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

# Public Service Commission

March 28, 1996

Mrs. Lisa Holmes  
Holmes Utilities, Inc.  
760 Henscratch Road  
Lake Placid, Florida 33852

RE: Docket No. 960244-WU, Application for certificate to provide water service in Highlands County by Holmes Utilities, Inc./Country Walk Facility.

Dear Mrs. Holmes:

We appreciate your diligence in completing the application. As we discussed, the Division of Water and Wastewater's current procedure is to send a letter to all applicants which lists any deficiencies to the application. Staff has reviewed the utility's application for a water certificate and determined that it is deficient pursuant to Section 367.045, Florida Statutes and Rule 25-30.034, Florida Administrative Code. The following deficiencies have been noted:

- 1. **Application.** Per our conversation, it appears that the application forms we sent you were not complete. Specifically, all of the even numbered pages were missing. We apologize for the error and any inconvenience this has caused you. In order to process the utility's application, we will need for you to provide the information requested on Pages 2, 4, and 6 of the application. We have attached Pages 2, 4, and 6 for you to complete, along with a new copy of the entire application package for your information.
- 2. **Warranty Deed.** Rule 25-30.034(1)(e), Florida Administrative Code, requires that the utility provide evidence that the utility owns the land upon which the utility treatment facilities are located, or a copy of an agreement which provides for the continued use of the land, such as a 99-year lease. The Commission may consider a written easement or other cost-effective alternative. The warranty deed that was submitted with your application contains the statement "This instrument prepared without benefit of title examination." Please provide proof of title insurance or a new warranty deed which states that the "Grantor does hereby fully warrant the title of said land, and will defend the same against the lawful claims of all persons whomsoever."
- 3. **Territory Map.** Rule 25-30.034(1)(j), F.A.C., requires one copy of an official county tax assessment map, or other map showing township, range, and section in the scale of 1

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inch = 200 feet or 1 inch = 400 feet, with the proposed territory plotted by use of metes and bounds or quarter sections and with a defined reference point of beginning. The set of system maps which were provided with the application are in the scale of 1 inch = 2000 feet.

Please provide a territory map in the appropriate scale with an accurate depiction of the existing territory being served. An example of the appropriate types of territory descriptions and an example of a territory map were provided on Pages 11 and 12 of your application package.

4. **Legal Notice.** The legal description furnished with the application relies on references to tracks and lots as recorded in the public records of Highlands County, Florida. Since such records are not on file with the Commission, Rule 25-30.030(2)(b), F.A.C., does not allow the use of such references in legal notices:

The description may reference interstates, state roads, and major bodies of water. The description shall not rely on references to government lots, local streets, recorded plats or lots, tracts, or other recorded instruments. (Emphasis added.)

The legal description must be rewritten pursuant to Rule 25-30.030(2), F.A.C., which was provided with your application package. You will not be required to renotice the corrected legal description if you provide us with a statement that the description that was noticed represents the same territory contained in the corrected legal description.

Additionally, since the territory description included in your original application is incorrect, the tariff sheets you submitted are also incorrect. Please send in the original and two copies of the correct tariff sheets.

5. **Notice.** In accordance with Section 367.045(1)(a), Florida Statutes, and Rule 25-30.030, Florida Administrative Code, the Utility is required to provide notice of application. Please provide an affidavit that the notice was given in accordance with Section 367.045(1)(a), Florida Statutes, and Rule 25-30.030, Florida Administrative Code, and a list of entities to whom the notice was sent.

In addition to the above noted deficiencies, please provide additional information on the following items.

1. **Engineering Contact(s).** Please identify the name and phone number of the person(s) responsible for providing the territory description, the territory map and the system engineering.

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2. **Need for Certificate of Authorization.** Rule 25-30.034(1)(m), Florida Administrative Code, and Part III(B) of the application, require a statement explaining how and why the utility began providing service prior to obtaining a certificate of authorization. The utility's application states that "Mitch, Delores and Todd Harvey turned over the ownership of the County Walk facility to Daniel and Lisa Holmes."
  - a. Please provide the date upon which you and Daniel Holmes purchased and/or began operating the utility facilities.
  - b. Were you aware that the utility was regulated by the Florida Public Service Commission (PSC) when you purchased the utility? If not, please explain how and when you became aware that the PSC regulates the utility.
  
3. **Monthly Service Rates.** Original Sheet No. 16.0 of the tariff that was submitted with the utility's application indicates that the utility is using an inclining block rate structure. The tariff shows the gallonage charges for usage up to a level of 15,000 gallons, then states that for each 5,000 gallons used the rate goes up \$0.30 per 1,000 gallons. Does the utility continue to charge \$2.00 per 1,000 gallons for usage above the 15,000 gallon level or does the charge increase for each 5,000 gallon block above 15,000 gallons?

Please file one copy of the maps, the original and two copies of the revised tariff sheets, and an original and five copies of the remaining requested information no later than June 28, 1996 with Ms. Blanca Bayo, Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0850. Please feel free to call either Pat Brady at (904)413-6686 or me at (904)413-7015 if you have any questions.

Sincerely,

*Martha A. Golden*

Martha A. Golden  
Economic Analyst

**Enclosures**

cc: Division of Water and Wastewater (Hill, Williams, Messer, Brady)  
Division of Legal Services (Jaber, Crosby)  
Division of Records and Reporting