

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Application for Original
Certificate of Authorization for Water
and Wastewater Service in Volusia County,
Florida by Avalon Park Utilities LLC.

DOCKET NO.: _____

MOTION TO BIFURCATE
AND FOR TEMPORARY RULE WAIVER

Avalon Park Utilities LLC ("Applicant" or "Avalon"), by and through its undersigned attorneys and pursuant to Section 120.542 and Rule 28-104.002, Florida Administrative Code, moves this Commission to bifurcate the certificate and rate making proceedings which includes a temporary waiver of certain Rule requirements, and in support thereof states:

1. Since Applicant does not expect to begin to serve customers until August 31, 2028, it requests that the certification and rate setting process be bifurcated so that the Certificates can be issued within 90 days as required by Section 367.031, Florida Statutes. This bifurcation procedure was approved by the Commission in several similar situations in *In re: Application for original certificate to operate water and wastewater utility in Sumter County by North Sumter Utility Company, L.L.C.*, Order No. PSC-2002-0179-FOF-WS (February 11, 2002), in *In re: Application for certificates to provide water and wastewater service in Sumter County by Central Sumter Utility Company, L.L.C.*, Order No. PSC-2005-0844-PAA-WS (August 18, 2005), and in *In re: Application for original water and wastewater certificates in Sumter County by South Sumter Utility Company, LLC*, Order No. PSC-2017-0059-PAA-WS (February 24, 2017). To effectuate the bifurcation request Avalon is requesting a temporary rule waiver.

2. In order to accomplish the bifurcation, Applicant requests a temporary waiver from the requirements of the following Administrative Code Rules:

Section 25-30.033(1)(j) 2 – Detailed System Map

Section 25-30.033(1)(m) - Land for treatment facilities

Section 25-30.033(1)(n) - Capacity of lines and treatment facilities

Section 25-30.033 (1)(o) - Type of water and wastewater treatment

Section 25-30.033(l)(p) Support for rates and charges

Section 25-30.033(1)(q) Tariffs

3. The Rules from which the temporary waiver is being sought are implementing Section 367 .045(1)(c), Florida Statutes. As this Statute relates to an original certificate application, it requires filing of financial information for the establishment of original rates and charges. Section 367.031, Florida Statutes, requires a utility to obtain certificates from the Commission prior to the Department of Environmental Protection issuing construction permits. Until such permits are issued, Applicant will have difficulty preparing the financial information required for the Commission to set initial rates. Therein lies the "catch 22". This inconsistency between the two aforementioned statutes necessitates that the Commission's Rules on setting initial rates be temporarily waived.

4. Avalon expects to have a clear picture of what land will be needed and what treatment facilities will be needed once decisions are made about the appropriate method for obtaining treated water and wastewater. The Applicant expects to have such information within the next four to six months.

5. Applicant anticipates filing the information required to set initial rates and charges as required by the foregoing Rules no later than January 2027, which will allow

for sufficient time for Commission action prior to the anticipated date for commencing service.

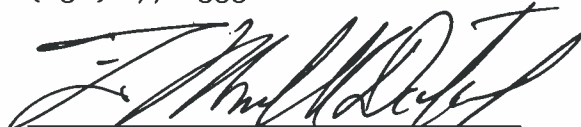
6. The purpose of Section 367.045(1)(c), Florida Statutes of providing the Commission with financial information to set initial rates prior to the utility beginning to provide service is being met such that the initial rates will be set before the utility begins providing service, and will contain more accurate information. In the instant case, the temporary waiver is being requested through January 2027, which will allow the Commission sufficient time to evaluate the financial information prior to the utility beginning to serve customers.

7. Pursuant to Rule 28-104.002(1), Florida Administrative Code, a copy of this Motion is being sent to the Joint Administrative Procedures Committee.

WHEREFORE, Avalon Park Utilities, LLC., requests that this Commission enter an Order bifurcating the ratemaking from the certificate proceeding and temporarily waiving the requirements of Rules 25-30.033(1)(j)2, (m), (n), (o), (p) and (q), Florida Administrative Code, through January 2027.

Respectfully submitted on this 15th day of
July, 2026, by:

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