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DIVISION OF ENGINEERING
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Public Service Commission

August 1, 2017

Mr. Gary Deremer
Merritt Island Utility Company, Inc.
5320 Captains Court
New Port Richey, FL 34652-3062
gderemer@uswatercorp.net

VIA EMAIL & US MAIL

Re: Docket No. 20170142-SU - Application for amendment of Certificate No. 137-S for extension of wastewater service territory in Brevard County, by Merritt Island Utility Company, Inc.

Dear Mr. Deremer:

Staff reviewed Merritt Island Utility Company, Inc.'s (MIU or Utility) application for amendment of the wastewater service territory for Certificate No. 137-S in Brevard County. Staff also reviewed the draft notice provided in the application. After reviewing this information we find the application to be deficient. The specific deficiencies are identified as:

1. Rule 25-30.036(2)(f), Florida Administrative Code (F.A.C.), has two parts. The first part requires the Utility to provide a legal description of the territory proposed to be served in the format prescribed in Rule 25-30.029, F.A.C. This portion of the requirement refers only to the territory to be added. The application contains a legal description of one of the two areas proposed to be served. Please provide the legal description of the territory to be added that is located in Township 23 South, Range 36 East, Section 15.
2. The second part of Rule 25-30.036(2)(f), F.A.C., states that, 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. Staff notes that the legal description of the territory that was approved in Order No. 6365, issued December 2, 1974, in Docket No. 73391-S, and passed on through subsequent transfers, had separate descriptions for the portions of the territory in Sections 14 and 15 in Township 23 South, Range 36 East. However, the current requirement for legal descriptions pursuant to Rule 25-30.029(2)(b)2., F.A.C., requires that the description identify a point of beginning, and that the perimeter 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. Since the extensions are adjacent to existing territory, please provide a legal description of the entire resulting territory, in the format described by Rule 25-

30.029(2)(b)2., F.A.C., such that the description correctly describes the continuous territory boundary.

3. Rule 25-30.036(2)(g), F.A.C., requires 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 Rule 25-30.036(2)(f), F.A.C., 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. The system map provided does not show the treatment plant and does not show the complete collection system. Additionally, the map does not differentiate between the existing and expanded portions of the territory. Please provide the corrected detailed system map.
4. Rule 25-30.036(2)(h), F.A.C., requires an official county tax assessment map or other map showing township, range, and section, with the proposed territory plotted thereon, consistent with the legal description required by Rule 25-30.036(2)(f), F.A.C. Since the area to be extended is adjacent to existing territory, two maps should be provided: one showing only the area to be extended, and one showing the continuous territory boundary. These maps are in addition to the detailed system map required by Rule 25-30.036(2)(g), F.A.C.
5. Rule 25-30.036(2)(b), F.A.C., requires proof of noticing pursuant to Rule 25-30.030, F.A.C. Rule 25-30.030(6), F.A.C., states that all applications requiring noticing shall be deemed deficient until affidavits of noticing, along with a copy of the notice, are filed with the Commission Clerk. Further, Rule 25-30.030(4), F.A.C., states that the notice shall be provided to the Commission Clerk for Commission staff approval prior to distribution. For notices pertaining to an amendment of service territory, staff must verify the territory descriptions and maps provided. Staff has found several errors with both the territory descriptions and the maps which must be corrected prior to approving the notice. Given the nature and volume of the discrepancies, staff requests to meet with Utility representatives after the August 3, 2017 Commission Conference to discuss this issue. In addition to correcting the legal descriptions for the notice, MIU should make the following changes to its notice:
 - a. Rule 25-30.030(3)(c), F.A.C., requires that the notice be titled, "Notice of Application for Amendment to Certificate of Authorization To Extend Wastewater Service Area." Please amend the notice accordingly.
 - b. Rule 25-30.030(4)(e), F.A.C., requires that the notice include the common reference of street names bordering the area served by the Utility, if applicable. Please amend the notice to include this statement.

Mr. Gary Deremer
August 1, 2017
Page 3

Please make the changes noted in item five above and submit the corrected notice to:

Office of Commission Clerk
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Please reference Docket No. 20170142-SU. If you have any questions, please contact me by telephone at (850) 413-6952, or by email at mwatts@psc.state.fl.us.

Sincerely,



Melinda Watts
Engineering Specialist
Division of Engineering

MW:tj

cc: Office of Commission Clerk (Docket No. 20170142-SU)
Mr. Troy Rendell (trendell@uswatercorp.net)