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STATE OF FLORIDA



MARY ANNE HELTON
INTERIM GENERAL COUNSEL
(850) 413-6096

Public Service Commission

June 27, 2025

Ms. Alexandra Leijon
Administrative Code and Register Director
Office of General Counsel
Florida Department of State
Room 701, The Capitol
Tallahassee, FL 32399-0250

VIA EMAIL
AdministrativeCode@dos.fl.gov

Re: Technical Changes to Rule 25-30.029 Legal Description of Service Area, Rule 25-30.030 Notice of Application and of Customer Meeting, Rule 25-30.033 Application for Original Certificate of Authorization and Initial Rates and Charges, Rule 25-30.034 Application for Original Certificate of Authorization for Existing Utility Currently Charging for Service, Rule 25-30.036 Application for Amendment to Certificate of Authorization to Extend or Delete Service Area, Rule 25-30.037 Application for Authority to Transfer, Rule 25-30.038 Application for Transfer to a Governmental Authority, Rule 25-30.510 Applicability, Rule 25-30.515 Definitions, Rule 25-30.525 Application for Extension of Service, Rule 25-30.530 Response to Applications for Extension of Service Within a Utility's Certificated Territory, Cost Estimates, Rule 25-30.540 Agreements for Service, Performance Under Agreements, Rule 25-30.545 Construction, Rule 25-30.550 Filing of Agreements; Approval of Contracts, Rule 25-30.555 Guaranteed Revenue Agreements, Rule 25-30.560 Disputes, Rule 25-30.565 Application for Approval of New or Revised Service Availability Policy or Charges, and Rule 25-30.570 Imputation of Contributions-in-Aid-of-Construction.

Dear Ms. Leijon:

Please make the following technical changes to Rule 25-30.029, 25-30.030, 25-30.033, 25-30.034, 25-30.036, F.A.C., which is reflected in the attached version of the rules:

Rule 25-30.029, F.A.C., *Rulemaking Authority* 350.127(2), ~~367.045~~, 367.121(1) FS.
This technical change is to correct the statutory citation.

Rule 25-30.030, F.A.C., *Rulemaking Authority* 350.127(2), ~~367.045~~, 367.121(1) FS.
This technical change is to correct the statutory citation.

Rule 25-30.033, F.A.C., *Rulemaking Authority* 350.127(2), ~~367.045(1)~~, 367.121, 367.1213 FS.

This technical change is to correct the statutory citation.

Rule 25-30.034, F.A.C., *Rulemaking Authority* 350.127(2), ~~367.045(1)~~, 367.121(1), 367.1213 FS.

This technical change is to correct the statutory citation.

Rule 25-30.036, F.A.C., *Rulemaking Authority* 350.127(2), ~~367.045(1)~~, 367.121, 367.1213 FS.

This technical change is to correct the statutory citation.

Rule 25-30.037, F.A.C., *Rulemaking Authority* 350.127(2), 367.121, 367.1213, ~~350.127(2)~~ FS.

This technical change is to correct the order of the statutory citations.

Rule 25-30.038, F.A.C., *Rulemaking Authority* 350.127(2), ~~367.045~~, 367.121, ~~350.127(2)~~ FS.

This technical change is to correct the statutory citations and their order.

Rule 25-30.510, F.A.C., *Rulemaking Authority* 367.101, 367.121(1), ~~367.101~~ FS.

This technical change is to correct the order of the statutory citations.

Rule 25-30.515, F.A.C., *Rulemaking Authority* 367.101, 367.121(1), ~~367.101~~ FS.

This technical change is to correct the order of the statutory citations.

Rule 25-30.525, F.A.C., *Rulemaking Authority* 367.101, 367.121(1), ~~367.101~~ FS.

This technical change is to correct the order of the statutory citations.

Rule 25-30.530, F.A.C., *Rulemaking Authority* 367.101, 367.121(1), ~~367.101~~ FS.

This technical change is to correct the order of the statutory citations.

Rule 25-30.540, F.A.C., *Rulemaking Authority* 367.101, 367.121(1), ~~367.101~~ FS.

This technical change is to correct the order of the statutory citations.

Rule 25-30.545, F.A.C., *Rulemaking Authority* 367.101, 367.121(1), ~~367.101~~ FS.

This technical change is to correct the order of the statutory citations.

Rule 25-30.550, F.A.C., *Rulemaking Authority* 367.101, 367.121(1), ~~367.101~~ FS.

This technical change is to correct the order of the statutory citations.

Rule 25-30.555, F.A.C., *Rulemaking Authority* 367.101, 367.121(1), ~~367.101~~ FS.

This technical change is to correct the order of the statutory citations.

Rule 25-30.560, F.A.C., *Rulemaking Authority* 367.101, 367.121(1), ~~367.101~~ FS.

This technical change is to correct the order of the statutory citations.

Ms. Anya Owens

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Rule 25-30.565, F.A.C., Rulemaking Authority 350.127(2), 367.101, 367.121(1);
~~367.101~~, FS.

This technical change is to correct the order of the statutory citations.

Rule 25-30.570, F.A.C., *Rulemaking Authority* 367.101, 367.121(1), ~~367.101~~ FS.

This technical change is to correct the order of the statutory citations.

The need for these technical changes was discovered during our review of our regulatory plan.

Please let me know if you have any questions. You may reach me at (850) 413-6630 or at Susan.Sapoznikoff@psc.state.fl.us.

Sincerely,

/s/ Susan Sapoznikoff

Susan Sapoznikoff
Senior Attorney

Enclosures

cc: Office of Commission Clerk
Jaime Jackson, JAPC (via email)

CHAPTER 25-30
WATER AND WASTEWATER UTILITY RULES

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 subsection 25-30.036(2) or (3), F.A.C.;

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

(f) A transfer of a regulated utility to another regulated utility as provided in subsection 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 subsection 25-30.037(3), F.A.C.;

(h) A transfer of majority organizational control of a regulated utility as provided in subsection 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 subsection 25-30.037(5), F.A.C.; or

(j) A partial transfer of a regulated utility to a governmental authority as provided in subparagraph 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 1-4-16.

25-30.030 Notice of Application and of Customer Meeting.

(1) A utility 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:

(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 subsection 25-30.036(2) or (3), F.A.C.;
- (d) A deletion of service area as provided in subsection 25-30.036(4), F.A.C.;
- (e) A transfer of a regulated utility to another regulated utility as provided in subsection 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 subsection 25-30.037(3), F.A.C.;
- (g) A transfer of majority organizational control of a regulated utility as provided in subsection 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 subsection 25-30.037(5), F.A.C.

(2) After filing an application as described in subsection (1), above, and before 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, 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 Commission and that are located within the county in which the utility or the territory proposed to be served is located. If any portion of the proposed territory is within one mile of a county boundary, the list shall include the names and addresses of the privately-owned utilities located in the bordering county and holding a certificate granted by the Commission.

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

- (a) Notice of Application for Original Certificate of Authorization and Initial Rates and Charges for Water, Wastewater, or Water and Wastewater Service;
- (b) Notice of Application for Original Certificate of Authorization for Existing Utility Currently Charging for Water, Wastewater, or Water and Wastewater Service;
- (c) Notice of Application for Amendment to Certificate of Authorization To Extend Service Area;
- (d) Notice of Application for Amendment to Certificate of Authorization To Delete Service Area;
- (e) Notice of Application for Authority to Transfer Water, Wastewater, or Water and Wastewater Certificate(s) of Authorization to Another Regulated Utility;
- (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) Notice of Application for Authority to Transfer 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 shall be provided to the Office of Commission Clerk, for Commission staff approval prior to distribution and shall state the following:

- (a) The date the notice is given;
- (b) The name, address, telephone number, and, if available, email 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) A description of the service area proposed to be served, extended, 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;
- (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) A statement that any objections to the application must be filed with the 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.

(5) The utility shall provide notice of the service area proposed to be served, extended, deleted, or transferred as follows:

(a) By regular mail to the governmental entities and utilities identified on the list described in subsection (2) above;

(b) 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,

(c) By publication 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.

(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).

(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) This rule does not apply to applications for certificates following rescission of jurisdiction by counties filed under Section 367.171, F.S.; transfers to governmental authorities filed under Section 367.071, F.S.; or abandonments filed under Section 367.165, F.S.

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, 1-4-16.

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

(1) Each applicant for an original certificate of authorization and initial rates and charges shall file with the Commission Clerk the 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 <http://www.flrules.org/Gateway/reference.asp?No=Ref-06237>, 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 paragraph 25-30.020(2)(a), F.A.C.;

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

(c) The utility’s name, address, telephone number, Federal Employer Identification Number, authorized representative, and, if available, email address and fax number;

(d) The nature of the utility’s business organization, i.e., corporation, limited liability company, partnership, limited partnership, sole proprietorship, or association. 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) The name(s), address(es), and percentage of ownership of each entity or person that owns or will own more than 5 percent interest in the utility;

(f) The election the business has made under the Internal Revenue Code for taxation purposes;

(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) To demonstrate the necessary financial ability of the applicant 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; 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,

4. Any known land use restrictions, such as environmental restrictions imposed by governmental authorities;

(l) 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;

(m) 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. Documentation of continued use 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 required in the order granting the certificate;

(n) 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;

(o) A description of the type of water treatment, wastewater treatment, and method of effluent disposal;

(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. 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 (1)(p)6., below, and the CIAC guidelines 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. 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 <http://www.flrules.org/Gateway/reference.asp?No=Ref-06247> and Form PSC 1011 (12/15), entitled "Wastewater Tariff," which is incorporated by reference in this rule and is available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-06248>, 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.

(2) The base facility and usage rate structure (as defined in subsection 25-30.437(5), F.A.C.) shall be utilized

for metered service, unless an alternative rate structure is supported by the applicant and authorized by the Commission.

(3) 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), F.S., unless there is competent substantial evidence supporting the use of a different return on common equity.

(4) Utilities obtaining original 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) The applicable AFUDC rate shall be determined as the utility's projected weighted cost of capital as demonstrated in its application for original certificate and initial rates and charges.

(b) A discounted monthly AFUDC rate calculated in accordance with subsection 25-30.116(3), F.A.C., shall be used to insure that the annual AFUDC charged does not exceed authorized levels.

(c) The date the utility shall begin to charge the AFUDC rate shall be the date the certificate of authorization is issued to the utility so that such rate can apply to the initial construction of the utility facilities.

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, 1-4-16.

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, other than an application filed under Section 367.171, F.S., shall file with the Commission Clerk the 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 <http://www.flrules.org/Gateway/reference.asp?No=Ref-06238>, 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.

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

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

(c) The utility's name, address, telephone number, Federal Employer Identification Number, authorized representative, and if available, email address and fax number;

(d) The nature of the utility's business organization, i.e., corporation, limited liability company, partnership, limited partnership, sole proprietorship, association. 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) The name(s), address(es), and percentage of ownership of each entity or person which owns or will own more than a 5 percent 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) To demonstrate that the applicant has the necessary financial ability 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) Documentation of the utility's right to access and continued term use of 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 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;

(n) Documentation specifying on what date and under what authority the current rates and charges were established; and,

(o) 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" 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.

(2) If the applicant is requesting any territory not served at the time of application, provide the following:

(a) To demonstrate 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;

(b) 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 in paragraph (2)(a) above; and,

(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, 1-4-16.

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 <http://www.flrules.org/Gateway/reference.asp?No=Ref-06241>, 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) 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).

(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) The utility’s certificated name, address, telephone number, Federal Employer Identification Number, authorized representative, and, if available, email address and fax number;

(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,

4. Any known land use restrictions, such as environmental restrictions imposed by governmental authorities;

(e) 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. Documentation of continued use 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 that the applicant files a recorded copy within the time required in the order granting the amendment to the certificate of authorization;

(f) 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.;

(g) 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 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;

(h) 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 paragraph (2)(f), above;

(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) A copy of all current permits issued 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) A detailed statement regarding the proposed method of financing the construction and the projected impact on the utility's capital structure;

(n) A 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;

(p) The number of the most recent order of the Commission establishing or changing the applicant's rates and charges; and,

(q) 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:

(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) The utility's name, address, telephone number, authorized representative, and, if available, email 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) 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.;

(f) A detailed system map with the territory proposed to be deleted and retained plotted thereon, consistent with the legal description provided in paragraph (e), above. 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 description of the territory;

(g) 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 paragraph (e), above;

(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 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;

(i) All tariff pages that reflect 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;

(j) The number of the most recent order of the Commission establishing or changing the applicant's rates and charges; and,

(k) An affidavit that the utility has tariffs and annual reports on file with the Commission.

Rulemaking Authority 350.127(2), ~~367.045~~, 367.121, 367.1213 FS. Law Implemented 367.045, 367.1213 FS. History—New 1-27-91, Amended 11-30-93, 1-4-16.

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, regardless of whether service is currently being provided. 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 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 <http://www.flrules.org/Gateway/reference.asp?No=Ref-06242>, 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 <http://www.flrules.org/Gateway/reference.asp?No=Ref-06243>, 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 <http://www.flrules.org/Gateway/reference.asp?No=Ref-06244>, 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 <http://www.flrules.org/Gateway/reference.asp?No=Ref-06245>, 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.

(2) Transfer of a regulated utility to another regulated utility. Each applicant for transfer of certificate of authorization, facilities or any portion thereof from a regulated utility to another regulated utility shall file with the Commission Clerk the information set forth in paragraphs (a) through (v), below.

- (a) A filing fee pursuant to paragraph 25-30.020(2)(c), F.A.C.;
- (b) Proof of noticing pursuant to Rule 25-30.030, F.A.C.;
- (c) The certificated name, address, telephone number, certificate number(s), authorized representative, and, if available, email address and fax number of the utility/seller;
- (d) The complete name, address, telephone number, Federal Employer Identification Number, authorized representative and, if available, email address and fax number of the buyer(s) 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, email address and fax number of the person in possession of the books and records when the application is filed;
- (f) 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) The name(s), address(es) and percentage of ownership of each entity or person that owns or will own more than a 5 percent interest in the utility;
- (h) The date and state of incorporation or organization of the buyer;
- (i) 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;

(j) The buyer must provide the following documentation of the terms of the transfer:

1. The date the closing occurred or will occur;
2. The purchase price and terms of payment;
3. A list of and the dollar amount of the assets purchased and liabilities assumed or not assumed, including those of nonregulated operations or entities;
4. A description of all consideration between the parties, including promised salaries, retainer fees, stock, stock options, and assumption of obligations;
5. Provisions for the disposition, where applicable, of customer deposits and interest thereon, guaranteed revenue contracts, developer agreements, customer advances, debt of the utility, and 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;

(k) A statement explaining why the transfer is in the public interest;

(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. 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;

(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) 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;

(p) 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;

(q) 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;

(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) Documentation of the utility's right to access and continued use of 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 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;

(t) 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;

(u) Tariff sheets reflecting any changes resulting from the transfer. 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; and,

(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 paragraphs 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 paragraphs 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 nonjurisdictional 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) A transfer 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.

- (a) A filing fee pursuant to paragraph 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.

(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 paragraph 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.

Rulemaking Authority 350.127(2), 367.121, 367.1213, ~~350.127(2)~~ FS. Law Implemented 367.071, 367.1213 FS. History—New 1-27-91, Amended 11-30-93, 1-4-16.

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 <http://www.flrules.org/Gateway/reference.asp?No=Ref-06246>, 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.

- (a) The certificated name, address, telephone number, certificate number(s), authorized representative, and, if available, email address and fax number of the utility;
- (b) The name, address, and telephone number, and authorized representative, and, if available, email 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.

Rulemaking Authority 350.127(2), 367.045, 367.121, 350.127(2) FS. Law Implemented 367.045, 367.071 FS. History—New 1-4-16.

25-30.510 Applicability.

The provisions of this part, Rules 25-30.510 through 30.585, F.A.C., shall apply to a utility when it files for a change in its service availability policy or charges or when the Commission initiates a show cause proceeding to require the utility to change such policy or charges. The provisions are not applicable to policies implemented and contracts entered into prior to the effective date of this part.

Rulemaking Authority 367.101, 367.121(1), ~~367.101~~ FS. Law Implemented 367.101 FS. History—New 6-14-83, Formerly 25-30.51, 25-30.051.

25-30.515 Definitions.

When used in this part or in service availability policies or in service availability contracts or agreements, the following terms have the following meanings:

(1) Active Connection means a connection to the utility's system at the point of delivery of service, whether or not service is currently being provided.

(2) Customer Connection Charge means any payment made to the utility for the cost of installing a connection from the utility's water or wastewater lines, including but not limited to the cost of piping and the meter installation fee.

(3) Contribution-in-aid-of-construction (CIAC) means any amount or item of money, services, or property received by a utility, from any person or governmental agency, any portion of which is provided at no cost to the utility, which represents an addition or transfer to the capital of the utility, and which is utilized to offset the acquisition, improvement, or construction costs of the utility's property, facilities, or equipment used to provide utility services to the public. The term includes, but is not limited to, system capacity charges, main extension charges and customer connection charges.

(4) Contributor means a person, builder, developer or other entity who makes a contribution-in-aid-of-construction.

(5) Customer Installation means all the facilities on the customer's side of the point of delivery.

(6) Developer's Agreement means a written agreement setting forth in detail the terms and conditions under which a utility will render service to a developer's property.

(7) Economic Feasibility means a test by which the operating income of a utility to be earned from prospective customers within the area to be served by a proposed extension of facilities is divided by the

investment in such facilities to determine if the utility will earn a fair return on its investment in the proposed extension.

(8) Equivalent Residential Connection (ERC) means

(a) 350 gallons per day;

(b) The number of gallons a utility demonstrates is the average daily flow for a single residential unit; or

(c) The number of gallons which has been approved by the Department of Environmental Protection for a single residential unit.

(9) Guaranteed Revenue Charge means a charge designed to cover the utility's costs including, but not limited to the cost of operation, maintenance, depreciation, and any taxes, and to provide a reasonable return to the utility for facilities, a portion of which may not be used and useful to the utility or its existing customers. Guaranteed Revenues are designed to help the utility recover a portion of its cost from the time capacity is reserved until a customer begins to pay monthly service rates.

(10) Hydraulic Share means the pro rata share of the capabilities of the utility's facilities to be made available for service to the contributor. The pro rata share is multiplied by the unit cost (per gallon) of providing the facilities to determine the proportional share of the cost thereof to be borne by the contributor.

(11) Inspection Fee means either the actual or the average cost to the utility of inspecting, or having inspected, the facilities constructed by a contributor or by an independent contractor for connection to the facilities of the utility.

(12) Main Extension Charge means a charge made by the utility for the purpose of covering all or part of the utility's capital costs in extending its off-site water or wastewater facilities to provide service to specified property. The charge is determined on the "hydraulic share" basis or other acceptable method reasonably related to the cost of providing the service.

(13) Meter Installation Fee means the amount authorized by the Commission which is designed to recover the cost of installing the water measuring device at the point of delivery including materials and labor required.

(14) Off-Site Facilities means either the water transmission mains and facilities or the sewage collection trunk mains and facilities, including, but not limited to, manholes, sewage force mains and sewage pumping stations, the purpose of which is either to provide water service to properties within the service territory of the service utility or to collect sewage received from properties within the territory.

(15) On-Site Facilities means the portion of the water distribution system or the sewage collection and treatment system that has been, or is to be, located wholly within the property to which service is to be extended. If off-site facilities cross the property of the customer via an easement, the on-site facilities shall mean the water distribution system or the sewage collection system that is located on the customer's property, exclusive of the off-site facilities.

(16) Refundable Advance means money paid or property transferred to a utility by the applicant for the installation of facilities which may not be used and useful for a period of time. The advance is made so that the proposed extension may be rendered economically feasible. The advance is returned to the applicant over a specified period of time in accordance with a written agreement as additional users connect to the system.

(17) Service Availability Policy means the Section of the utility's tariff which sets forth a uniform method of determining the system capacity charge or other charges to be paid and conditions to be met, by applicants for service in order to obtain water or wastewater service.

(18) Special Service Availability Contract means an agreement for charges for the extension of service which is not provided for in the utility's service availability policy.

(19) System Capacity Charge means the charge made by a utility for each new connection to the system which charge is designed to defray a portion of the cost of the utility system.

(20) Treatment Facilities means the facilities used for the production and treatment of water or for the treatment and disposal of wastewater.

(21) Plant Capacity Charge means a charge made by the utility for the purpose of covering all or part of the utility's capital costs in construction or expansion of treatment facilities.

Rulemaking Authority 367.101, 367.121(1), ~~367.101~~ FS. Law Implemented 367.101 FS. History—New 6-14-83, Amended 11-30-93.

25-30.525 Application for Extension of Service.

This rule applies to an application for the extension of service to a part of the utility's certificated territory where the utility is not presently providing service.

(1) An application for extension of water or wastewater service shall be made in writing to the utility on forms provided by the utility. The application shall include if applicable:

- (a) A legal description of the property including reference to Section, township and range.
- (b) A drawing of the property showing its boundaries.
- (c) The present zoning classification of the property.
- (d) A plat map.
- (e) A development plan.
- (f) The intended land use of the development, including densities and types of use.
- (g) The name and address of the person or entity making the application for extension of service.
- (h) The nature of the applicant's title to or interest in the described property.
- (i) The date, or estimate of the date, service will be needed.

(2) If a utility receives an oral request for service, it shall advise the person making the request that applications for utility service must be made in writing.

Rulemaking Authority 367.101, 367.121(1), ~~367.101~~ FS. Law Implemented 367.101, 367.111 FS. History—New 6-14-83.

25-30.530 Response to Applications for Extension of Service Within a Utility's Certificated Territory, Cost Estimates.

(1) A utility shall respond to a request for extension of service within its certificated territory when the request is made on an application form supplied by the utility and submitted by a person or entity having a title interest in the property for which service is requested or by the duly authorized agent of such person or entity.

(2) Within 30 days after receipt of the application the utility shall notify the applicant in writing that service can or cannot be made available within a reasonable time.

(a) If service can be made available within a reasonable time the written response shall state that the utility will be obligated to service the applicant only after a contract or a developer's agreement is properly executed by both parties.

(b) If service cannot be made available within a reasonable time, the utility shall notify the applicant and the Commission of the reasons why service cannot be made available and an estimate of when it can be made available.

(3)(a) If the utility notifies an applicant that service is available, the following shall apply:

1. If the request is for service to a single residence or single commercial facility, the utility shall furnish a cost estimate of the proposed extension and a preliminary sketch of the extension.

2. If the request is for service to a development, and the provision of service will be by the extension of existing facilities through utility investment, the utility shall be responsible for all engineering, planning, design and development.

3. If the request is for service to a development and the developer will be providing the necessary facilities for the extension, or will be paying for the construction of such facilities, the developer shall be responsible for the planning, design, and developing of construction drawings to extend the existing facilities to serve the

proposed development, in accordance with Florida law. In such cases, the utility shall furnish general construction specifications, an estimate of the costs to be borne by the applicant, and a quotation of advances to be made upon execution of a developer's agreement or other service agreement. The estimate shall include the cost of meters which are covered by tariff provisions for meter installation fees.

(b) The sketches, and estimates of costs to be borne by the applicant, which are to be prepared by the utility shall be prepared, as applicable, and delivered to the applicant within 60 days after the date of application. However, if the size and scope of the service requested requires more time to prepare an estimate and sketch, the utility shall prepare and deliver the estimate and sketch within 90 days.

(c) In estimating the connection costs to be borne by the applicant, the following shall apply:

1. If the utility decides to install facilities for its future benefit that are larger than normally required in the requested extension, the incremental cost for the larger facilities shall not be included in the cost estimate, but shall be covered by utility investment or by refundable advance agreement.

2. If more than one customer is to be served by a facility, the costs to be charged to a particular customer shall be determined according to the hydraulic demand of that customer or in accordance with some other acceptable method reasonably related to the cost of providing service.

Rulemaking Authority 367.101, 367.121(1), ~~367.101~~ FS. Law Implemented 367.101, 367.111 FS. History—New 6-14-83, Formerly 25-30.53, 25-30.053.

25-30.540 Agreements for Service, Performance Under Agreements.

(1) Upon acceptance of the utility's proposal and estimates provided under subsection 25-30.530(3), F.A.C., the appropriate service agreement or developer's agreement shall be executed by both parties.

(2) An advance deposit may be required by the utility at the time of execution to cover the additional utility costs of preparing engineering plans and cost estimates of construction required to serve the property, and other engineering, administrative or legal expenses prudently incurred by the utility in the execution or performance of the agreement. The advance deposit shall not exceed 10 percent of the total charges to be paid by the applicant under the agreement or the additional engineering, administrative and legal expenses prudently incurred by the utility, whichever is greater.

(3)(a) The utility may charge and collect a reasonable amount, up to the total charges due under the agreement, to extend services. Upon the collection of the charges, the utility shall reserve the necessary treatment capacity for the applicant for a period of time specified in the agreement.

(b) Unless the utility can sell the reserved capacity, the charges collected shall not be refunded should the applicant not proceed further with the development. The agreement shall set forth the period of time within which a sale of the reserved capacity will require a refund to the applicant, which time period shall not be less than four years.

(4) If an applicant believes the charges required by a utility pursuant to subsections (2) and (3) are unreasonable, the applicant may file a complaint with the Commission in accordance with Chapter 25-22, F.A.C.

(5) After a developer's agreement is filed with the Commission and any party to the agreement fails to perform under the contract, the utility shall notify the Commission of the failure to perform.

(6) Upon receipt of the executed service agreement or developer's agreement and any advance deposit or other payment, the utility and applicant will proceed with final engineering plans and specifications that each is responsible for and shall submit such plans and specifications to the appropriate regulatory agencies for approval. The utility will be allowed a reasonable period of time from the date of the execution of the agreement to complete the final engineering plans and construct the off-site facilities to serve the applicant.

(7) An applicant may use its engineer to prepare plans and specifications for its on-site development. However, such plans and specifications and the on-site water or wastewater facilities will be subject to the utility's inspection and approval. An appropriate inspection and plan review fee may be charged by the utility.

Rulemaking Authority 367.101, 367.121(1), ~~367.101~~ FS. Law Implemented 367.101 FS. History—New 6-14-83, Formerly 25-30.54, Amended 11-10-86, Formerly 25-30.054.

25-30.545 Construction.

(1) The size, type and quality of materials and their location in facilities to be constructed for the extension of service to customers shall be specified by the utility.

(2) Construction of the facilities may be done by the utility or, at its option, a construction agency acceptable to it. The utility may prescribe reasonable inspection requirements to ensure that the materials and workmanship meet prescribed standards when the construction of the facilities is done by a construction agency.

(3) In determining the length of a water or sewer main extension necessary to render service at a particular point, the distance from such point to the existing main shall be along a line drawn in accordance with proper construction and engineering standards.

Rulemaking Authority 367.101, 367.121(1), ~~367.101~~ FS. Law Implemented 367.101 FS. History—New 6-14-83.

25-30.550 Filing of Agreements; Approval of Contracts.

(1) A copy of each developer's agreement shall be filed with the Commission within 30 days of execution. Upon filing, the agreement shall be deemed to be approved under the utility's existing service availability policy, unless the Commission gives notice of intent to disapprove within 30 days. Approval of a developer's agreement does not preclude the Commission from affecting the provisions of a developer's agreement if, pursuant to Commission action, the terms and conditions of a utility's service availability policy are changed.

(2) Each special service availability contract shall be approved by the Commission prior to becoming effective.

(3) Each special service availability contract and developer's agreement shall be accompanied by a statement from the utility affirming the current treatment plant connected load, the current treatment plant capacity, and the amount of capacity reserved under the agreement or contract. In lieu of this information, the utility may file a copy of its Department of Environmental Protection permit application.

Rulemaking Authority 367.101, 367.121(1), ~~367.101~~ FS. Law Implemented 367.101 FS. History—New 6-14-83, Formerly 25-30.55, 25-30.055.

25-30.555 Guaranteed Revenue Agreements.

The rate of return required of an applicant by a utility pursuant to a guaranteed revenue agreement shall not exceed the return authorized the utility by the Commission in its most recent rate case, or in the absence of such determination, a rate of return calculated by using the appropriate rate of return on equity authorized by the Commission pursuant to Section 367.081(4)(f), F.S., on the utility's investment in the plant and system expansion that provides service to the applicant.

Rulemaking Authority 367.101, 367.121(1), ~~367.101~~ FS. Law Implemented 367.081, 367.101 FS. History—New 6-14-83.

25-30.560 Disputes.

(1) Disputes concerning the application of these rules or concerning developer agreements may be referred to the Commission for disposition by the filing of a complaint in accordance with rule Chapter 25-22, F.A.C.

(2) Upon the filing of a complaint, or during the pendency of a complaint, a party to the agreement may, after written demand to the utility for performance, make payments and perform acts as specified in the utility's service availability policy or as required in the developer's agreement, and the utility shall proceed with its performance pursuant to the service availability policy or developer's agreement pending resolution of the dispute by the Commission. However, the utility may request that the Commission relieve the utility of

performance if the utility can show that performance is not in the best interests of its customers.

Rulemaking Authority 367.101, 367.121(1), ~~367.101~~ FS. Law Implemented 367.101 FS. History—New 6-14-83, Formerly 25-30.56, 25-30.056.

25-30.565 Application for Approval of New or Revised Service Availability Policy or Charges.

(1) An original and one copy of an application for a service availability policy or charges must be filed with the Office of Commission Clerk. The copy must be clearly labeled “COPY.” If the application is e-filed with the Commission Clerk, the utility must file one paper copy, clearly labeled “COPY,” with the Commission Clerk within seven calendar days after e-filing.

(2) Upon filing an application for a new or revised service availability charge or policy, the utility must provide notice pursuant to Rule 25-30.4345, F.A.C.

(3) A filing fee as required in Rule 25-30.020, F.A.C., must be submitted at the time of application.

(4) Each application must include the following, if applicable:

(a) A statement describing how the notice provisions have been complied with, including a copy of the actual notice(s).

(b) The name of the applicant, the applicant’s principal place of business and each local office from which company operations are conducted. The applicant’s name must be as it appears on the certificate issued by the Commission if one has been issued.

(c) The number of the Commission order, if any, which previously considered the charges or service availability policy for the system involved.

(d) A statement explaining the basis for the requested changes in charges and conditions.

(e) A schedule showing the original cost of any existing treatment plants, the water transmission and distribution system, and the sewage collection system, by Uniform System of Accounting account numbers as required by Rule 25-30.115, F.A.C., and the related capacity of each system as of 90 days prior to application.

(f) A detailed statement of accumulated depreciation for the plant listed in paragraph (e), above, as of 90 days prior to application.

(g) A schedule showing the number of active customers on line 90 days prior to the time of application by meter size, by customer class, and the related equivalent residential connections (ERC) as defined in subsection 25-30.515(8), F.A.C. Describe the method by which an ERC is defined.

(h) A detailed statement defining the capacity of the treatment facilities in terms of ERCs as used in developing the proposed service availability charges.

(i) A detailed statement defining the capacity of the distribution or collection system in terms of ERCs as used in developing the proposed service availability charges.

(j) A list of outstanding developer agreements.

(k) For each developer agreement state whether the agreement is designed to result in contributed property, other than the approved system capacity charge, within the next 24 months; an estimate of the value of the contributed property to be added to the utility’s books; and a description of the property.

(l) A schedule showing total collections of contributions-in-aid-of-construction (CIAC) as of 90 days prior to the date of application. Detail any prepaid CIAC by amount, the related reserved ERCs, and the anticipated connection date. Reference any appropriate developer agreements.

(m) A detailed statement of accumulated amortization of CIAC as listed in paragraph (l), above, as of 90 days prior to application.

(n) Copies of approvals or permits for construction and operation of treatment facilities.

(o) A detailed statement by a registered professional engineer showing the cost, by Uniform System of Accounting account numbers, and capacity of proposed plant expansion, and a timetable showing projected construction time.

(p) A detailed statement by a registered professional engineer showing how the proposed construction will affect the capacity of the existing systems.

(q) If the expansion or plant upgrading is being undertaken to comply with the mandates of local, state or federal regulatory authorities, copies of the order(s) or correspondence directing the expansion or upgrading.

(r) A schedule showing the projected growth rate for utilization of the existing plant and line capacity and future plant and line capacity.

(s) A summary schedule of how the proposed service availability charge was calculated.

(t) A schedule showing, by meter size, the cost of meters, connecting fittings, meter boxes or enclosures and also showing sufficient data on labor and any other applicable costs to allow the determination of an average cost for meter installation by type.

(u) A statement of the existing and proposed on-site and off-site main installation charges or policy.

(v) The company's present capital structure, including the cost of debt in the present capitalization. The availability and cost of other sources of financing the proposed expansion or upgrading of the system also shall be given.

(w) The proposed tariff sheets.

(5) Each utility must demonstrate the appropriateness of the requested service availability charges and conditions.

Rulemaking Authority 350.127(2), 367.101, 367.121(1), ~~367.101~~ FS. Law Implemented 367.101 FS. History—New 6-14-83, Amended 11-10-86, 11-30-93, 5-29-08, 12-8-21.

25-30.570 Imputation of Contributions-in-Aid-of-Construction.

If the amount of CIAC has not been recorded on the utility's books and the utility does not submit competent substantial evidence as to the amount of CIAC, the amount of CIAC shall be imputed to be the amount of plant costs charged to the cost of land sales for tax purposes if available, or the proportion of the cost of the facilities and plant attributable to the water transmission and distribution system and the sewage collection system.

Rulemaking Authority 367.101, 367.121(1), ~~367.101~~ FS. Law Implemented 367.101 FS. History—New 6-14-83, Formerly 25-30.57, 25-30.057, Amended 1-31-00.

Susan Sapoznikoff

From: Administrative Code <AdministrativeCode@dos.fl.gov>
Sent: Wednesday, July 2, 2025 1:00 PM
To: Susan Sapoznikoff; Administrative Code
Subject: RE: Technical Changes to 25-30 rules

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Good afternoon,

This request has been completed.

Best,

Alexandra Leijon
Administrative Code and Register Director
Office of General Counsel
Department of State
Room 701I The Capitol | Tallahassee, FL
P: (850)245-6208
Alexandra.Leijon@dos.fl.gov

From: Susan Sapoznikoff <SSapozni@psc.state.fl.us>
Sent: Friday, June 27, 2025 8:48 AM
To: Administrative Code <AdministrativeCode@dos.fl.gov>
Cc: 'Jackson, Jamie' <JACKSON.JAMIE@leg.state.fl.us>
Subject: Technical Changes to 25-30 rules

EMAIL RECEIVED FROM EXTERNAL SOURCE

The attachments/links in this message have been scanned by Proofpoint.

Good morning:

I have attached the Commission's technical changes to rules in 25-30, F.A.C.

I have attached the texts of the rules in Word format due to the number of rules involved.

Please contact me with any questions or concerns.

With best regards,

Suzie

Susan Sapoznikoff
Senior Attorney
Appeals, Rules & Ethics Section
Office of the General Counsel
Florida Public Service Commission
(850)-413-6630
Susan.Sapoznikoff@psc.state.fl.us



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