

STATE OF FLORIDA

ORIGINAL

Commissioners:
JULIA L. JOHNSON, CHAIRMAN
SUSAN F. CLARK
J. TERRY DEASON
JOE GARCIA
DIANE K. KIESLING



DIVISION OF WATER & WASTEWATER
CHARLES H. HILL
DIRECTOR
(904) 413-6900

Public Service Commission

October 16, 1997

Mr. Martin S. Friedman
Rose, Sundstrom & Bentley, LLP
2548 Blairstone Pines Drive
Tallahassee, FL 32301

Re: Docket No. 971157-WS; Application for a Amendment of Certificate No. 447-W and 378-S by Decca Utilities in Marion County.

Dear Mr. Friedman:

After reviewing the application in the above referenced docket, the staff has identified the following deficiencies. Please correct and/or provide additional information as requested.

1. As required by Rule 25-30.036(3) (i), Florida Administrative Code, the utility must provide one copy of the official county tax 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. Although a maps were provided, the scale on the large map was not identified. What scale should be used for the large territory map?

2. As required by Rule 25-30.036(3) (e), Florida Administrative Code, provide a description of the territory proposed to be served, using township, range and section references as specified in Rule 25-30.030(2). Although descriptions were provided, one description is not in compliance with the rule because it refers to complex 200, as recorded in Plat Book "X"... This description is identified by being shadowed in the combined description attached. It appears that this description can easily be corrected by using a metes and bounds description. Please resubmit that description. Also, we have retyped the full description and have ~~struck out~~ references to plat books for possible inclusion in a recommendation and order. Please review this description and check the description for corrections and advise (see Attachment A) whether it is correct. We have also included "Instructions for Preparation of Territory Description and Map" for your convenience.

3. As required by Rule 25-30.036(3) (o), Florida Administrative Code, provide the original and two copies of sample tariff sheets reflecting the additional area. Since the description is not correct, the tariff will need to be revised. Please resubmit.

ACK _____
AFA _____
APP _____
CAF _____
CMU _____
CTR _____
EAG _____
LED _____
LIM _____
OPR _____
RFR _____
SCL _____
WTR _____
OTR _____

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4. As required by Rule 25-30.036(3) (j), Florida Administrative Code, provide a statement describing the capacity of the existing lines, the capacity of the treatment facilities, and the design capacity of the proposed extension. Please provide information on the existing water and wastewater lines. Also, reviewing the service area expansion map it appears that the water and wastewater lines in the North 1/2 of Section 25 are separated from the rest of the service area. Does the utility intend to have a separate water and wastewater system for this area, or simply the water and wastewater lines were not drawn on the map to connected to the existing system?

5. As required by Rule 25-30.036(3) (m), Florida Administrative Code, provide a description of the types of customers anticipated such as single family. Although the application states that these customers will be commercial, office buildings and single family customers, the application does not indicate the number of these customers. Please identify the number of commercial, office buildings and single family customers the utility plans to serve from this extension.

Questions Relating to Marion Utilities, Inc.

Also, as we discussed, three descriptions of this amendment application are currently in Marion Utilities, Inc. (Marion) service area. Mr. Tim Thompson, President of Marion is planning to file an application for deletion of these areas. Please coordinate with Mr. Thompson, so there is no confusion on the exact descriptions of the areas to be deleted. Also, as I explained the recommendations for amendment (Decca's) and deletion (Marion) will be taken to the same Agenda Conference.

Reviewing the map submitted in Section 30, it appears that Marion's service area will be split in half. This would seem to make Marion's water system less reliable. Do the utility's (Decca and Marion) intend to interconnect the water system together for emergency water service? If not, why not.

Questions Relating to the Marion County/Decca Bulk Service Agreement

1. Provide an explanation on how you developed the bulk service rates, and provide a copy of the work papers used in obtaining this rate.

2. Section 3(4) of the Marion County/Decca Wholesale Agreement states that "in no event shall the County have to pay all or any portion of such a regulatory assessment fee." Section 367.145(1), Florida Statutes, states in part that "the Commission shall set by rule a regulatory assessment fee that each utility must pay once a year...the amount of the regulatory assessment fee shall not exceed 4.5 percent of the gross revenues of the utility derived from intrastate business, excluding sales for resale made to a regulated company." Because Marion County is regulated by the Commission, Decca will be required to pay regulatory assessment fees on the gross revenues generated from the bulk sales to Marion County. There is no provision for a waiver of this statute. If you have any question regarding the fee, please contact Mr. Hans Ottinot, in our Legal Division at (850) 413-6230, or Ms. Martha Golden in the Water and Wastewater Division at (850) 413-7015.

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Further, Section 367.091(3), Florida Statutes, states "a utility may only impose and collect those rates and charges approved by the Commission for the particular class of service involved. A change in any rate schedule may not be made without Commission approval."

A. Please explain why the utility believes it is appropriate that the County not be required to pay monthly service rates which include an allowance for regulatory assessment fees.

B. According to Composite Exhibit F of the application, the utility has proposed implementing the rates which include an allowance for regulatory assessment fees. Since the Commission may not waive payment of the regulatory assessment fees, and the utility will be required to charge the rates approved by the Commission, how does Decca propose to release the County from paying the regulatory assessment fees?

3. Proposed Water Tariff First Revised Sheet No. 19.0 included in Composite Exhibit F of the application appears to contain a typographical error. According to Sixth Revised Sheet No. 17.0 contained in the utility's current tariff, Decca's approved base facility charge for a 6" meter is \$372.03. Proposed First Revised Sheet No. 19.0 shows a rate of \$872.03. Please either provide a corrected tariff sheet or explain why you believe the 6" meter rate should be \$872.03.

4. How immediate is the need for water and wastewater service for County?

5. Which parcels will be served by Marion County, and how does this amendment relate to the bulk service agreement? If these parcels are not served by Marion County, where does the County intend to provide service?

6. Does the County plan to develop their own wells and build a wastewater treatment plant, and does the County anticipate serving the water and wastewater customers themselves in the future?

Questions Relating to the Reuse Rate

1. According to Item No. 9 on Page 3 of the utility's application, the utility is disposing of its effluent through a combination of Public Reuse Spray Irrigation and restricted access land application.

A. Please provide a copy of any written agreements that Decca has entered into for the provision of effluent reuse service.

B. Does Decca plan to request approval of a reuse rate?

1. If yes, when does the utility anticipate filing this request?

2. If no, please explain why the utility does not believe a reuse rate is appropriate?

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C. In past proceedings, the Commission has recognized effluent reuse as a class of service even if the utility does not assess a charge. Therefore, please submit a tariff sheet for effluent reuse with a zero rate. We have attached a copy of a tariff sheet from another utility's tariff for your reference. The example covers two pages, but you can use the same one page format that you used for the bulk rate tariff sheets you filed in the application.

Please file an original and twelve copies of the requested information no later than November 17, 1997 with the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399.

If you have any questions please call.

Sincerely,



Richard Redemann, P.E.

C:\WP6\971157A.RPR

cc: Mr. Tim Thompson (Marion Utilities, Inc.)
Division of Water and Wastewater (Hill, Golden)
Division of Legal Services (Ottinot)
Division of Records and Reporting (Bayo)
Division of Records and Reporting (Security File)

ATTACHMENT A

DECCA UTILITIES

MARION COUNTY

WATER AND WASTEWATER SERVICE AREA

A parcel of land lying in Section 30, Township 16 South, Range 21 East, Marion County, Florida, being more particularly described as follows:

COMMENCE at the S.W. Corner of Section 30, Township 16 South, Range 21 East, Marion County, Florida; Thence North $00^{\circ}40'51''$ East along the West Boundary of said Section 30 and the West Boundary of "Palm Cay Unit II", ~~as recorded in Plat Book "1", Pages 9-11, Public Records of Marion County, Florida;~~ a distance of 1096.97 Feet to a Point on the South Boundary of "Palm Cay", ~~as recorded in Plat Book "Y", Pages 49-52, Public Records of Marion County, Florida;~~ Thence North $89^{\circ}53'31''$ East along a Common Boundary of aforesaid "Palm Cay" and "Palm Cay Unit II", 75.01 Feet, Thence North $00^{\circ}40'51''$ East along said Common Boundary 125.00 Feet. Thence North $89^{\circ}53'51''$ East along said common Boundary 125.01 Feet; Thence North $00^{\circ}40'51''$ East along said Common Boundary 74.14 Feet; Thence North $89^{\circ}55'51''$ East along said Common Boundary 13.23 Feet; Thence North $00^{\circ}39'58''$ East along said Common Boundary 120.01 Feet; Thence North $89^{\circ}55'51''$ East along the North Boundary of Aforesaid "Palm Cay Unit II", 1330.72 Feet to the Point of Beginning; Thence continue North $89^{\circ}55'51''$ East along said North Boundary 59.78 Feet; Thence South $00^{\circ}40'51''$ West along an East Boundary of "Palm Cay Unit II", 618.94 Feet; Thence North $89^{\circ}55'31''$ East along a North Boundary of Palm Cay Unit II", 1196.53 Feet thence South $00^{\circ}40'51''$ West along the East Boundary of "Palm Cay Unit II", 851.28 Feet to the South Line of the Said Section 30; thence North $89^{\circ}39'32''$ West, along said South Line, 1296.56 Feet, ~~to a Point on the Boundary of The Lands described in Official Records Book 1050, Page 1565;~~ Thence North $00^{\circ}42'05''$ East along the Boundary of said described lands 3,981.53 Feet to the Southerly Right of Way Line of S.W. 103rd Street Road (Hialeah Boulevard, 100 Ft. Wide), said Point Being on a Curve Concave To the Northeast, having a radius of 868.45 Feet and a Central Angle of $4^{\circ}16'53''$; Thence Northwesterly along Said Right of Way Curve an Arc Distance of 64.89 Feet, with a Chord Bearing and Distance of North $78^{\circ}44'55''$ West, 64.88 Feet, to the N.E. Corner of "Kings Court" ~~as recorded in Plat Book "Z", Pages 84-85 as per public records of Marion County, Florida;~~ Thence South $00^{\circ}21'52''$ West along the East Boundary of said "Kings Court" 822.22 Feet to the S.E. Corner of Said "Kings Court" and a Point on the North Line of Lands ~~described in Official Records Book 1131, Page 948, Public Records of Marion County, Florida;~~ Thence South $89^{\circ}55'51''$ W along the South Boundary of said "Kings Court" and said North Line of said described Lands, 2026.42 Feet ~~to the S.E. Corner of Lands described in Official Records Book 1268, Page 1583, Public Records of Marion County, Florida;~~ Thence North $00^{\circ}35'24''$ East along the East Boundary of Said Described Lands 1113.45 Feet to the Southerly Right-of-Way Line of Aforementioned S.W. 103rd Street Road; Thence North $89^{\circ}47'34''$ West along said Southerly Right of Way Line 469.00 Feet; Thence South $00^{\circ}35'24''$ West ~~along the West Boundary of Aforementioned Lands described in Official Records Book 1268, Page 1583,~~ a Distance of 1115.71 Feet to the S.W. corner of Said Described Lands and the Point of Beginning.

That portion of the North 1/2 of the South 1/2 of Section 35, Township 16 South, Range 20 East, Marion County, Florida, lying South and East of the Southerly Right-of-way Line of State Road 200 and lying South of the South Right-of-way Line of County Road 484.

A parcel of land located in Section 35, Township 16 South, Range 20 East, Marion County, Florida, and being more particularly described as follows:

Commence at the Northeast Corner of Said Section 35; Thence South $89^{\circ}16'55''$ West, along the North Line of Section 35, a Distance of 1542.52 Feet to a Point in the Southeasterly Right-Of-Way Line of State Road No. 200; Thence South $41^{\circ}39'25''$ West, along said Right-of-Way Line a Distance of 2938.20 Feet to the Principal Point of Beginning; Thence Continue South $41^{\circ}39'25''$ West, along said Right-of-Way Line a Distance of 1500.00 Feet to a Point in the Northerly Right-of-Way Line of County Road No. 484; Thence North $89^{\circ}42'23''$ East along said Northerly Right-Of-Way Line of County Road No. 484, a Distance of 938.60 Feet; Thence 621.66 Feet along the Arc of a Curve Right, Said Curve having a Central Angle of $12^{\circ}13'10''$, a Radius of 2914.93, a Chord Distance of 620.48 Feet and a Chord Bearing of South $84^{\circ}11'02''$ East; Thence South $78^{\circ}04'27''$ East, A distance of 2109.22 Feet; Thence 476.93 Feet along the arc of a curve left, said curve having a Central Angle of $09^{\circ}42'27''$, a Radius of 2814.93 Feet, a Chord Distance of 476.36 Feet and a Chord Bearing of South $82^{\circ}55'38''$ East; Thence North $00^{\circ}16'18''$ East, a Distance of 2127.39 Feet; Thence North $51^{\circ}36'26''$ West, a Distance of 949.63 Feet; Thence South $41^{\circ}36'57''$ East, a Distance of 1017.53 Feet; Thence North $48^{\circ}20'35''$ West, a Distance of 670.99 Feet; Thence South $41^{\circ}39'25''$ West a Distance of 1331.71 Feet; Thence North $48^{\circ}20'35''$ West a Distance of 400.00 Feet to the Point of Beginning, Encompassing within said Bounds 145.04 Acres more or less and being subject to any and all easements of Record.

That portion of the Southeast 1/4 of Section 26, Township 16 South, Range 20 East, Marion County, Florida lying South and East of the Southerly Right-of-Way Line of State Road 200 and lying South and West of the Southerly Line of Complex 200, as recorded in Plat Book "X", Page 53 of the Public Records of Marion County, Florida.

A parcel of land, lying in the North 1/2 of Section 35, Township 16 South, Range 20 East, Marion County, Florida, being more particularly described as follows:

Beginning at the Northwest corner of said Section 35; Thence South $01^{\circ}08'02''$ East along the West line thereof, 1972.55 Feet to the Southwest corner of the North 1/2 of the Southwest 1/4 of the Northwest 1/4; Thence North $88^{\circ}04'06''$ East 1843.55 Feet, to the Northerly Right-of-Way Line of State Road 200; Thence North $40^{\circ}12'51''$ East along said Northerly Right-of-Way Line, 1782.80 Feet; Thence South $87^{\circ}48'52''$ West, 2326.54 Feet; Thence North $02^{\circ}05'45''$ West, 664.07 Feet, to the North Line of Said Section 35; Thence South $87^{\circ}47'53''$ West along said North Line, 683.97 Feet to the Point of Beginning.

A portion of Sections 24 & 25, Township 16 South, Range 20 East, Marion County, Florida, more particularly described as follows: COMMENCE at the S.E. Corner of Section 24, Township 16 South, Range 20 East; Thence South $88^{\circ}47'30''$ West, along the South Boundary of Said Section, 2076.37 Feet to the Point of Beginning, Said Point being on the Southeasterly Right-of-Way Line of State Road 200 (a 100.00 Foot Right-of-way); Thence South $41^{\circ}34'12''$ West, along said Right-

of-Way, 1332.02 Feet; Thence South $48^{\circ}25'48''$ East, a distance of 250.00 Feet; Thence North $41^{\circ}34'12''$ East, a distance of 200.00 Feet; Thence South $48^{\circ}25'48''$ East, a distance of 249.08 Feet to a Point on Curve, concave to the Northwest, having a Radius of 1583.98 Feet, a Central Angle of $04^{\circ}30'32''$, and a chord of 124.62 Feet bearing North $37^{\circ}21'16''$ East, said Point being on the Northwesterly Right-of-Way line of S.W. 84th Avenue Road (a 60.00 Foot Right-of-Way); Thence Northeasterly along said curve and Right-of-Way; 124.65 Feet to a Point of Tangency; Thence North $35^{\circ}06'00''$ East, a distance of 238.14 Feet to the Point of Curvature of a Tangent Curve, concave to the Southeast, having a radius of 1505.00 Feet and a central angle $12^{\circ}17'08''$; thence Northeasterly along said curve, a distance of 322.71 Feet to a Point of Tangency; Thence North $47^{\circ}23'08''$ East, a distance of 283.64 Feet to the Point of Curvature of a Tangent Curve, concave to the Northwest, having a radius of 1946.86 Feet and a central angle of $05^{\circ}48'56''$; thence Northeasterly along said curve, a distance of 197.61 Feet to a Point of Tangency; Thence North $41^{\circ}34'12''$ East, a Distance of 137.56 Feet; Thence departing from the Northwesterly Right of Way of S.W. 84th Avenue Road. North $48^{\circ}25'48''$ West, a distance of 250.00 Feet; Thence North $41^{\circ}34'12''$ East, a distance of 300.00 Feet; Thence North $48^{\circ}25'48''$ West, a distance of 250.00 Feet to the Northwesterly Right-of-Way of State Road 200, Thence South $41^{\circ}34'12''$ West, along said Right-of-Way, 467.98 Feet to the Point of Beginning.

Commence at the East 1/4 Corner of Section 25, Township 16 South, Range 20 East, Marion County, Florida; Thence North along the East Boundary of said Section 25 a Distance of 9.80 Feet to the Southerly Right-of-Way of S.W. 103rd Street Road (Hialeah Boulevard, 100' wide); Said Point being on a Curve Concave Northeasterly, having a radius of 1550.00 Feet and a Central Angle of $7^{\circ}00'41''$; Thence Northwesterly along said Right-of-Way curve a Chord Bearing and Distance of North $76^{\circ}20'18''$ West, 189.56 Feet to the Point of Tangency of said Right-of-Way curve; Thence North $72^{\circ}49'57''$ West along said Southerly Right-of-Way Line 1475.00 Feet to a Point of Curvature of a Curve Concave to the Northeast, having a radius of 1450.00 Feet and a Central Angle of $17^{\circ}18'38''$; Thence Northwesterly along said Right-of-Way curve, a Chord Bearing and Distance of North $81^{\circ}29'16''$ West, 436.42 Feet to the Point of Tangency of Said Curve; Thence South $89^{\circ}51'25''$ West, along said Southerly Right-of-Way Line 798.76 Feet to the Point of Curvature of a Curve Concave to the Northeast, having a radius of 800.00 Feet and a Central Angle of $41^{\circ}42'47''$; Thence Northwesterly along said Right-of-Way Curve through a Central Angle of $23^{\circ}37'32''$, a Chord Bearing and Distance of North $78^{\circ}19'49''$ West, 327.54 Feet to the Point of Beginning; Thence continue along said Right of Way Curve through a Central Angle of $18^{\circ}05'15''$ a Chord Bearing and Distance of North $57^{\circ}28'26''$ West, 251.50 Feet to the Point of Tangency of Said Curve; Then North $48^{\circ}25'48''$ West along said Southerly Right-of-Way line 267.69 Feet to a Point on the Southerly Right-of-Way Line of State Road 200 (100 Feet wide); Thence South $41^{\circ}34'12''$ West along said Southeasterly Right of Way Line of State Road 200 a Distance of 1327.64 Feet to a Point on the South Boundary of the North 1/2 of said Section 25; Thence North $89^{\circ}12'16''$ West, along said South Boundary of the North 1/2 of aforesaid Section 25 a distance of 844.29 Feet; Thence North $00^{\circ}47'44''$ West, 318.41 Feet; Thence North $35^{\circ}27'53''$ East 275.00 Feet; Thence South $71^{\circ}18'49''$ East 220.00 Feet; Thence North $23^{\circ}28'58''$ East 214.59 Feet to the Point of Beginning.

Containing 12.50 Acres, more or less.

**RATE SCHEDULE: BUENAVENTURA LAKES - EF
EFFLUENT SERVICE**

AVAILABILITY:

Available throughout the area served by the following systems:

<u>System</u>	<u>County</u>	<u>Previous Sheet No.</u>	<u>Previous Effective Date</u>	<u>Previous Order No.</u>
BUENAVENTURA	OSCEOLA	Orig #7.4, 7.5	04/18/97	97-0427-WS

APPLICABILITY:

To Nico Investments, Inc. by special agreement.

LIMITATIONS:

Subject to all of the Company's Rules and Regulations of this tariff, all applicable service agreement conditions, and all applicable riders.

All the rates, conditions and regulations referred to herein are subject to approval, amendment and change by any regulatory body having jurisdiction thereof.

TERMS OF PAYMENT:

Bills are due and payable when rendered and become delinquent if not paid within twenty (20) days. After five (5) working days' written notice is mailed to the Customer separate and apart from any other bill, service may then be discontinued.

TYPE OF FILING:

Filing Description:	1997 Price Index Increase and Rate Case Expense Decrease
Rate Description:	Authorized Indexed Rates and Rate Case Expense Decrease
Filing Date:	August 15, 1997
Authority No.:	Refer to stamp on reverse side
Docket No.:	N/A
Order No.:	N/A
Order Date:	N/A

NOTE:

Effective Date:

By: 

Forrest L. Lidsen, Vice President
Business Development

RATE SCHEDULE: BUENAVENTURA LAKES - EF
EFFLUENT SERVICE

BILLING PERIOD:

Monthly billing cycle.

RATE:

Base Facility Charge:

Meter Size

Charge Per Billing Period

All

\$0.00

Gallonge Charge:

All Gallonge

\$0.00 per 1,000 gallons

Minimum Charge:

Not Applicable

Utility Tax Rider:

Not Applicable

OTHER CHARGES:

Allowance For Funds Prudently Invested (AFPI) Charges
Customer Deposits
Miscellaneous Service Charges
Service Availability Charges

See Section VI
See Section VII
See Section VII
See Section VI

Effective Date:

By: *Forrest L. Ludsen*
Forrest L. Ludsen, Vice President
Business Development