4" / 225	4" / 225	
Motor horsepower:	3	3	
Pump capacity (gpm):	50	50	

7. Reservoirs and/or hydropneumatic tanks:

Description:	Ground (6)		
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Capacity:	5,000 (6 tanks)		
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8. High service pumping:

Motor horsepower:	15	15		
Pump capacity (gpm):	275	275		

9. How do you measure treatment plant production? Well Meters

10. Approximate feet of water mains:

Size (diameter):	6"			
Linear feet:	4,770 lf			

11. Note any fire flow requirements and imposing government agency: Charlotte County
500 gpm

12. Number of fire hydrants in service: 3

13. Do you have a meter change out program? No Yes

14. Meter installation or tap in fees - Water \$ 180.00

15. Service availability fees - Water \$ 638.00

16. Has the existing treatment facility been approved by DEP? No Yes

17. Total gallons pumped during most recent twelve months: 1,225,320

18. Total gallons sold during most recent twelve months: 1,097,000

19. Gallons unaccounted for during most recent twelve months: 128,320

20. Gallons purchased during most recent twelve months: N/A

IV. RATE DATA

A. Individual to contact on tariff matters:

1. Name: Troy Rendell
2. Telephone Number: (727) 848- 8292 ext. 245

B. Schedule of present rates: (Attach additional sheets if more space is needed)

1. Water:

BFC - \$22.50
Gallonge Charge -
0 - 7,000 - \$7.84
7,001 - 14,000 - \$9.61
Over 14,000 - \$11.76

a. Residential Water

BFC - \$13.60
Gallonge Charge - \$1.79

b. General Service

c. Special Contract

d. Other - Specify

2. Wastewater:

BFC - \$27.31
Gallonge Charge - \$4.68
(10,000 gallon cap)

a. Residential Wastewater

BFC - \$27.31
Gallonge - \$5.60

b. General Service

c. Special Contract

d. Other - Specify

C. Number of Customers: (Most recent two years)

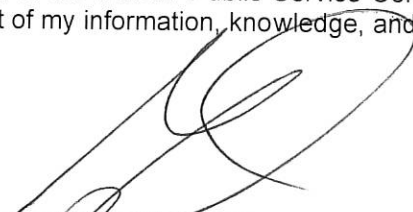
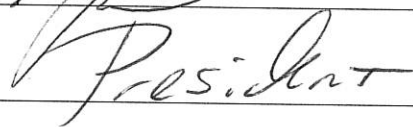
	<u>2015</u>	<u>Test Year</u>
1. Water Metered		
a. Residential	53	51
b. General Service	2	0
c. Special Contract	0	
d. Other - Specify	0	
2. Water Unmetered		
a. Residential	0	
b. General Service	0	
c. Special Contract	0	
d. Other - Specify	0	
3. Wastewater		
a. Residential	53	51
b. General Service	2	
c. Special Contract	0	
d. Other - Specify	0	

V. AFFIRMATION

I, Gary Deremer the undersigned owner, officer, or partner of the above named public utility, doing business in the State of Florida and subject to the control and jurisdiction of the Florida Public Service Commission, certify that the statements set forth herein are true and correct to the best of my information, knowledge, and belief.

Signed

Title

Notice: Section 837.06, Florida Statutes, provides that any person who knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his duty shall be guilty of a misdemeanor of the second degree.