

# Bocilla Utilities, Inc.

08 March 1995

FEDERAL EXPRESS

Director, Division of Records and Reporting  
Florida Public Service Commission  
101 East Gaines Street  
Tallahassee, FL 32399-0850

950269-<sup>WU</sup>~~50~~

✓

Re: Grandfather Certificate

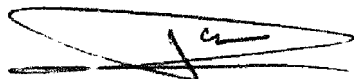
Gentlemen:

Please find enclosed the following with regards to your request for a Grandfather Certificate for Bocilla Utilities, Inc., in Charlotte County, Florida:

1. The original and twelve (12) copies of the completed application;
2. The filing fee;
3. The original and two (2) copies of the proposed order granting the rates, rules and regulations;
4. Territory map;
5. The systems map.

Please let us know if we can provide any additional information on this application.

Sincerely,



R. Craig Noden  
President

BUI\PSCGFR3

DOCUMENT NUMBER-DATE

02641 MAR-95

APPLICATION FOR A GRANDFATHER CERTIFICATE  
PURSUANT TO SECTION 367.171, FLORIDA STATUTES

To: Director, Division of Records and Reporting  
Florida Public Service Commission  
101 East Gaines Street  
Tallahassee, Florida 32399-0850

950269-50

The undersigned hereby makes application for grandfather certificate(s) to operate a (water) ~~WATER SUPPLY~~ utility in CHARLOTTE County, Florida, and submits the following information:

**PART I APPLICANT INFORMATION**

- A) The full name (as it will appear on the certificate), mailing address and telephone number of the applicant:

BOCILLA UTILITIES, INC. ( 813 ) 697-2267  
Name of utility Phone No.

South Gulf Blvd, Don Pedro Island  
Office street address

Englewood FL 34224  
City State Zip Code

7050 Placida Road, Englewood, FL 34224  
Mailing address if different from street address

- B) The name, address and telephone number of the person to contact concerning this application:

R. Craig Noden ( 813 ) 697-2000  
Name Phone No.

7050 Placida Road  
Office street address

Englewood FL 34224  
City State Zip Code

- C) Indicate the organizational character of the applicant: (circle one)

Corporation Partnership Sole Proprietorship

Other \_\_\_\_\_  
Specify)

- D) If the applicant is a corporation, list names, titles and addresses of corporate officers and directors. (Use additional sheet if necessary).

President: R. Craig Noden

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Treasurer: R. Craig Noden

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Secretary: Anne Merry

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- E) If the applicant is not a corporation, list names and addresses of all persons owning an interest in the organization. (Use additional sheet if necessary.)
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**PART II SYSTEM INFORMATION**

A) **WATER**

- 1) Provide a description of the types of customers served, i.e., single family homes, mobile homes, duplexes, commercial, etc.

Service provided to single family homes and duplexes (no mobile homes or commercial service)

- 2) Exhibit A - Provide 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 occupied.

- 3) Indicate permit numbers and dates of approval of facilities by the Department of Environmental Protection (DEP) or the agency designated by DEP to issue permits:

DEP Permit #I008-247611, U008-247615 and U008-247617, approved  
April 25, 1994

- 4) Indicate when the utility system was established.

1986

- 5) Exhibit B - Evidence that the utility owns the land where the utility treatment facilities are located, or, where the utility does not own the land, a copy of the agreement which provides for the long term continuous use of the land, such as a 99-year lease. The Commission may consider a written easement or other cost-effective alternative.

B) WASTEWATER

- 1) Provide a description of the types of customers served, i.e., single family homes, mobile homes, duplexes, commercial, etc.

- 2) Exhibit \_\_\_\_\_ - Provide 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 occupied.

- 3) Indicate permit numbers and dates of approval of facilities by the Department of Environmental Protection (DEP) or the agency designated by DEP to issue permits:

- 4) Indicate when the utility system was established.
- 

- 5) Exhibit \_\_\_\_\_ - Evidence that the utility owns the land where the utility treatment facilities are located, or, where the utility does not own the land, a copy of the agreement which provides for the long term continuous use of the land, such as a 99-year lease. The Commission may consider a written easement or other cost-effective alternative.

**PART III RATES AND TARIFFS**

- A) Exhibit C - A statement specifying on what date and under what authority the current rates and charges were established.
- B) Exhibit C - The original and two copies of water and/or wastewater tariff(s) containing all rates, classifications, charges, rules and regulations, which shall be consistent with Chapter 25-9, Florida Administrative Code. Model tariffs are enclosed with the application package.

**PART IV TERRITORY DESCRIPTION AND MAPS**

A) **TERRITORY DESCRIPTION**

Exhibit D - An accurate description, using township, range and section references as specified in Rule 25-30.030(2), F.A.C., of the territory the utility was serving or was authorized to serve on the day Chapter 367, Florida Statutes, became applicable. If the water and wastewater service territories are different, provide separate descriptions.

B) **TERRITORY MAPS**

Exhibit F - One copy of an official county tax assessment map or other map showing township, range and section with a scale such as 1"=200' or 1"=400', along with the proposed territory plotted thereon by use of metes and bounds or quarter sections, and with a defined reference point of beginning. If the water and wastewater service territories are different, provide separate maps.

C) SYSTEM MAPS

Exhibit   6   - One copy of detailed map(s) showing existing lines and facilities and the territory to be served. **Any requested territory not served at the time of application shall be specifically identified.** Said map(s) shall be of sufficient scale and detail to enable correlation with a description of the territory to be served. Provide separate maps for the water and wastewater systems.

PART V FILING FEE

Indicate the filing fee enclosed with the application:  
Capacity 185 - \$200.00 (one fee for water  
and one for wastewater).

Note: Pursuant to Rule 25-30.020, Florida Administrative Code, the amount of the filing fee as follows:

- 1) For applications in which the utility has the capacity to serve up to 100 ERC's, the filing fee shall be \$100.
- 2) For applications in which the utility has the capacity to serve from 101 to 200 ERC's the filing fee shall be \$200.
- 3) For applications in which the utility has the capacity to serve from 201 ERC's to 500 ERC's the filing fee shall be \$500.
- 4) For applications in which the utility has the capacity to serve from 501 to 2,000 ERC's the filing fee shall be \$1,000.
- 5) For applications in which the utility has the capacity to serve from 2,001 to 4,000 ERC's the filing fee shall be \$1,750.
- 6) For applications in which the utility has the capacity to serve more than 4,000 ERC's the filing fee shall be \$2,250.

**PART VI AFFIDAVIT**

I BOCILLA UTILITIES, INC. (applicant) do solemnly swear or affirm that the facts stated in the foregoing application and all exhibits attached thereto are true and correct and that said statements of fact thereto constitutes a complete statement of the matter to which it relates.

  
\_\_\_\_\_

(Applicant)  
BOCILLA UTILITIES, INC.

BY: R. Craig Noden, President  
Name and Title\*

Subscribed and sworn to before me this 8th day  
of March 1995.



Mary Anger  
Notary Public  
Mary Anger - CC 139846 - exp. 09/29/95

\*If applicant is a corporation, the affidavit must be made by the president or other officer authorized by the by-laws of the corporation to act for it. If applicant is a partnership or association, a member of the organization authorized to make such affidavit shall execute same.

# Bocilla Utilities, Inc.

## EXHIBIT "A"

Public Service Commission  
Application for a Grandfather Certificate  
Pursuant to Section 367.171, Florida Statutes  
Page 2, Part II System Information, Paragraph A) Water:  
Subparagraph 2) Exhibit A:

Currently served: 156 customers

Class: residential

Meter size: 5/8" x 3/4"

Projected service: 750 customers

Class: residential

Meter size: 5/8" x 3/4"

(Total number of customers projected to be served when requested service territory is fully occupied)



EXHIBIT "B"

This Instrument Prepared By:  
Michael R. McKinley of  
Batsel, McKinley & Ittersagen, P.A.  
1861 Florida Road - Suite 104  
Englewood, Florida 34223

Documentary Tax Pd. 1.55  
Intangible Tax Pd. \_\_\_\_\_  
Notary Public, Charlotte County  
*J. H. ...*

Prop. Appraiser ID # \_\_\_\_\_  
Descrip. of Prop. \_\_\_\_\_  
SSN of Grantee(s) \_\_\_\_\_

WARRANTY DEED

THIS WARRANTY DEED made and executed this 17 day of April, 1989, by COLONY DON PEDRO, IV, LTD., a Florida limited partnership, and having its principal place of business in the County of Charlotte, State of Florida, hereinafter called the Grantor, to SOCILLA UTILITIES, INC., a Florida corporation, whose address is 7050 Florida Road, Englewood, Florida 34224, hereinafter called the Grantee: (Wherever used herein, the terms "Grantor" and "Grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations and/or partnerships.)

WITNESSETH:

That the Grantor, for and in consideration of the sum of Ten and 00/100 Dollars (\$10.00) and other valuable considerations, receipt whereof is hereby acknowledged, by these presents does grant, bargain, sell, alien, remise, release, convey and confirm unto the Grantee, all that certain land situate in Charlotte County, Florida, vis:

Lots 23 and 24, Block B, PALM ISLAND ESTATES, Unit 4, according to the plat thereof, as recorded in Plat Book 4, Pages 13A through 13E, Public Records of Charlotte County, Florida.

Subject to easements, reservations and restrictions, if any, Governmental Regulations and taxes for the year 1989 and subsequent years.

TOGETHER with all the tenements, hereditaments and appurtenances therunto belonging or in anywise appertaining.

TO HAVE AND TO HOLD the same in fee simple forever.

AND the Grantor hereby covenants with the Grantee that it is lawfully seized of said land in fee simple; that it has a good right and lawful authority to sell and convey said land; that it hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances.

IN WITNESS WHEREOF the Grantor has caused these presents to be executed in its name, and its corporate seal to be hereunto affixed, by its property officer therunto duly authorized, the day and year first above written.

Signed, sealed and delivered in the presence of:

COLONY DON PEDRO, IV, LTD.,  
a Florida limited partnership

Doris C. Thompson  
First Witness  
Mary Anger  
Second Witness

[Signature] (SEAL)  
R. CRAIG MOORE  
General Partner

WITNESSETH - Notary Public  
JEAN JONES  
Notary Public

MAY 19 1989

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RECORDED  
666714  
FIRST FEDERAL SAVINGS BANK  
OF CHARLOTTE COUNTY

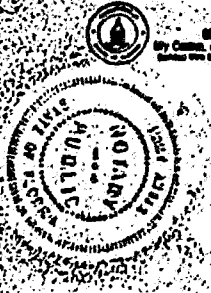
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OR BOOK  
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Doc 5777, 75-1.55  
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STATE OF FLORIDA  
COUNTY OF CHARLOTTE

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared R. CRAIG MOORE, well known to me to be the General Partner of the limited partnership named as Grantor in the foregoing Deed, and that he severally acknowledged executing the same in the presence of two subscribing witnesses freely and voluntarily.

WITNESS my hand and official seal in the County and State aforesaid this 17 day of April, 1989.



Mary Anne  
Notary Public  
My Commission Expires:

001039  
DR BOOK

001326  
PAGE

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EXHIBIT "C"

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
OF CHARLOTTE COUNTY, FLORIDA

IN RE: Application to Establish )  
Rates for Bocilla Utilities, Inc.)

DOCKET NO. 90-284-W

ISSUED: December 1, 1992

The following Commissioners participated in the disposition of this matter:

Richard J. Leonard, Chairman  
Donald H. Ross, Commissioner, District #4  
Max Farrell, Commissioner, District #1  
Sue Dudley, Commissioner, District #3  
Michael Youssef, Commissioner, District #5

ORDER GRANTING INCREASED RATES AND CHARGES

This matter came to be heard by the Board of County Commissioners of Charlotte County, Florida, (hereinafter, "Board") at a duly noticed public hearing, on December 1, 1992.

BACKGROUND

Bocilla Utilities, Inc., ("the Utility") filed the application for rates for this docket in October, 1990. This is the first time that rates have been established by the Board because the Utility previously did not serve the minimum number of customers to be subject to Board regulation under Chapter 3-8 of the Charlotte County Code.

Because of the small size of the Utility (116 residential units), the Utility has requested, and the Board consented to treat this case as a "staff-assisted rate case." That is, rather than

COPIED, TRUE COPY  
ORIGINAL  
E. A. T. SCOTT  
CLERK OF THE CIRCUIT COURT  
CHARLOTTE COUNTY, FLORIDA  
BY: *[Signature]*  
DEPUTY CLERK

incurring significant consultant expenses for preparation of a full-scale rate case, the Utility agreed that the proposed rates could be reviewed and developed by the County's rate consultant, subject to Board approval.

#### ANALYSIS AND ORDER

Mr. Howard Osterman and Mr. Tony Elia, both of DUS Consultants, were engaged by the Board to evaluate the rate application. The most significant finding reported by Messrs. Osterman and Elia is that the requested rates not only contain no determination of rate base or a return thereon, but also do not fully offset the operating expenses of the Utility.

Notwithstanding that fact, the requested rates are an increase over current rates. And the Utility has agreed to the rates that are formally adopted herein. The Board expressly noted a caveat that at some future time, after more customers have connected to the Utility, the Utility may seek a significant rate increase. Such a rate increase might be grounded upon the establishment of a rate base for the Utility and a reasonable return therefor, along with related depreciation expenses being included in the revenue requirement. The future impact of such circumstances may be offset, in part, by CIAC charges established herein. The Utility, through its counsel Michael McKinley, agreed that the public could be placed on notice of the possibility of a future rate increase by the recordation of this order.

During the public hearing, members of the public expressed concern regarding regulations mandating connection to the Utility. Mr. Osterman clarified that this rate order does not address the issue of mandatory connections.

The Board having considered the report of the County consultant and the other testimony adduced in the public hearing, it is hereby ordered:

1. The Board hereby approves all of the rates, fees and charges specified in the following exhibits, which exhibits are attached hereto and incorporated herein by reference:

- A. Exhibit "A," General Service, Rate Schedule GS.
- B. Exhibit "B," Connection Charge Allowance, including CIAC and Meter Installation Fee.
- C. Exhibit "C," Allowance for Funds Prudently Invested.

2. This order does not establish a rate base or rate of return therefor. These matters may be determined by the Board in a subsequent rate case.

3. The effective date of the foregoing rates is January 1, 1993.

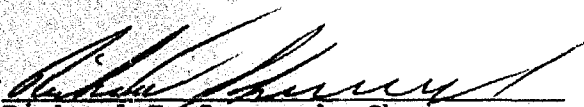
4. This rate order shall be recorded in the public records of Charlotte County, Florida, in order to apprise future lot purchasers within the certificated area of the Utility that the rates approved herein are less than full rates, and the Utility may apply for a substantial rate increase at some time in the future.

5. If the Utility collects any monies as tax gross-up amounts for CIAC, whether cash or improvements, the Utility shall

escrow such funds in a separate account. The Utility shall provide an annual accounting of the disposition of all such funds to the Charlotte County Utilities Department within 120 days after the last day of the Utility's fiscal year. Any such funds that were not paid to the federal government as taxes shall be reimbursed to the current owner of the property for which such funds have been paid.

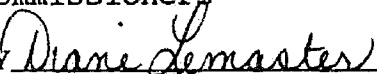
DONE AND ORDERED this 1st day of December, 1992.

BOARD OF COUNTY COMMISSIONERS  
OF CHARLOTTE COUNTY, FLORIDA

By   
Richard J. Leonard, Chairman

ATTEST:

Barbara T. Scott, Clerk of  
Circuit Court and Ex-officio  
Clerk to the Board of County  
Commissioners

By   
Deputy Clerk

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

For   
Matthew G. Minter, County Attorney

a:\lg1\bocilla  
December 28, 1992 mj

BOCILLA UTILITIES, INC.

GENERAL SERVICE

RATE SCHEDULE GS

- AVAILABILITY - Available throughout the area served by the Utility.
- APPLICABILITY - To any customer.
- LIMITATIONS - Subject to all Rules and Regulations of this tariff and General Rules and Regulations of this Commission.

BASE FACILITY

<u>Meter Size</u>	<u>E.R.C.</u>	<u>Charge per Month</u>	<u>Usage Charge</u>
5/8" x 3/4"	1	\$ 28.00	\$3.00 per 1,000 gallons*
1"	2.5	\$ 70.00	\$3.00 per 1,000 gallons*
1 1/2"	5.0	\$ 140.00	\$3.00 per 1,000 gallons*
2"	8.0	\$ 224.00	\$3.00 per 1,000 gallons*
3"	15.0	\$ 420.00	\$3.00 per 1,000 gallons*
4"	25.0	\$ 700.00	\$3.00 per 1,000 gallons*
6"	50.0	\$1,400.00	\$3.00 per 1,000 gallons*
8"	80.0	\$2,240.00	\$3.00 per 1,000 gallons*

MINIMUM CHARGE - Applicable Base Facility Charge Per Month.

TERMS OF PAYMENTS - Bills are due and payable when rendered and become delinquent if not paid within twenty (20) days. After five (5) days written notice, service may then be discontinued.

\*CONSERVATION RATE - Usage in excess of 6,000 gallons per month per E.R.C. shall be billed at \$5.00 per 1,000 gallons. Usage in excess of 12,000 - \$8.00.

BOCILLA UTILITIES, INC.  
CONNECTION CHARGE ALLOWANCE

Plant and Line CIAC, per ERC

An ERC is a single family home or other use using 350 GPD	\$3,000
Tax Gross up	<u>1,348</u>
Total CIAC, per ERC	<u>\$4,348</u>

Meter Installation Fee:

5/8" x 3/4"	\$165.00
All Larger Sizes	Actual Cost



BOCILLA UTILITIES, INC.

ALLOWANCE FOR FUNDS PRUDENTLY INVESTED

(AFPI)

	<u>1992</u>	<u>1993</u>	<u>1994</u>	<u>1995</u>
January		\$121.81	\$517.73	\$ 963.86
February		153.03	552.91	1,003.50
March		184.56	588.44	1,043.54
April		216.41	624.32	1,083.98
May		248.57	660.56	1,124.82
June		281.06	697.17	1,166.07
July		313.87	734.14	1,207.73
August		347.01	771.48	1,249.81
September		380.48	809.19	1,292.31
October	\$ 30.00	414.28	847.28	
November	60.30	448.42	885.75	
December	90.90	482.90	924.61	

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## 1.0 GENERAL INFORMATION

These Rules and Regulations are a part of the rate schedules and all past or future applications and/or contracts shall apply without modification to each and every customer. In the event that any portion of these Rules and Regulations is declared unconstitutional or void for any reason by any court of competent jurisdiction, such decision shall in no way affect the validity of the remaining portions of the Rules and Regulations.

## 2.0 WATER SERVICE

For the purpose of these Rules and Regulations a "Customer" shall be the owner of a service location receiving or supplied by water distribution service from the utility on May 1, 1987, or an applicant who thereafter makes application and is accepted for service in conformity with these Rules and Regulations. By acceptance and use of the water service provided by the utility, all customers agree to be bound by these rules and regulations or as amended from time to time.

To obtain service other than for the continuation of service to those existing customers served as of May 1, 1987, an application must be made at the office of the Utility. Applications are accepted by the Utility with the understanding that there is no obligation on the part of the Utility to render service other than that which is then available from its existing water distribution system. The customer is required to take water service wherever available. The applicant shall furnish to the Utility the correct name, street address, and legal description to which service is to be rendered.

## 3.0 SIGNED APPLICATION NECESSARY

With the exception of those existing customers served on May 1, 1987, service is furnished only upon receipt of a customer signed application accepted by the Utility. The conditions of such application are binding upon the Customer as well as upon the Utility.

## 4.0 APPLICATION BY AGENT

Firms, partnerships, associations, corporations, or other similar entities shall submit applications for service only through duly authorized agents. When service is rendered or capable of being rendered to the entity, such use or capability to be used shall constitute full and complete ratification by the entity of the terms and conditions of the application submitted by the agent.

## 5.0 WITHHOLDING SERVICE

The Utility may withhold or discontinue service rendered under application made by any member or agent of a household, organization, or business unless all prior indebtedness to the Company of such a household, organization, or business for service has been settled in full. Service may also be discontinued for any violation by the Customer of any rules or regulation herein set forth.

## 6.0 EXTENSIONS

Extensions will be made to the Utility's facilities in compliance with the Service Availability Policy of the Utility.

## 7.0 LIMITATION OF USE (WATER)

Water service purchased from the Utility shall be used by the Customer only for the purposes specified in the application for water service. Water service furnished to the Customer shall be for the Customer's own use. In no case shall a Customer, except with the written consent of the Utility extend his lines across a street, an alley, lane, court, property line, avenue or other way, in order to furnish water service for adjacent property, even though such adjacent property may be owned by him. In case of such unauthorized extension, sale, or disposition of service, customer's service will be subject to discontinuance until such unauthorized extension, sale, or disposition is discontinued and full payment is made of bills for service which shall be calculated on proper classification and rate schedules and reimbursements in full are made to the Utility for all extra expenses incurred for clerical work, testing and inspections.

## 8.0 CONTINUITY OF SERVICE

The Utility will at all times use reasonable diligence to provide continuous service and having used reasonable diligence shall not be liable for failure or interruption of continuous service. The Utility shall not be liable for any act or omission caused directly or indirectly by strikes, labor troubles, accident, litigation, breakdowns, shutdowns for emergency repairs, or adjustments, acts of sabotage, enemies of the United States, wars, federal, state, municipal or other governmental interference, acts of God or other causes beyond its control.

## 9.0 TYPE OF USE AND MAINTENANCE

The Customer's pipes, apparatus and equipment shall be selected, installed, used and maintained in accordance with the manufacturer's requirements, standard practice, the Rules and Regulations of the Utility and all laws and governmental regulations applicable to same. The Customer agrees to keep all pipes, valves, plumbings, fixtures, apparatus, equipment in repair and to promptly stop all leaks on his premises and acknowledge that the Utility shall not be responsible for their maintenance and operation. The Customer expressly agrees not to utilize any apparatus or device which is not properly constructed, maintained, controlled, and/or protected which may adversely affect the Utility and/or other Customers. The Utility reserves the right to discontinue or withhold service without notice to such apparatus or device.

## 10.0 CHANGE OF CUSTOMER'S INSTALLATION

No changes or increases in Customer's installation which will materially affect the proper operation of the pipes, mains, or other distribution or production facilities of the Utility shall be made without written consent of the Utility. The Customer will be liable for any damage resulting from a violation of this rule.

## 11.0 INSPECTION OF CUSTOMER'S INSTALLATION

All Customer's installations or changes to same shall be inspected during and upon completion of the construction or modification by competent authority to insure the Customer's piping, equipment, and devices have been installed in accordance with accepted standard practice, Utility requirements, local governmental regulations and state regulations, including Chapter 17-22, Paragraph Four (4) of the Florida Administrative Code as amended from time to time, where applicable. Where governmental inspection is required by local rules or ordinances, the Utility cannot render service until such inspection has been made and a formal notice of approval from the inspecting

authority has been received by the Utility. The Utility reserves the right to inspect Customer's installation prior to rendering service and from time to time thereafter, but assumes no responsibility whatsoever for any portion thereof.

#### 12.0 PROTECTION OF COMPANY'S PROPERTY

The Customer shall properly protect the Utility's agents or persons authorized by law, to have access to the Utility's pipes and apparatus. In the event of any loss or damage to the Utility caused by or arising out of neglect of the Customer, the cost of making good such loss or repairing such damage shall be paid by the Customer.

#### 13.0 ACCESS TO PREMISES

The duly authorized agents of the Utility shall have all access at all reasonable hours as determined by the Utility to the premises of the Customer for the purpose of installing, maintaining, and inspecting or removing Utility's property, and other purposes incident to performance under or termination of the Utility's agreement with the Customer, and in such performance or termination, shall not be liable for trespass.

#### 14.0 RIGHT-OF-WAY OR EASEMENTS

The Customer shall grant or cause to be granted to the Utility without cost to the Utility, all rights, easements, permits and privileges which in its opinion are necessary for the rendering of utility service.

#### 15.0 BILLING PERIODS

Bills for service will be rendered monthly for the service used during the previous billing cycle. Bills are due when rendered and shall be considered as rendered to the Customer when delivered or mailed to the address shown on the Utility's records or such other address as may be mutually agreed upon. Non-receipt or delayed receipt of bills by the Customer shall not release or diminish the obligations of the Customer with respect to payment thereof.

#### 16.0 DELINQUENT BILLS

Bills are due when rendered and if not paid in fifteen (15) days thereafter, become delinquent and service may then, after five (5) days written notice, be discontinued and the prepayment, deposit or guarantee of the Customer applied toward settlement of the bill(s). Whenever any amounts of a bill become delinquent, then all amounts become delinquent. After a bill becomes delinquent, the Customer is no longer entitled to pay the net amount shown on the face of the bill, but must pay the gross amount which is one hundred ten percent (110%) of the net amount.

The existence of any deposit or guarantee shall not be held to estop the Utility from discontinuing service for non-payment. Service will be resumed only upon payment of all bills and the restoration of deposit or guarantees, if any, together with reimbursement for extra expenses as set forth in Rule 17.

Utility costs incurred due to acts by the Customer or his agents which take place on Customer's property and which attempt to circumvent the Utility's discontinuance of Customer's service ("jumpers", "broken locks", etc.) must, in addition to the regular service charges listed in these Rules and Regulations, be paid prior to the restoration of service. There shall be no liability of any kind against the Utility by reason of discontinuance of service to the Customer for failure of the Customer to pay the bills on time. Partial payment of any bill rendered is acceptable only at the option of the Utility or by order of the Board.

#### 17.0 REIMBURSEMENT FOR EXTRA EXPENSE

The Customer shall reimburse the Utility for all extra expense incurred by the Utility wherever the Customer has violated the terms of the Application for service or the Utility's Rules and Regulations. A schedule of fees for service are as follows:

To collect delinquent account.....\$15.00 each  
To reconnect disconnected service and  
collect delinquent account.....\$20.00 each  
To reconnect disconnected service and/or  
turn on a service at customer's request after  
4 p.m. or on Saturday, Sunday, and  
Utility recognized holidays.....\$25.00 each  
To return insufficient checks to bank for  
redeposit or to present and collect  
insufficient checks.....\$15.00 each

Fees for other services not listed above or otherwise noted in this policy, will be on a time and material basis. Failure to pay any of such fees upon demand shall be grounds for refusal by the Utility to furnish service.

#### 18.0 CHANGE OF OCCUPANCY

When change of occupancy takes place on any premises serviced by the Utility, WRITTEN NOTICE thereof shall be given at the office of the Utility not less than three (3) business days prior to the date of change by the outgoing Customer who will be held responsible for all service used on such premises jointly with the new customer until written notice or an application from the new customer is received and thereafter until the Utility has had a reasonable time to discontinue service. Termination of a prior account shall not act as a release of any sums owing the Utility. The same shall be payable in accordance with Paragraph 5.0 above. Customer's deposit and/or any bills outstanding may, at the option of the Utility, be transferred from one service location to another if both locations are supplied by the Utility; however, a new application for service must be signed. Customer's deposit may NOT be transferred from one name to another.

#### 19.0 WATER CONNECTIONS

When a connection to a water main is necessary, it shall only be made by, or under the supervision of the Utility. The Utility shall be responsible for maintenance and repairs of the main to the Customer's property line. The Customer shall be responsible for maintenance and repairs from the main to the house or structure.

#### 20.0 UNAUTHORIZED CONNECTIONS

Connections to the Utility's water system for any purpose whatsoever are to be made only by the Utility or its agents. Unauthorized connections render the service subject to immediate discontinuance without notice, and service will not be restored until such unauthorized connections have been removed and payment is made in full for all expenses incurred by the Utility and for services estimated by the Utility that have been used by reason of such unauthorized connection.

#### 21.0 ADJUSTMENT OF BILLS

When a customer has been overcharged or undercharged as a result of incorrect application of the rate schedules, incorrect reading of the meter, incorrect connection of the meter, or other similar reasons, the amount may be credited or billed to the Customer, as the case may be. In the event the Customer has overpaid his account as a result of the adjustment and if a cash refund is requested, it will be made within ten (10) days.

## 22.0 CUSTOMER DEPOSIT

The Utility reserves the right to charge a deposit in the amount of Fifty (\$50.00) Dollars per residential unit or condominium unit. When requested, the deposit shall be considered a billing of the Utility and failure to make a timely deposit shall be cause for termination of the water service in conformity with Paragraph 16.0 of these Rules and Regulations. Upon receipt of the deposit, the utility shall place the fund in an interest bearing account of the utility's choice and in the name of the utility bearing an interest rate of not less than eight (8%) percent per annum. The utility will credit the accrued interest to the customer making the deposit on an annual basis. The deposit together with accrued interest thereon may be applied to a customer's delinquent bill provided notice thereof shall be delivered to the customer. In the event the utility applies the deposit to a delinquent bill, the customer shall have an affirmative duty to make an additional deposit of Fifty (\$50.00) Dollars within five (5) days of a notice thereof by the utility to the customer.

Upon final settlement of a customer's account, any unused balance of the deposit will be refunded together with accrued interest, if any. Refunds will be made only to the depositor or to a successor in interest if an executed assignment of said deposit is presented to the Utility.

## 23.0 UNAUTHORIZED USE

In the event of unauthorized use, the Customer may be billed on a reasonable estimate of the service taken.

## 24.0 SCHEDULE OF RESIDENTIAL AND COMMERCIAL RATES

Utility service shall be billed at the rates approved by the Board.

## 25.0 SERVICE NOT COVERED BY RATE SCHEDULE

Charges for service not listed or for variations or additions to services listed may be provided by Utility at its option at rates to be established by Utility, subject to the approval of the Board.

## 26.0 OTHER CHARGES

- A. At the time of application for customer service initiated after May 1, 1987, the applicant shall pay an impact charge or contribution in aid of construction in the amount of \$3,000 per residence or equivalent unit to be served. The Utility shall maintain a separate restricted account for the deposit of all such charges collected and said charges shall be used exclusively for and to defray the costs of new construction or unused existing facilities in order to serve new customers. The charge is equal to and in any event does not exceed the amount of financial impact expected to be incurred by the Utility to meet the prorata cost to the Utility for providing the Utility service to the new Customer. Line extension charges will be determined at application.
- B. In the case of service for less than one full month, the following charges will be made:
  - (1) Service for less than 15 days:  $\frac{1}{2}$  of minimum plus consumption charges at approved rates.
  - (2) Service for 15 days or more: regular monthly charge.

- C. A service charge of \$15.00, except as heretofore provided, is made for all service calls requested by a Customer. No service charge will be made if the reason for the service call arose through the fault of the Utility.
- D. In the event of damage to the Utility's facilities, and it is determined by the Utility that the damage was caused by a Customer, the Customer is billed for the cost of the Utility for repairs.
- E. At the request of Customer, the Utility will change the mailing address, but there will be a charge of \$3.00 for each mailing address change. The Utility will not charge for change of address where it is associated with a final bill.
- F. After hours service at Customer's request will be \$25.00.

#### 27.0 DISCONTINUANCE OF SERVICE

Service will be discontinued at Customer's request. Where service is to be restored at the same premises to the same Customer, Customer will pay to the Utility a sum equal to 100% of the minimum bill for each billing period during which service was discontinued. All prior indebtedness must be paid before service will be restored.

#### 28.0 CAPTIONS

The use of captions herein is for convenience only and shall not be utilized in construction of the content of paragraphs.

#### 29.0 AMENDMENT OF RULES AND REGULATIONS

These Rules and Regulations may be amended by the Utility, its successors or assigns, upon written notification to the Customer and upon approval, if required, of the Charlotte County Commission.





RECEIVED 037 1 0 1994

# Department of Environmental Protection

Lawton Chiles  
Governor

South District  
2295 Victoria Avenue, Suite 364  
Fort Myers, Florida 33901

Virginia B. Wetherell  
Secretary

October 10, 1994

R. Craig Noden, President  
Bocilla Utilities, Inc.  
7050 Placida Road  
Englewood, Florida 34224

DEPOSIT TREAS REC: DATE

D133 MAR 07 '95

950269-110

Re: Charlotte County - PW  
Bocilla Utilities, Inc.  
PWS I.D. Number: 5084079

Dear Mr. Noden :

Thank you for submitting the results from the analyses for secondary contaminants for the referenced water system. The results appear to be satisfactory and Bocilla Utilities appears to be in compliance with applicable water quality standards.

A recent review of the DEP files for Bocilla Utilities appears to indicate that (a) 185 service connections have been duly authorized by DEP permits, and (b) 153 service connections have been placed into service. It appears that only 32 additional connections are currently authorized. Please do not exceed your current authorization. Expansion of the water treatment plant may also be necessary in the future.

If you have any questions regarding this letter, please contact Mark Charneski at (813) 332-6975.

Sincerely,

Ronald D. Blackburn  
Acting Director of  
District Management

Maps to WAW

RDB/MAC/dd

cc: Ms. Linda Cotherman  
Mr. Van Cook  
Mr. Rod Merritt

"Protect, Conserve and Manage Florida's Environment and Natural Resources"

Printed on recycled paper.

DOCUMENT NUMBER-DATE  
02641 MAR-95  
FPSC-RECORDS/REPORTING

EXHIBIT "D"

**Territory Description:**

All those lands in Section 28, 29, 32 and 33, Township 41 South, Range 20 East, and a portion of the lands in Section 4, Township 42 South, Range 20 East, Charlotte County, Florida, lying between the center line of Intracoastal Waterway (W.C.I.N.D.) and the Gulf of Mexico, bounded on the south by the south line of DON PEDRO BEACH, as recorded in Plat Book 7, Pages 17A through 17B, of the Public Records of Charlotte County, Florida and an easterly projection thereof, and bounded on the north by a line described as follows:

Beginning at the intersection of the Gulf of Mexico and the northerly line of PALM ISLAND ESTATES, UNIT #1, as recorded in Plat Book 3, Pages 59A through 59C, of the Public Records of Charlotte County, Florida, thence northeasterly, along said northerly line, to an intersection with the north line of the south half of said Section 29; thence easterly along the north line of the south half of said Section 28 and 29, to the center line of said Intracoastal Waterway.

Lawton Chiles  
Governor

275 North ...  
Englewood, Florida 33901

Virginia B. Wetherell  
Secretary

October 10, 1994

R. Craig Noden, President  
Bocilla Utilities, Inc.  
7050 Placida Road  
Englewood, Florida 34224

DEPOSIT TRÉAS REC DATE

01 13 MAR 0 1995  
950269-  
WU

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Bocilla Utilities, Inc.  
PWS I.D. Number: 5084079

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Sincerely,

V  
1  
2  
3

BOCILLA UTILITIES, INC.  
PHONE 813 697-2267  
7050 PLACIDA RD  
ENGLEWOOD, FL 34224

2866  
63-1324/870

06 March 19 95

\$ 200.00

PAY TO THE ORDER OF

PUBLIC SERVICE COMMISSION

DOCUMENT NUMBER DATE DOLLARS

- - Two Hundred and no/100 - -

02641 MAR-95

ENGLEWOOD BANK  
1801 Placida Rd., P.O. Box 6887  
Englewood, Florida 33901-6887  
Member FDIC

Filing fee - Grandfather Certificate

FOR

PSC-RECORDS-REPORTING