

FLORIDA PUBLIC SERVICE COMMISSION
Capital Circle Office Center • 2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

M E M O R A N D U M

APRIL 2, 1997

TO: DIRECTOR, DIVISION OF RECORDS AND REPORTING (BAYO) *PRR 65m*

FROM: DIVISION OF WATER & WASTEWATER (REDEMANN) *AW*
DIVISION OF LEGAL SERVICES (CYRUS-WILLIAMS) *AW*

RE: DOCKET NO. 960907-WS - APPLICATION FOR AMENDMENT OF
CERTIFICATES NOS. 306-W AND 255-S BY SOUTHERN STATES
UTILITIES, INC.
COUNTY: CHARLOTTE AND LEE COUNTIES

AGENDA: APRIL 14, 1997 - REGULAR AGENDA - INTERESTED PERSONS MAY
PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: S:\PSC\WAW\WP\960907WS.RCM

DOCUMENT NUMBER-DATE

03380 APR-25

FPSC-RECORDS/REPORTING

DOCKET NO. 960907-WS
DATE: April 2, 1997

CASE BACKGROUND

Florida Water Services Corporation (formerly Southern States Utilities, Inc., and hereinafter, Florida Water or utility) provides water and wastewater service to approximately 83,286 water customers and 43,527 wastewater customers in 28 counties in Florida. The utility's 1995 annual report shows an annual operating revenue of \$52,077,478 and a net operating income of \$2,356,915. The utility is a Class A utility company under FPSC jurisdiction.

On August 12, 1996, Florida Water filed an application for amendment of Certificate Nos. 306-W and 255-S to add territory in Charlotte and Lee Counties. The utility proposed to provide service to two separate areas. The first area is known as the Burnt Store Colony (the Colony), a mobile home park with approximately 190 current residents and the potential for an additional 50 residents. The Colony area would be added to the utility's water territory only. The second area is the Burnt Store Marina Hotel (the Marina Hotel), a planned hotel development of 100 units. Florida Water would provide both water and wastewater service to the Marina Hotel.

On September 9, 1996, the City of Cape Coral (the City or Cape Coral), a municipality located within Lee County, filed a timely objection to Florida Water's application. On September 30, 1996, the utility filed a Motion to Dismiss the City's objection. A stipulation to resolve the dispute between the parties was received in the Commission's Division of Legal Services on March 4, 1997, and placed in the docket file on March 14, 1997 (Attachment A).

DOCKET NO. 960907-WS
DATE: April 2, 1997

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission approve the stipulation between Florida Water and the City?

RECOMMENDATION: Yes, the Commission should approve the stipulation between Florida Water and the City and acknowledge the withdrawal of the objection and the motion to dismiss filed in this proceeding. (CYRUS-WILLIAMS)

STAFF ANALYSIS: As stated in the case background, On September 9, 1996, the City filed a timely objection to Florida Water's application for amendment. The City argued that it had standing to object to a grant of the application because such a grant would violate: 1) Chapter 71-585, Laws of Florida, a special law which purportedly grants the City the authority, procedures, and power to determine, fix and change rates to be charged and collected by a public utility for its water and wastewater services within the municipal jurisdiction of the City; 2) the City's ordinances passed pursuant to the special law; 3) Chapter 180; and 4) the City's comprehensive plan.

On September 30, 1996, Florida Water filed a Motion to Dismiss the City's objection. The utility argued that the City lacked standing to object on the basis of Chapter 71-585, Laws of Florida, or the City ordinances adopted pursuant to it, as the special law had been superseded and repealed by Chapter 367. Further, the utility argued that the City lacked standing to object on the basis of a Chapter 180 violation, as the Commission does not have authority to enforce or interpret Chapter 180 and on the basis of a violation of its comprehensive plan because all of the alleged violations pertain not to providing service, but to design, permitting, and environmental considerations not yet ripe for consideration, but based on speculation as to facility development.

Staff filed a recommendation on the utility's motion on December 5, 1996, and a revised recommendation on January 9, 1997. At the parties' request, the case was deferred from the Commission's December 17, 1996 and January 21, 1997 Agenda Conferences to allow the parties additional time to settle their dispute.

A stipulation to resolve the dispute between the parties was received in the Commission's Division of Legal Services on March 4, 1997, and placed in the docket file on March 14, 1997 (Attachment A). In the stipulation, the parties state that on January 17, 1997, the utility sent a letter to the City, wherein it provided evidence and assurances that any extension of its service into the

DOCKET NO. 960907-WS
DATE: April 2, 1997

City's jurisdictional boundaries would not violate any section of the City's comprehensive plan. The parties further provide that the City accepts the contents of the letter as true and that its concerns are satisfied with regard to its comprehensive plan. Accordingly, the City withdraws its objection to the utility's application and the utility withdraws its motion to dismiss the City's objection. The parties further state that the City, in withdrawing its objection, has not waived any right it may have, now or in the future, to raise the issue of regulation of the utility pursuant to Chapter 71-585, Laws of Florida, Chapter 180, Florida Statutes, and the City ordinances adopted pursuant to those laws. The parties request that the Commission incorporate this stipulation into a final order acknowledging the City's withdrawal of its objection and the utility's withdrawal of its motion to dismiss.

Staff believes that the stipulation between the parties is reasonable. Accordingly, staff recommends that the Commission approve the stipulation and acknowledge the withdrawal of the objection and the motion to dismiss filed in this proceeding. The Commission order will incorporate the acknowledgement of the City's withdrawal of its objection and the utility's withdrawal of its motion to dismiss in its order approving the stipulation.

DOCKET NO. 960907-WS
DATE: April 2, 1997

ISSUE 2: Should Florida Water's application for amendment of Water Certificate No. 306-W and Wastewater Certificate No. 255-S be granted?

RECOMMENDATION: Yes, Florida Water's application should be granted for the additional territory described in Attachment B, and in the revised description of the utility's existing territory in Attachment C. (REDEMANN)

STAFF ANALYSIS: As stated earlier, on August 12, 1996, the utility filed an application for amendment of Certificate Nos. 306-W and 255-S to add territory in Charlotte and Lee Counties. The application contains a check in the amount of \$600, which is the correct filing fee pursuant to Rule 25-30.020, Florida Administrative Code. The utility has provided a copy of a warranty deed which provides for the continued use of the land as required by Rule 25-30.036(3)(d), Florida Administrative Code.

Adequate service territory and system maps and a territory description have been provided as prescribed by Rule 25-30.036(3)(e), (f) and (i), Florida Administrative Code. Descriptions of the water and wastewater territory are appended to this recommendation as Attachments B and C, respectively. Attachment B includes the additional area. Attachment C includes a complete rewrite of the utility's existing territory. The rewrite includes the area granted in Order No. 21632, issued July 31, 1989 in Docket No. 881340-WS and Order No. 24411, issued April 22, 1991 in Docket No. 900969-WS and the new area in this docket. Additional angles and distances were added to this description to make the description clear and concise. The utility has submitted an affidavit consistent with Section 367.045(2)(d), Florida Statutes, that it has tariffs and annual reports on file with the Commission.

In addition, the application contains proof of compliance with the noticing provisions set forth in Rule 25-30.030, Florida Administrative Code. As stated earlier, an objection to the application was filed by the City of Cape Coral and in Issue 1, staff recommends the Commission approve the stipulation of the parties to resolve their dispute. The local planning agency was provided notice of the application and did not file a protest to the amendment. Staff has contacted the Department of Environmental Protection (DEP) and learned that there are no outstanding notices of violation regarding this utility.

The utility has been regulated by the Commission since 1964 and currently owns and operates over 130 water and wastewater service territories throughout the state which are under the Commission's regulatory authority. These facilities throughout the

DOCKET NO. 960907-WS
DATE: April 2, 1997

state are operated and maintained by licensed operators. The utility has a staff of engineers, accountants, and other professionals based in its Apopka headquarters.

The reverse osmosis water treatment plant that will serve the Colony and the Marina Hotel is currently permitted at 567,000 gallons per day (gpd). Average daily flows are about 226,000 gpd. Added water flows from the Colony property will be approximately 40,000 gpd, and from the Marina Hotel site will be approximately 35,000 gpd (100 ERC x 350 gpd/ERC = 35,000 gpd). The reverse osmosis water plant will be expanded to 853,000 gpd in 1998, or as the need arises. To serve these customers the utility will extend its water lines. The wastewater treatment plant that will serve the Marina Hotel site is currently permitted at 250,000 gallons per day (gpd). Average daily flows are about 120,000 gpd. Added flows from the property will be approximately 27,500 gpd. To serve this customer the utility will extend its collection lines. The Burnt Store wastewater system uses rapid rate land application via a dual cell percolation and evaporation pond. The utility does not utilize public access level reuse at this time since the current effluent disposal method is adequate. Based on the above information, staff believes that the utility has the capacity and the technical expertise to serve these customers now and in the future.

Florida Water's capital structure consists of approximately \$203 million in total capital, including more than \$128 million in long-term debt and more than \$75 million in equity capital. Therefore, staff also believes the utility has demonstrated the financial ability to provide quality service to these customers.

Florida Water's approved rates and charges were effective September 20, 1996, pursuant to Order No. PSC-96-1320-FOF-WS, issued October 30, 1996 in Docket No. 950495-WS. Florida Water should charge the customers in the territory added herein the rates and charges contained in its tariff until authorized to change by this Commission in a subsequent proceeding.

Based on the above information, staff believes it is in the public interest to grant the application of Florida Water Services Corporation for amendment of Water Certificate No. 306-W, and Wastewater Certificate No. 255-S, to add the additional territory described in Attachment B. In addition, staff recommends approval of the revised descriptions of the utility's existing territory in Attachment C. The utility has returned the certificate for entry of the additional territory and filed revised tariff sheets which reflect the amended territory description.

DOCKET NO. 960907-WS
DATE: April 2, 1997

ISSUE 3: Should this docket be closed?

RECOMMENDATION: Yes, this docket should be closed. (CYRUS-
WILLIAMS)

STAFF ANALYSIS: No further action is required and the docket
should be closed.

BEFORE THE PUBLIC SERVICE COMMISSION

In Re: Application for Amendment]
of Certificates Nos. 306-W and] Docket No. 960907-WS
255-S in Charlotte/Lee Counties by]
Southern States Utilities, Inc.]
_____]

Stipulation

COME NOW The City of Cape Coral, Florida (hereinafter "Cape Coral"), and Florida Water Services (formerly Southern States Utilities, Inc., hereinafter "Applicant"), and hereby stipulate and agree to the following:

1. On August 12, 1996, Applicant filed an Application with The Florida Public Service Commission for the Amendment of Water and Wastewater Certificates Nos. 306-W and 255-S in Charlotte/Lee Counties (hereinafter "Application"). The Application requests that two distinct areas be added to the Applicant's Burnt Store territories in Charlotte and Lee Counties.

2. Upon receiving legal notice of the Application and determining that a grant of such would permit expansion of the Applicant's utility service within its municipal boundaries, Cape Coral timely filed a Written Objection to the Application pursuant to Rule 25-30.031, Florida Administrative Code, and Sec. 367.045, Florida Statutes, on September 9, 1996. Cape Coral's Written Objection argues that granting the Applicant's request conflicts with Cape Coral's Comprehensive Plan and that Cape Coral solely possesses the right to regulate and franchise water and wastewater utilities within its municipal limits pursuant to Chapter 71-585, Laws of Florida, a special act of the Legislature, Sec. 180.14, Florida Statutes, and Cape Coral Ordinances authorized by and

adopted pursuant to said laws.

3. The Applicant filed a Motion to Dismiss Cape Coral's Written Objection on September 28, 1996. The Applicant's Motion argues that Cape Coral does not have standing to object to the Application both generally and pursuant to Cape Coral's Comprehensive Plan. Additionally, the Motion disputes Cape Coral's claim that it has the right to regulate and argues that any law granting such a right has been superseded and repealed. Finally, the Motion argues that the Public Service Commission has no authority to interpret or enforce any law Cape Coral may invoke beyond Chapter 367.

4. Cape Coral filed a Memorandum in Opposition to the Applicant's Motion to Dismiss on October 10, 1996. The Memorandum argues that the Applicant may not file a Motion to Dismiss Cape Coral's Written Objection, that the Public Service Commission is mandated to hear Cape Coral's Objection in a Sec. 120.57, F.S., proceeding, and that Cape Coral does have standing both generally and pursuant to its Comprehensive Plan.

5. The Public Service Commission issued a Staff Recommendation on December 5, 1996, which was amended and reissued on January 9, 1997. The Amended Recommendation advises that the Applicant's Motion to Dismiss should be granted where Cape Coral's Written Objection argues that a grant of the Application would violate Chapter 71-585, Laws of Florida, Chapter 180, Florida Statutes, and Cape Coral Ordinances authorized by and adopted pursuant to said laws. However, the Recommendation advises that

the Applicant's Motion to Dismiss should be denied where Cape Coral's Objection argues that a grant of the Application would violate its local Comprehensive Plan.

6. The Applicant sent a letter to Cape Coral dated January 15, 1997, which addressed Cape Coral's Objection with respect to its Comprehensive Plan. The letter provided evidence and assurances that any extension of the Applicant's service into Cape Coral's jurisdictional boundaries would not violate any section of Cape Coral's Comprehensive Plan.

7. Cape Coral accepts the contents of the applicant's letter as true and agrees that the evidence and assurances provided satisfy its concerns with respect to its Comprehensive Plan.

8. Both parties agree that since the Applicant has satisfied all of Cape Coral's Comprehensive Plan concerns, a grant of the application would not violate said plan. Accordingly, Cape Coral hereby withdraws its Written Objection to the Application, and the Applicant hereby withdraws its Motion to Dismiss the Written Objection. The parties further agree, however, that in withdrawing its Written Objection, Cape Coral has not waived any right it may have, now or in the future, to raise the issue of regulation of the Applicant by Cape Coral pursuant to Chapter 71-585, Laws of Florida, Chapter 180, Florida Statutes, Cape Coral Ordinances authorized by and adopted pursuant to said laws, or any other authority, in an appropriate jurisdiction, should Cape Coral, in its sole discretion, deem such action to be necessary.

9. Both parties request that the Public Service Commission

incorporate this stipulation into a final order acknowledging withdrawal of Cape Coral's Written Objection and the Applicant's Motion to Dismiss. The parties agree that the grant of such an order would eliminate the need for a Sec. 120.57 proceeding, as requested by Cape Coral, and would represent a resolution of this matter between the parties.

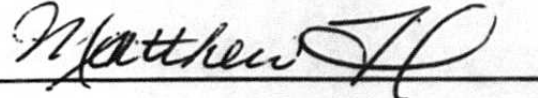
10. Both parties agree that they shall bear their own costs and fees related to these proceedings, including but not limited to attorney's fees.

Florida Water Services



Charles L. Sweat - Vice President

Florida Water Services



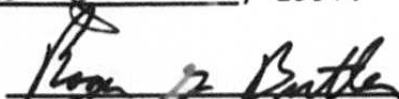
MATTHEW FEIL

STAFF COUNCIL
FLORIDA WATER SERVICES
1000 Color Place
Apopka, FL 32703
(407) 880-0058
Florida Bar # 0522744

DOCKET NO. 960907-WS
DATE: April 2, 1997

ATTACHMENT A
Page 5 of 5

Terms of the above Stipulation ADOPTED AT A REGULAR COUNCIL
MEETING THIS 24th DAY OF February, 1997.

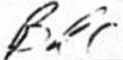


ROGER G. BUTLER, MAYOR

ATTESTED TO AND FILED IN MY OFFICE THIS 26th DAY OF February,
1997.



BONNIE J. VENT, CITY CLERK



BRUCE R. CONROY
CITY ATTORNEY
CITY OF CAPE CORAL
Post Office Box 150027
Cape Coral, FL 33915-0027
(941) 574-0408
Florida Bar #368199

DOCKET NO. 960907-WS
DATE: April 2, 1997

ATTACHMENT B
Page 1 of 3

SOUTHERN STATES UTILITIES, INC

CHARLOTTE AND LEE COUNTIES

THE BURNT STORE UTILITY SYSTEM

CHARLOTTE COUNTY

BURNT STORE - PROPOSED BURNT STORE COLONY WATER ONLY SERVICE TERRITORY:

In a portion of the South half of the Southwest quarter of Section 20 of Township 42 South, Range 23 East in Charlotte County, Florida

Point of Commencement at the Southwest corner of Section 20 of Township 42 South, Range 23 East; thence North $88^{\circ}02'44''$ East 9.72 feet East along the South line of the Southwest quarter of Section 20, Township 42 South, Range 23 East in Charlotte County to a point 9.72' East of the Southwest corner of Section 20, the intersection with the Northwest right of way of Burnt Store Road (County Road 765) and the **Point of Beginning**; thence North $44^{\circ}34'25''$ East 1,940.89 feet Northeasterly along the Northwestern right of way line of Burnt Store Road to the intersection with the North line of the South half of the Southwest quarter of Section 20; thence North $88^{\circ}25'38''$ East 1,291.47 feet East along the North line of the South half of the Southwest quarter of Section 20 to the East line of the South half of the Southwest quarter of Section 20; thence South $00^{\circ}45'58''$ West 1,345.81 feet South along the East line of the South half of the Southwest quarter of Section 20 to the Southeast corner of the South half of the Southwest quarter of Section 20; thence South $88^{\circ}25'38''$ West 2,636.15 feet West along the South line of the South half of the Southeast quarter of Section 20 to the point of intersection with the Northeasterly right of way line of Burnt Store Road and the **Point of Beginning**, this point being 9.72' East of the Southwest corner of Section 20.

DOCKET NO. 960907-WS
DATE: April 2, 1997

ATTACHMENT B
Page 2 of 3

SOUTHERN STATES UTILITIES, INC

CHARLOTTE AND LEE COUNTIES

THE BURNT STORE UTILITY SYSTEM

LEE COUNTY

BURNT STORE - PROPOSED BURNT STORE MARINA HOTEL SITE WATER AND WASTEWATER SERVICE TERRITORY:

In portions of Section 1 of Township 43 South, Range 22 East and Section 6 of Township 43 South, Range 23 East in Lee County, Florida:

Point of Commencement at the Northeast corner of Section 6 of Township 43 South, Range 23 East; thence South 00°40'50" West 3,398.89 feet South along the East line of Section 6, Township 43 South, Range 23 East in Lee County to a point approximately 1,661' North of the South line of Section 6 and the **Point of Beginning**; **thence** South 00°41'28" West 482.27 feet South along the East line of Section 6 to a point approximately 1,179' North of the South line of Section 6; **thence** South 88°22'02" West 4,170.63 feet West along a line approximately 1,179' North of the South line of Section 6 to a point approximately 1,132' East of the West line of Section 6; **thence** South 00°46'37" West 345.11 feet South along a line approximately 1,132' East of the West line of Section 6 to a point approximately 834' North of the South line of Section 6; **thence** South 88°22'02" West 1,131.86 feet West along a line approximately 834' North of the South line of Section 6 to a point on the West line of Section 6 approximately 830' North of the Southwest corner of Section 6 and the Southeast corner of Section 1, Township 43 South, Range 22 East; **thence** South 00°33'37" West 829.96 feet South along the East line of Section 1 to the Southeast corner of Section 1; **thence** North 89°35'44" West 2,931.20± feet West along the South line of Section 1 to the point of intersection with the Charlotte Harbor shoreline; **thence** Northerly 1,314± feet Meander Northerly along the shoreline of Charlotte Harbor to a point approximately 1,057' North of the South line of Section 1;

DOCKET NO. 960907-WS
DATE: April 2, 1997

ATTACHMENT B
Page 3 of 3

SOUTHERN STATES UTILITIES, INC

CHARLOTTE AND LEE COUNTIES

THE BURNT STORE UTILITY SYSTEM

LEE COUNTY

thence South 89°35'58" East 2,866.16± feet East along a line approximately 1,057' North of the South line of Section 1 to a point on the East line of Section 1 and the West line of Section 6, Township 43 South, Range 23 East; **thence** North 00°35'48" East 602.92 feet North along the West line of Section 6 to a point approximately 1,661' North of the South line of Section 6; **thence** North 88°22'02" East 5,236.85 feet East along a line approximately 1,661' North of the South line of Section 6 to a point approximately 68' West of the East line of Section 6; **thence** South 89°18'32" East 68.00 feet East along a line approximately 1,660' North of the South line of Section 6 to a point on the East line of Section 6 approximately 1,661' North of the South line of Section 6 and the **Point of Beginning**.

DOCKET NO. 960907-WS
DATE: April 2, 1997

ATTACHMENT C
Page 1 of 7

Southern States Utilities, Inc.

Charlotte and Lee Counties

The Burnt Store Composite Water Description

In all or portions of Sections 25 and 36 of Township 42 South, Range 22 East, Sections 19, 20, 24, 29, 30, 31, 32 and 33 of Township 42 South, Range 23 East, Section 19 of Township 42 South, Range 24 East in Charlotte County, Florida and in Section 1 of Township 43 South, Range 22 East and Section 6 of Township 43 South, Range 23 East in Lee County, Florida:

Point of Beginning at the Northeast corner of Section 29 of Township 42 South, Range 23 East; **Thence 1.** South 00°42'42" West 5,529.56 feet South along the East line of Section 29, Township 42 South, Range 23 East in Charlotte County to the Southeast corner of Section 29 and the Northwest corner of Section 33; **Thence 2.** South 89°24'30" East 2,661.50 feet East along the North line of the Northwest quarter of Section 33 to the Northeast corner of the Northwest quarter of Section 33; **Thence 3.** South 00°27'17" West 2,686.85 feet South along the East line of the Northwest quarter of Section 33 to the Southeast corner of the Northwest quarter of Section 33; **Thence 4.** North 89°21'44" West 2,650.75 feet West along the South line of the Northwest quarter of Section 33 to the Southwest corner of the Northwest quarter of Section 33; **Thence 5.** North 00°13'31" East 1,320.04 feet North along the West line of the Northwest quarter of Section 33 and the East line of the Northeast quarter of Section 32 to the Southeast corner of the North half of the Northeast quarter of Section 32; **Thence 6.** North 89°19'12" West 2,602.81 feet West along the South line of the North half of the Northeast quarter of Section 32, thus excluding the South half of the Northeast quarter of Section 32, to the Southwest corner of the North half of the Northeast quarter of Section 32; **Thence 7.** North 00°45'26" East 1,360.69 feet North along the West line of the North half of the Northeast quarter of Section 32 to the Northwest corner of the North half of the Northeast quarter of Section 32; **Thence 8.** North 89°14'30" West 2,654.92 feet West along the North line of Section 32 and the South line of Section 29 to the Southwest corner of Section 29 and the Northeast corner of Section 31; **Thence 9.** South 00°35'53" West 4,004.33 feet South along the East line of Section 31 and the West line of Section 32, thus excluding the Northwest quarter of Section 32, to the North line of the South half of the Southwest quarter of Section 32; **Thence 10.** South 89°19'12" East 2,643.79 feet East along the North line of the South

Southern States Utilities, Inc.

Charlotte and Lee Counties

The Burnt Store Composite Water Description

half of the Southwest quarter of Section 32, thus excluding the North half of the Southwest quarter of Section 32, to the Northeast corner of the South half of the Southwest quarter of Section 32; **Thence 11.** North 00°45'26" East 1,320.00 feet North along the West line of the Northwest quarter of the Southeast quarter of Section 32 to the Northwest corner of the Southeast quarter of Section 32; **Thence 12.** South 89°19'12" East 2,615.07 feet East along the North line of the Southeast quarter of Section 32 to the Northeast corner of the Southeast quarter of Section 32; **Thence 13.** South 00°13'31" West 2,684.77 feet South along the East line of the Southeast quarter of Section 32 to the Southeast corner of the Southeast quarter of Section 32; **Thence 14.** North 89°18'58" West 1,320.00 feet West along the South line of the East half of the Southeast quarter of Section 32 to the Southwest corner of the East half of the Southeast quarter of Section 32; **Thence 15.** North 00°45'26" East 1,364.60 feet North along the West line of the East half of the Southeast quarter of Section 32 to the Southeast corner of the Northwest quarter of the Southeast quarter of Section 32; **Thence 16.** North 89°19'12" West 1,320.00 feet West along the South line of the Northwest quarter of the Southeast quarter of Section 32 to the Southwest corner of the Northwest quarter of the Southeast quarter of Section 32 and the Northeast corner of the South half of the Southwest quarter of Section 32; **Thence 17.** South 00°45'26" West 1,364.50 feet South along the East line of the South half of the Southwest quarter of Section 32 to the Southeast corner of the South half of the Southwest quarter of Section 32; **Thence 18.** North 89°18'58" West 2,640.00 feet West along the South line of the South half of the Southwest quarter of Section 32 to the Southwest corner of Section 32 and the Northeast corner of Section 6, Township 43 South, Range 23 East in Lee County; **Thence 19.** South 00°40'50" West 3,398.89 feet South along the East line of Section 6 to a point approximately 1,661' North of the South line of Section 6; **Thence 20.** South 00°41'28" West 482.27 feet South along the East line of Section 6 to a point approximately 1,179' North of the South line of Section 6; **Thence 21.** South 88°22'02" West 4,170.63 feet West along a line approximately 1,179' North of the South line of Section 6 to a point approximately 1,132' East of the West line of Section 6; **Thence 22.** South 00°46'37" West 345.11 feet South along a line approximately 1,132' East of the West line of Section 6 to

DOCKET NO. 960907-WS

DATE: April 2, 1997

ATTACHMENT C

Page 3 of 7

Southern States Utilities, Inc.

Charlotte and Lee Counties

The Burnt Store Composite Water Description

a point approximately 833' North of the South line of Section 6; Thence 23. South 88°22'02" West 1,131.86 feet West along a line approximately 833' North of the South line of Section 6 to a point on the West line of Section 6 approximately 830' North of the Southwest corner of Section 6 and the Southeast corner of Section 1, Township 43 South, Range 22 East; **Thence 24.** South 00°33'37" West 829.96 feet South along the East line of Section 1 to the Southeast corner of Section 1; **Thence 25.** North 89°35'44" West 2,931.20± feet West along the South line of Section 1 to the point of intersection with the Charlotte Harbor shoreline; **Thence 26.** Northerly 61,359 ± feet Meander Northerly along the shoreline of Charlotte Harbor approximately 11.6 miles through Section 1 of Township 43 South, Range 22 East in Lee County and Sections 36 and 25 of Township 42 South, Range 22 East and Sections 30 and 19 of Township 42 South, Range 23 East in Charlotte County to a point on the North line of the South half of Section 19, Township 42 South, Range 23 East in Charlotte County approximately 4,771' West of the East line of Section 19; **Thence 27.** North 89°01'11" East 3,292.16± feet East along the North line of the South half of Section 19 to a point 1,479' West of the East line of Section 19; **Thence 28.** South 02°58'13" East 645.61 feet South along a line approximately 1,479' West of the East line of Section 19 to a point 2,046' North of the South line of Section 19; **Thence 29.** South 70°17'08" East 2,593.43 feet Southeasterly along a line through Sections 19 and 20 to a point approximately 1,095' North of the South line of Section 20; **Thence 30.** South 49°27'23" East 85.16 feet Southeasterly along a line to the intersection with the Northwestern right of way line of Burnt Store Road (County Road 765); **Thence 31.** North 44°34'25" East 444.09 feet Northeasterly along the Northwestern right of way line of Burnt Store Road to the intersection with the North line of the South half of the Southwest quarter of Section 20; **Thence 32.** North 88°25'38" East 1,291.47 feet East along the North line of the South half of the Southwest quarter of Section 20 to the East line of the South half of the Southwest quarter of Section 20; **Thence 33.** South 00°45'58" West 1,345.81 feet South along the East line of the South half of the Southwest quarter of Section 20 to the Southeast corner of the Southwest quarter of Section 20 and the North quarter corner of Section 29; **Thence 34.** North 88°25'38" East

DOCKET NO. 960907-WS
DATE: April 2, 1997

ATTACHMENT C
Page 4 of 7

Southern States Utilities, Inc.

Charlotte and Lee Counties

The Burnt Store Composite Water Description

2,636.13 feet East along the North line of Section 29 to the Northeast corner of Section 29 and the Point of Beginning.

Also an area to the East of the previously described area but not contiguous, located in Section 24, Township 42 South, Range 23 East and Section 19, Township 42 South, Range 24 East more particularly described as follows:

Section 24, Township 42 South, Range 23 East:

All of that portion of said Section 24 lying Westerly of the Western right of way of US Highway 41, less the North 967 feet of said Section 24.

Section 19, Township 42 South, Range 24 East:

All that portion of said Section 19 lying Westerly of the Westerly right of way of US Highway 41.

DOCKET NO. 960907-WS
DATE: April 2, 1997

ATTACHMENT C
Page 5 of 7

Southern States Utilities, Inc.

Charlotte and Lee Counties

The Burnt Store Composite Wastewater Description

In all or portions of Sections 25 and 36 of Township 42 South, Range 22 East, Sections 29, 30, 31, 32 and 33 of Township 42 South, Range 23 East in Charlotte County, Florida and in Section 1 of Township 43 South, Range 22 East and Section 6 of Township 43 South, Range 23 East in Lee County, Florida:

Point of Beginning at the Northeast corner of Section 29 of Township 42 South, Range 23 East **Thence 1.** South 00°42'42" West 5,529.56 feet South along the East line of Section 29, Township 42 South, Range 23 East in Charlotte County to the Southeast corner of Section 29 and the Northwest corner of Section 33; **Thence 2.** South 89°24'30" East 2,661.50 feet East along the North line of the Northwest quarter of Section 33 to the Northeast corner of the Northwest quarter of Section 33; **Thence 3.** South 00°27'17" West 2,686.85 feet South along the East line of the Northwest quarter of Section 33 to the Southeast corner of the Northwest quarter of Section 33; **Thence 4.** North 89°21'44" West 2,650.75 feet West along the South line of the Northwest quarter of Section 33 to the Southwest corner of the Northwest quarter of Section 33; **Thence 5.** North 00°13'31" East 1,320.04 feet North along the West line of the Northwest quarter of Section 33 and the East line of the Northeast quarter of Section 32 to the Southeast corner of the North half of the Northeast quarter of Section 32; **Thence 6.** North 89°19'12" West 2,602.81 feet West along the South line of the North half of the Northeast quarter of Section 32, thus excluding the South half of the Northeast quarter of Section 32, to the Southwest corner of the North half of the Northeast quarter of Section 32; **Thence 7.** North 00°45'26" East 1,360.69 feet North along the west line of the North half of the Northeast quarter of Section 32 to the Northwest corner of the North half of the Northeast quarter of Section 32; **Thence 8.** North 89°14'30" West 2,654.92 feet West along the North line of Section 32 and the South line of Section 29 to the Southwest corner of Section 29 and the Northeast corner of Section 31; **Thence 9.** South 00°35'53" West 4,004.33 feet South along the East line of Section 31 and the West line of Section 32, thus excluding the Northwest quarter of Section 32, to the North line of the South half of the Southwest quarter of Section 32;

Southern States Utilities, Inc.

Charlotte and Lee Counties

The Burnt Store Composite Wastewater Description

Thence 10. South 89°19'12" East 2,643.79 feet East along the North line of the South half of the Southwest quarter of Section 32, thus excluding the North half of the Southwest quarter of Section 32, to the Northeast corner of the South half of the Southwest quarter of Section 32; **Thence 11.** North 00°45'26" East 1,320.00 feet North along the West line of the Northwest quarter of the Southeast quarter of Section 32 to the Northwest corner of the Southeast quarter of Section 32; **Thence 12.** South 89°19'12" East 2,615.07 feet East along the North line of the Southeast quarter of Section 32 to the Northeast corner of the Southeast quarter of Section 32; **Thence 13.** South 00°13'31" West 2,684.77 feet South along the East line of the Southeast quarter of Section 32 to the Southeast corner of the Southeast quarter of Section 32; **Thence 14.** North 89°18'58" West 1,320.00 feet West along the South line of the East half of the Southeast quarter of Section 32 to the Southwest corner of the East half of the Southeast quarter of Section 32; **Thence 15.** North 00°45'26" East 1,364.60 feet North along the West line of the East half of the Southeast quarter of Section 32 to the Southeast corner of the Northwest quarter of the Southeast quarter of Section 32; **Thence 16.** North 89°19'12" West 1,320.00 feet West along the South line of the Northwest quarter of the Southeast quarter of Section 32 to the Southwest corner of the Northwest quarter of the Southeast quarter of Section 32 and the Northeast corner of the South half of the Southwest quarter of Section 32; **Thence 17.** South 00°45'26" West 1,364.50 feet South along the East line of the South half of the Southwest quarter of Section 32 to the Southeast corner of the South half of the Southwest quarter of Section 32; **Thence 18.** North 89°18'58" West 2,640.00 feet West along the South line of the South half of the Southwest quarter of Section 32 to the Southwest corner of Section 32 and the Northeast corner of Section 6, Township 43 South, Range 23 East in Lee County; **Thence 19.** South 00°40'50" West 3,398.89 feet South along the East line of Section 6 to a point approximately 1,661' North of the South line of Section 6; **Thence 20.** South 00°41'28" West 482.27 feet South along the East line of Section 6 to a point approximately 1,179' North of the South line of Section 6; **Thence 21.** South 88°22'02" West 4,170.63 feet West along a line approximately 1,179' North of the South line of Section 6 to a point 1,132' East of the West line of

DOCKET NO. 960907-WS
DATE: April 2, 1997

ATTACHMENT C
Page 7 of 7

Southern States Utilities, Inc.

Charlotte and Lee Counties

The Burnt Store Composite Wastewater Description

Section 6; **Thence 22.** South 00°46'37" West 345.11 feet South along a line approximately 1,132' East of the West line of Section 6 to a point approximately 833' North of the South line of Section 6; **Thence 23.** South 88°22'02" West 1,131.86 feet West along a line approximately 833' North of the South line of Section 6 to a point on the West line of Section 6 approximately 830' North of the Southwest corner of Section 6 and the Southeast corner of Section 1, Township 43 South, Range 22 East; **Thence 24.** South 00°33'37" West 829.96 feet South along the East line of Section 1 to the Southeast corner of Section 1; **Thence 25.** North 89°35'44" West 2,931.20± feet West along the South line of Section 1 to the point of intersection with the Charlotte Harbor shoreline; **Thence 26.** Northerly 54,658 ± feet Meander Northerly along the shoreline of Charlotte Harbor approximately 10.4 miles through Section 1 of Township 43 South, Range 22 East in Lee County and Sections 36 and 25 of Township 42 South, Range 22 East and Section 30 of Township 42 South, Range 23 East in Charlotte County to a point of intersection with the North line of Section 30 approximately 4,312' West of the East line of Section 30; **Thence 27.** North 88°02'44" East 4,315.59± feet East along the North line of Section 30 to the Northeast corner of Section 30 and the Northwest corner of Section 29; **Thence 28.** North 88°02'44" East 9.72 feet East along the North line of Section 29, Township 42 South, Range 23 East in Charlotte County to a point 9.72' East of the Northwest corner of Section 29; **Thence 29.** North 88°25'38" East 5,272.26 feet East along the North line of Section 29 to the Northeast corner of Section 29 and the **Point of Beginning.**