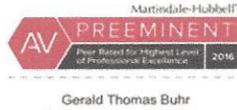




SAXON | GILMORE

SAXON GILMORE & CARRAWAY, P.A.  
Attorneys and Counselors at Law

Direct Dial: 863.508.7055  
Facsimile: 863.508.7066  
Email: Gerald@geraldtbuhr.com  
www.saxongilmore.com



**GERALD T. BUHR, P.A.**, *Of Counsel*  
1015 Wyndham Lakes Drive, Odessa, Florida 33556  
*Certified City, County and Local Government Attorney*



*City Attorney for:*  
Town of Zolfo Springs  
City of Bowling Green  
City of San Antonio

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September 27, 2017

Wesley Taylor  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

**Re: Docket 20160248-WS: Applicant's Second Response to Staff's 2<sup>nd</sup> Data Request.**

Dear Mr. Taylor:

Based on our phone conference this morning, with the understanding that we have no control over the receipt of some of the information, it was the staff's request that we provide whatever information we have as soon as possible, and follow up with additional information later as it is received. Therefore, the Applicant responds to the Staff's Second Data Request as follows:

1. *Please refer to Deer Creek's response to staff's first data request, question 3. In the legal description for the "Less and Except" for the Mockingbird and Commercial North areas, Deer Creek provided Plat Book references only. Rule 25-30.029(2)(b), Legal Description of Service Area, Florida Administrative Code (F.A.C.), requires that the description shall not rely on references to government lots, recorded plats or lots, tracts, or other recorded instruments. Please provide the metes and bounds or appropriate section description (if a complete section or fraction thereof) for the Mockingbird and Commercial North areas, in accordance with Rule 25-30.029(2)(b), F.A.C.*

Applicant's Response: The revised description is attached.

2. *In Staff's First Data Request dated August 9, 2017, the utility was asked to provide the billing records for Deer Creek's customers from July 1, 2016 through June 30, 2017. In its response, the utility provided June 2017 through August 2017. Please provide the billing records for Deer Creek's customers from July 1, 2016 through May 30, 2017.*

Applicant's Response: The additional billing records are available only through NES, the applicant's submeter billing company, and the information has been requested. The Applicant has not been satisfied with responses to many previous requests for information

of NES, and thus, are seeking to replace them. Unfortunately, their contract required notice of termination effective December 12<sup>th</sup>, be received by them by September 14<sup>th</sup>. Because of such notice, we do not expect that the Applicant's satisfaction with service will increase between now and the due date of our response. With apologies, we will provide such information when and if we receive it.

3. *Please provide a list of all service complaints received over the last five years.*

Applicant's Response: Applicant first notes that it has only operated the system since December 5, 2013, therefore, not all records of complaints for a five-year period may be in Applicant's possession. Applicant also notes that, while they may not be directly responsive to your inquiry, there are two (2) lawsuits filed against Applicant by two communities served utility services. The first is identified as Polk County Circuit Court Case No.: 53 2017 CA 000614, and the complaint mentions in allegation 23 ". . . and establishing a utility company". The second lawsuit is identified by the style of the case: *Deer Creek Golf and Tennis RV Resort, Phase Two v. Deer Creek RV Golf & Country Club, Inc*, and does not mention utilities, however, in an abundance of caution to fully responded, it is hereby disclosed. As for records directly related to utility complaints in Applicant's possession, Applicant is currently checking in its records storage facility for earlier records, and will submit Attachment 3 under a separate response when such information (or verification of the lack thereof) is received.

4. *Please provide copies of your most recent Primary and Secondary Water Quality test results.*

Applicant's Response: As an initial matter, we would note that Deer Creek is a consecutive system, and most primary and secondary analyses would be required of Polk County, not Deer Creek. A phone conference with HRS in Polk County verified that the attached (from *Oculus.com*) are the most recent required analyses. We also attached the 2016 and 2017 water quality analysis requirements from HRS. This was filed earlier on 9-25-17.

5. *Please provide a copy of all bills from Polk County for water and wastewater service for July 2016 through May 2016.*

Applicant's Response: This was filed earlier on 9-25-17.

6. *Please describe why 907 billing units were used to calculate the proposed base facility charges. In your description, please refer to the number of customer accounts shown on the last page of your original application.*

Applicant's Response: When Deer Creek's submeter billing contractor, NES, began billing, they had 907 billing units. They have used it consistently and not updated it. We do not know why.

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7. *Please provide the calculations used to convert the Polk County rates to your proposed rates.*

Applicant's Response: This was filed earlier on 9-25-17.

As always, we remain available for any additional questions you might have as to our response.

Sincerely,

**GERALD T. BUHR, P.A.**

By:   
Gerald T. Buhr, Counsel for the Applicant

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

DEER CREEK RV GOLF & COUNTRY CLUB

DAVENPORT, FL

POLK COUNTY

EXHIBIT E

LEGAL DESCRIPTION

## DEER CREEK SERVICE AREA LEGAL DESCRIPTION

Commence at the Southeast corner of the Southwest 1/4 of Section 17, Township 26 South, Range 27 East, Polk County, Florida and run thence N 0°13'28" E, along the East boundary of said Southwest 1/4, a distance of 525.01 feet to the Point of Beginning; continue N 0°13'28" E, 2120.74 feet to the Northeast corner of said Southwest 1/4; run thence S 89°54'39" W, along the North boundary of the Northeast 1/4 of the Southwest 1/4 a distance of 1325.49 feet to the Southeast corner of the Southwest 1/4 of the Northwest 1/4 of said Section 17, run thence N 0°04'18" E, along the East boundary of said Southwest 1/4 of the Northwest 1/4, a distance of 725.00 feet; run thence N 76°22'33" W, 943.27 feet; run thence N 89°55'42" W, 45.00 feet to a point on a curve having a radius of 610.00 feet, a central angle of 91°04'15" and whose chord bears S 45°36'26" W, run thence Southwesterly along said curve an arc distance of 969.59 feet; run thence S 53°41'40" W, 566.40 feet; run thence S 36°18'20" E, 20.00 feet; run thence S 62°06'42" W, 58.12; run thence S 07°25'05" W, 119.44 to a point on a curve to the left having a radius of 248.82 feet, a central angle of 35°18'22" and whose chord bears S 10°14'07" W, run thence Southwesterly along said curve an arc distance of 153.32 feet; run thence S 27°53'18" E, 1000.00 feet to a point on a curve to the left having a radius of 267.19 feet, a central angle of 33°27'28" and whose chord bears S 44°37'02" E, run thence Southeasterly along said curve an arc distance of 156.03 feet to a point on a reverse curve to the left having a radius of 405.94 feet, a central angle of 27°27'35" and whose chord bears S 47°36'58" E, run thence Southeasterly along said curve an arc distance of 194.55 feet; run thence S 33°53'10" E, 20.00 feet to a point on a curve to the left having a radius of 30.00 feet, a central angle of 90°00'00" and whose chord bears S 78°53'10" E, run thence Southeasterly along said curve an arc distance of 47.12 feet; run thence N 56°06'50" E, 173.05 feet to a point on a curve to the left having a radius of 1801.37 feet, a central angle of 08°50'08" and whose chord bears N 51°26'15" E, run thence Northeasterly along said curve an arc distance of 277.78 feet; run thence N 47°01'11" E, 113.93 feet to a point on a curve to the left having a radius of 1435.17 feet, a central angle of 03°25'15" and whose chord bears N 48°43'49" E, run thence Northeasterly along said curve an arc distance of 85.69 feet; run thence N 50°26'26" E, 40.00 feet; run thence S 39°33'34" E, 80.00 feet; run thence N 50°26'26" E, 62.98 feet to a point on a curve to the right having a radius of 919.27 feet, a central angle of 13°17'28" and whose chord bears N 57°05'10" E, run thence Northeasterly along said curve an arc distance of 213.24 feet; run thence S 26°07'38" E, 40.00 feet to a point on a non-tangent curve to the left having a radius of 431.38 feet, a central angle of 01°59'28" and whose chord bears S 62°43'17" W, run thence Southwesterly along said curve an arc distance of 14.99 feet; run thence S 26°07'43" East, 177.16 feet to a point on a curve to the right having a radius of 546.84 feet, a central angle of 23°48'35" and whose chord bears S 11°48'45" E, run thence Southerly along said curve an arc distance of 227.24 feet; run thence S 00°09'14" E, 447.65 feet to a point on a curve to the left having a radius of 869.08 feet, a central angle of 11°32'54" and whose chord bears S 05°55'41" E, run thence Southerly along said curve an arc distance of 175.17 feet; run thence S 11°42'08" E, 333.23 feet; run thence S 89°50'46" W, 554.14 feet; run thence N 12°26'07" W, 867.28 feet to a point on a non-tangent curve to the right having a radius of 1451.41 feet, a central angle of 00°40'47" and whose chord bears S 48°08'46" W, run thence Southwesterly along said curve an arc distance of 17.22 feet; run thence N 12°26'07" W, 95.66 feet to a point on a non-tangent curve to the right having a radius of 1881.37 feet, a central angle of 02°36'38" and whose chord bears S 54°33'00" W, run thence Southwesterly along said curve an arc distance of 85.72 feet; run thence S 56°06'50" W, 172.92 feet; run thence S 33°53'10" E, 10.00 feet; run thence S 56°06'50" W, 105.65 feet to a point on a curve to the right having a radius of 905.01 feet, a central angle of 06°41'37" and whose chord bears S 59°27'38" W, run thence Southwesterly along said curve an arc distance of 105.73 feet; run thence S 62°48'27" W, 239.88 feet the Easterly right-of-way line of U.S. Highway 27 and a point on a non-tangent curve to the right having a radius of 4437.18 feet, a central angle of 02°32'23" and whose chord bears S 25°16'37" E, run thence Southeasterly along said curve an arc distance of 196.70 feet; run thence along said right-of-way line the following courses and distances; thence S 65°59'34" W, 15.00 feet to a point on a curve having a radius of 4422.18 feet, a central angle of 06°39'57" and whose chord bears S 20°40'27" E, run thence Southeasterly an arc distance of 514.48 feet; thence leaving said Easterly right-of-way line U.S. Highway 27, run N 89°50'47" E, 239.76 feet: run thence S 00°05'09" E, 208.71 feet to a point lying 25.00 feet North of the South boundary of said Section 17; run thence N 89°50'47" E, parallel to said South boundary 2013.87 feet; run thence N 00°09'14" W, 40.00 feet, run thence N 89°50'47" E, 50.00 feet; run thence N 00°09'14" W, 460.00 feet; run N 89°50'47" E, 400.95 feet to the Point of Beginning.