

**RUDEN**  
**MCCLOSKEY**  
**SMITH**  
**SCHUSTER &**  
**RUSSELL, P.A.**

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RECORDS AND  
REPORTING

215 SOUTH MONROE STREET  
SUITE 815  
TALLAHASSEE, FLORIDA 32301

TELEPHONE: (850) 681-9027  
FAX: (850) 224-2032

E-MAIL: WLS@RUDEN.COM

October 20, 1998

Blanca S. Bayo, Director  
Division of Records & Reporting  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

HAND DELIVERY

981363-WLS

Re: Application for Extension of Service Area (Amendment of  
Certificates Nos. 7-W and 3-S) by Florida Cities Water Company  
in Brevard County, Florida

Dear Ms. Bayo:

Enclosed on behalf of Florida Cities Water Company are an original  
and twelve (12) copies of the Application for Extension of Service Area  
(Amendment of Certificates Nos. 7-W and 3-S) in Brevard County, Florida

Please open a docket for this application.

Also enclosed is Check No. 144989 in the amount of \$200.00 as  
payment of the filing fee for the application.

Please acknowledge receipt of the foregoing by stamping the enclosed  
extra copy of this letter and returning same to my attention. Thank you  
for your assistance.

Check received with filing and  
forwarded to Fiscal for deposit.  
Fiscal to forward a copy of check  
to FWR with proof of deposit.

Initials of person who forwarded check:

WLS

Sincerely,

*Wayne L. Schiefelbein*

Wayne L. Schiefelbein

WLS/ka

Enclosures

cc: John Williams (Via Hand Delivery)  
Division of Water & Wastewater  
(w/encl. including exhibits 3, 4 and 7)

DOCUMENT NUMBER-DATE

11664 OCT 20 98

TAL:18604:1

FORT LAUDERDALE ■ MIAMI ■ NAPLES ■ ST. PETERSBURG ■ SARASOTA ■ TALLAHASSEE ■ TAMPA ■ WEST PALM BEACH

FPSC RECORDS/REPORTING

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Application for Extension )  
of Service Area (Amendment of )  
Certificates Nos. 7-W and 3-S) )  
by FLORIDA CITIES WATER COMPANY)  
in Brevard County, Florida )

**FLORIDA CITIES WATER COMPANY'S APPLICATION FOR EXTENSION  
OF SERVICE AREA (AMENDMENT OF CERTIFICATES NOS. 7-W AND 3-S)  
IN BREVARD COUNTY, FLORIDA**

Pursuant to Section 367.045, Florida Statutes, Florida Cities Water Company (FCWC), by and through its undersigned counsel, files this application for extension of service area (amendment of Certificates Nos. 7-W and 3-S) in Brevard County, Florida, and in accordance with Rule 25-30.036, Florida Administrative Code, hereby supplies the following information:

1. The name and address of the utility is:

Florida Cities Water Company  
931 Barefoot Boulevard, Suite 2  
Barefoot Bay, Florida 32976

The name and address of the person to receive a copy of all papers, pleadings, and filings in this docket is:

Wayne L. Schiefelbein  
Ruden, McClosky, Smith, Schuster & Russell, P.A.  
215 South Monroe Street, Suite 815, Tallahassee, Florida 33301  
(850) 681-9027  
Attorneys for Florida Cities Water Company

2. This application seeks approval of the extension of FCWC's certificated areas to authorize service to the following potential water and wastewater customers located adjacent to its existing service areas:

	<u>ERCs</u>	<u>Type</u>
Area A: Avatar Property	60	Residential (single-family)
Area B: Fleming Grant/ Micco	20	Residential (single-family)
	1	Recreational Vehicle Storage

3. FCWC has the financial and technical ability to provide service to the customers identified in paragraph 2. FCWC is a large, multi-county operation in the State of Florida, and has been in the water and wastewater utility business since 1965. FCWC's operations are financially well supported, and the technical support and expertise are firmly in place. The proposed extension is not expected to have any impact in these regards.

4. a) Avatar Properties Inc. has requested FCWC to provide water and wastewater service to Area A.

b. Property owners Davis and Knowles have requested water service within Area B. Their existing water systems are in need of repair and they would rather connect to a central system than make repairs. The remainder of Area B is included because it is an "island" of unserved territory. Florida Cities believes it likely that other property owners within Area B will have problems with their own on-site systems. No other utilities have facilities in the area. The entire Area B is included in the proposed extension to avoid needless repetitive filings for very small extensions in an area that can logically be served only by FCWC.

5. There are no existing facilities other than FCWC's facilities within the immediate geographical area capable of providing water and wastewater service to the proposed extension.

this plant is 0.440 million gallons per day (mgd), with flows for the peak day at 0.710 mgd. The permitted treatment capacity is 1.00 mgd. This extension will add an average daily demand of 0.020 mgd and a peak demand of 0.031 mgd. There is a total of 800,000 gallons of storage to handle peak demand. There is sufficient water treatment capacity to serve the proposed territorial extension.

(b) The Barefoot Bay Advanced Wastewater Treatment Plant will serve the proposed wastewater territory extension. The average daily flow for the twelve-month period ended August 1998 is 0.546 mgd, with maximum day flow at 1.581 mgd. The permitted capacity is currently 0.750 mgd. The permit for this facility is based on annual average daily flow (AADF)--not peak daily flow. The AADF of 0.546 mgd is well within the permitted capacity of the plant. A hydraulic peaking factor of 3.0 was used in the design of this plant. The peak daily flow of 1.581 mgd is handled by the plant without any degradation in the quality of service. This extension will add an average daily flow of 0.020 mgd and a peak day flow of 0.053 mgd. The developer of Area A will provide for adequate effluent disposal by taking back and reusing at least the same amount of wastewater generated by the parcel, as reclaimed water. That developer will construct all necessary reclaimed water mains and dedicate them to FCWC. (Because of the relatively small size of the individual parcels within Area B, and their remote location from the wastewater treatment plant, it would not be feasible to serve Area B with reclaimed water.) There is sufficient wastewater treatment plant capacity to serve the proposed territorial extension.

(c) Detailed information as to the capacity of the existing lines is as follows:

#### Area A: Avatar Property

The Avatar Property will be incorporated into the Crystal Bay development, which was included in the territory extension granted by Order PSC-98-0360-FOF-WS. The developer will connect new water mains to existing 6-inch mains at Midway Street and Floral Drive. The new development requires 1000 gallons per minute (gpm) at 20 pounds per square inch (psi) pressure. Flow tests at nearby fire hydrants produced 1200 gpm at 20 psi. Wastewater collection and transmission mains will be installed by the developer and will be connected directly to the Barefoot Bay Advanced Wastewater Treatment Plant. No existing wastewater collection or transmission mains will be used.

#### Area B: Fleming Grant/ Micco

Property owners requesting water service within Area B will install and connect new water mains to an existing 6-inch main at Brown Road and Marlin Circle; and an existing 10-inch main at Sebastian Road and Micco Road. Property owners requesting wastewater service within Area B will install and connect new collection mains to the existing collection system at Brown Road and Micco Road.

14. In FCWC's most recent extension application (Docket No. 971236-WS) Commission Staff and FCWC discussed whether it was appropriate for FCWC to file for a new class of service for the potential new customers in the territory considered therein. As indicated in the February 6, 1998 letter from Charles H. Hill to counsel for FCWC, attached hereto as Exhibit 5, Staff acknowledged that such filing would be premature at that time, since no

construction had been started by the developer, and that the utility was therefore uncertain as to what, if any, reuse change it would request in its tariff.

The status of the development considered in said Docket No. 971236-WS remains unchanged. The development is currently the subject of the development review process with Brevard County and no associated water, wastewater or reuse permits have been applied for. The developer is planning to purchase Area A proposed within the instant application and include it within the same development. No construction within the extension approved within Docket No. 971236-WS or within the Area A proposed herein has been started at this time. Thus, it remains premature for FCWC to apply for a new class of service for the potential reuse customers.

15. The Florida Department of Environmental Protection has issued the following permits for the systems serving or proposed to serve the requested extension:

<u>Permit Number</u>	<u>Date</u>	<u>Facility</u>	<u>Permit Type</u>
FL0042293-01	9/97	Barefoot Bay AWWTP	Operation

16. No construction will be required on the part of FCWC at this time for the proposed extension. The developer of Area A and property owners needing service within Area B will construct the facilities required to extend service to their respective property. Any maintenance or repair of existing facilities occasioned by the extension will have minimal, if any, impact upon FCWC's capital structure.

17. Given FCWC's broad existing customer base, the proposed extension is not expected to impact either its monthly rates or service availability charges.

18 The original and two copies of proposed tariff sheets, which include the proposed extension areas, are attached as Composite Exhibit 6

19 Certificates Nos. 7-W and 3-S are identified as Composite Exhibit 6 and have been furnished to the Staff of the Commission.

20. Pursuant to Rule 25-30.020, Florida Administrative Code, the filing fee for the application is \$200.00 (\$100.00 for water and \$100.00 for wastewater.) A check in that amount payable to the Commission accompanies this application.

21. (a) Pursuant to Rule 25-30.030(2), Florida Administrative Code, FCWC obtained from the Commission a list of government authorities and certificated water and wastewater utilities located within the County in which the territory proposed to be served is located.

(b) FCWC will provide a copy of a Notice by regular mail to the governmental authorities and certificated utilities required under Rule 25-30.030(5) (a) through (h), Florida Administrative Code, as listed on the document referred to in paragraph 20(a) hereinabove. This notice will be given no later than seven days after the date the application is filed.

(c) FCWC will provide a copy of a Notice by regular mail to the owners of real property (as reflected on the local tax rolls) located within the proposed extension, pursuant to Rule 25-30.030(6), Florida Administrative Code. This notice will be given no later than seven days after the date the application is filed.

(d) Arrangements have been made with "Florida Today," a newspaper of general circulation in the territory proposed to be added, to publish the Notice. The publication of notice is expected no later than seven days after the date the application is filed.

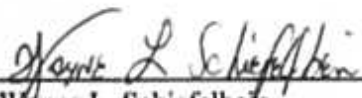
22 Order No. PSC-97-0516-FOF-WS is the most recent order of the Commission establishing or amending the existing water and wastewater rates and charges for the Barefoot Bay system.

23 An affidavit that indicates FCWC has tariffs and annual reports on file with the Commission is attached hereto as Exhibit 8

Based on the foregoing, FCWC requests that Certificates Nos. 7-W and 3-S be amended to extend its authorized territory to include the territory requested by this application.

Dated this 20<sup>th</sup> day October, 1998.

Respectfully submitted,

  
\_\_\_\_\_  
Wayne L. Schiefelbein  
RUDEN, MCCLOSKEY, SMITH,  
SCHUSTER & RUSSELL, P.A.  
215 South Monroe Street, Suite 815  
Tallahassee, Florida 32301  
(850) 681-9027

Attorneys for  
FLORIDA CITIES WATER COMPANY



Composite Exhibit 1

Attorney Opinion Letter and Warranty Deeds

**DENNIS J. GETMAN**  
*Attorney-at-Law*

September 18, 1998

Florida Cities Water Company  
4837 Swift Road, Suite 100  
Sarasota, Florida 34231

Attention: Gerald Allen, President

Re: Brevard County Property - Ownership

Dear Mr. Allen:

Pursuant to our earlier discussions, I am forwarding this letter to you in order to confirm our recent discussions involving the ownership of the following described properties located in Brevard County, Florida:

Property 1 - That portion of Tract F in Unit 2, Part 10, Barefoot Bay according to the plat thereof recorded in Plat Book 22, Page 112 of the Public Records of Brevard County, Florida.

Property 2 - Tract D in Unit 2, Part 11, Barefoot Bay according to the plat thereof recorded in Plat Book 22, Page 119 of the Public Records of Brevard County, Florida.

A review of the Public Records of Brevard County, Florida, and the applicable corporate minute books shows the following:

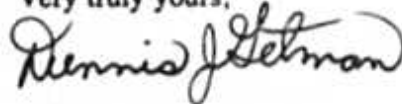
1. By Warranty Deed dated March 13, 1974, Property 1 was conveyed by GAC Properties Inc. to GAC Utilities Inc. of Florida. This Warranty Deed was recorded in O.R. Book 1457 on Page 689 of the Public Records of Brevard County, Florida, and a copy thereof is attached hereto marked Exhibit A and incorporated by reference herein.
2. By Warranty Deed dated March 13, 1974, Property 2 was conveyed by GAC Properties Inc. to GAC Utilities Inc. of Florida. This Warranty Deed was recorded in O.R. Book 1457 on Page 687 of the Public Records of Brevard County, Florida, and a copy thereof is attached hereto marked Exhibit B and incorporated by reference herein.
3. On September 29, 1980, a Certificate of Amendment changing the name of "GAC Utilities Inc. of Florida" to "Avatar Utilities Inc. of Florida" was adopted by the said corporation and approved by the Delaware Secretary of State on October 1, 1980. Attached hereto marked Exhibit C and incorporated by reference herein is a copy of the Certificate of Amendment dated September 29, 1980, and attached marked Exhibit D is a copy of the Certificate from the Delaware Secretary of State dated October 1, 1980.

Gerald Allen, President  
September 18, 1998  
Page 2

4. Articles of Merger were filed on March 17, 1987, with the Florida Department of State, merging "Avatar Utilities Inc. of Florida" into the Florida corporation known as "Florida Cities Water Company." The said merger was authorized by the State of Florida on March 20, 1987. Attached hereto marked Exhibit E is a true and correct copy of the Articles of Merger and attached marked Exhibit F is a copy of the acknowledgment of the Articles of Merger by the State of Florida. True and correct copies of the originals are maintained in the corporate minute books.

Based upon the above, it is my legal opinion that Property 1 and Property 2 are owned by the Florida corporation known as "Florida Cities Water Company."

Very truly yours,



Dennis J. Getman  
Attorney  
Florida Bar No. 146848

DJG/lg

Enclosures



8010  
SurD  
9.55  
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Rec.  
4.00

4114 290004

# Warranty Deed

HTL 42483  
RECEIVED COUNTY CLERK  
9/14/92

This Indenture, Made this 13th day of March A.D. 1974  
Between **GAC Properties Inc.** OF THE J.L. 8 PM 12 03

a corporation existing under the laws of the State of Florida having its principal place of business in the County of Duval and State of Florida party of the first part, and **GAC UTILITIES INC.** OF THE STATE OF FLORIDA,  
2112 Gulf Gate Drive Sarasota,  
of the County of **Sarasota** and State of **Florida**, 33581  
party of the second part.

**Witnesseth**, That the said party of the first part, for and in consideration of the sum of **TEN DOLLARS** and Other Valuable Considerations, to it in hand paid, by said party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said party of the second part, **SEA** lots and strips forever, the following described land, situate, lying and being in the County of **Sarasota** State of **Florida**, to-wit:  
**Seaward**

**MOX TRACT D** **Block** **One** **2** **Part** **11** **DALEFOOT BAY**  
according to plat thereof recorded in Plat Book **22**, Page **119**  
of the Public Records of **Sarasota** County, Florida.  
**Seaward**

STATE OF FLORIDA  
DOCUMENTARY TAX  
24.30

FLORIDA  
DOCUMENTARY SLURF TAX  
208.35

Subject to taxes for the current year, assessments, restrictions and reservations of record.  
And the said party of the first part does hereby fully warrant the title to said land, and will defend the same against all lawful claims of all persons whomsoever.

**In Witness Whereof**, the said party of the first part has caused these presents to be signed in its name by its duly authorized officers, and to corporate seal to be affixed, the day and year above written.



**GAC Properties Inc.**  
*Charles R. Hemper*  
By **Charles R. Hemper**  
Its Vice President

State of Florida,  
County of **Sarasota**

I **Charles R. Hemper** do hereby certify that on this day personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, **Charles R. Hemper**, Vice President of **GAC PROPERTIES INC.**, a Florida corporation, to me well known and known to me to be the individual described in and who executed the foregoing instrument, and he acknowledged to me to be his free act and deed as such officer for the uses and purposes therein expressed, and that he affixed thereto the official seal of said corporation, and the said instrument is the act and deed of said corporation.

Witness my hand and official seal at Miami, said county and state, on this the **13th** day of **MAR**, 1974.

This instrument was prepared by:  
**ROBERT L. WEINTRAUB, Attorney at Law**  
7080 Bayjays Blvd. - Miami, Flp 33158

*Robert L. Weintraub*  
Notary Public State of Florida at Large  
My Commission Expires  
Notary Public State of Florida at Large  
7080 Bayjays Blvd. - Miami, Flp 33158

Ballman - See Miami Real Estate Plans

BAREFOOT BAY

1. Lot No. 8 in Block 80 in Unit 2 Part 10, of Barefoot Bay, a subdivision according to the Plat thereof recorded in the Public Records of Brevard County, Florida, in Plat Book 22, Page 108.
2. Tract 39, in Block 142 in Unit 2, part 10, of Barefoot Bay, a subdivision, according to the Plat thereof recorded in the Public Records of Brevard County, Florida, in Plat Book 22, Page 113.
3. Tract D, Unit 2, Part 11, Barefoot Bay according to Plat thereof recorded in Plat Book 22, Page 119 of the Public Records of Brevard County, Florida.
4. A portion of Government Lot 2 of Fractional Section 11, Township 30 South, Range 38 East; more particularly described as follows:  
Beginning at a point on the west line of said Section 11, said point being South  $0^{\circ}09'34''$  East, 429.42' from the West corner of said Section 11; running thence South  $0^{\circ}09'34''$  East, 56.0'; thence North  $89^{\circ}50'26''$  East, 50.0'; thence North  $0^{\circ}09'34''$  West, 56.0'; thence South  $89^{\circ}50'26''$  West, 50.0' to the point of beginning. Containing 0.06 of an acre, more or less, and being in Brevard County, Florida.
5. That portion of Tract F in Unit 2, Part 10, Barefoot Bay according to Plat thereof recorded in Plat Book 22, Page 112 of the Public Records of Brevard County, Florida  
Beginning at a point on the West line of the S.E.  $\frac{1}{4}$  of N.W.  $\frac{1}{4}$ , Sec. 9, Township 30 South, Range 38 East; said point being N  $00^{\circ}29'39''$  W, 150.01 feet from the Southwest corner of the Southeast  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of said Section 9; running thence N  $00^{\circ}29'39''$  W, 975.03 feet along the West line of said Southeast  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 9; thence S  $89^{\circ}49'31''$  E, 521.13 feet; thence S  $00^{\circ}10'29''$  W, 800.00 feet; thence S  $89^{\circ}49'31''$  E, 162.00 feet to the Southwest corner of Lot 1, Block 47 of the aforementioned Barefoot Bay; thence S  $00^{\circ}10'29''$  W, 175.00 feet to the Southwest corner of Lot 1, Block 50 of the aforementioned Barefoot Bay; thence N  $89^{\circ}49'31''$  W, 671.75 feet to the point of beginning.
6. Lot No. 14, in Block 44, in Unit 2, Part 10, of Barefoot Bay, a subdivision according to the Plat thereof recorded in the Public Records of Brevard County, Florida in Plat Book 22, Page 106.

DE.---

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CERTIFICATE OF AMENDMENT  
OF  
CERTIFICATE OF INCORPORATION  
OF  
GAC UTILITIES INC. OF FLORIDA

001270  
OR BOOK

-----  
Adopted in accordance with the provisions of Section  
242 of the General Corporation Law of the State of  
Delaware  
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PAGE  
002135

We, Robert B. Gordon, Executive Vice President, and  
M. Beth Broderick, Secretary, of GAC Utilities Inc. of Florida,  
a corporation existing under the laws of the State of Delaware,  
do hereby certify as follows:

FIRST: That the Certificate of Incorporation of said  
corporation has been amended as follows:

By striking out the whole of Article First thereof  
as it now exists and inserting in lieu and instead thereof a  
new Article First, reading as follows:

Article First: The name of the Corporation shall be  
Avatar Utilities Inc. of Florida.

SECOND: That such amendment has been duly adopted in  
accordance with the provisions of the General Corporation Law of  
the State of Delaware by the unanimous written consent of all of  
the stockholders entitled to vote in accordance with the provisions  
of Section 228 of the General Corporation Law of the State of  
Delaware.

IN WITNESS WHEREOF, we have signed this certificate this  
29th day of September, 1980.

GAC Utilities Inc. of Florida

By: Robert B. Gordon  
Executive Vice President

ATTEST: M. Beth Broderick  
Secretary

BOOK X 68 PAGE 173



State of DELAWARE

Office of SECRETARY OF STATE

001270  
OR BOOK

002136  
PAGE

I, Glenn C. Kenton Secretary of State of the State of Delaware, do hereby certify that the above and foregoing is a true and correct copy of Certificate of Amendment of the "CAC UTILITIES INC. OF FLORIDA", as received and filed in this office the first day of October, A.D. 1920, at 10 o'clock A.M.

In Testimony Whereof, I have hereunto set my hand and official seal at Dover this 11th day of October in the year of our Lord one thousand nine hundred and twenty.



FORM 170

RECEIVED FOR RECORD

221 1 A.D. 1920

*Glenn C. Kenton*  
Glenn C. Kenton, Secretary of State

*Robert B. Lindsey*  
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Articles of Merger

Pursuant to the provisions of Section 607.227, Florida Statutes, the undersigned corporations have adopted the following articles of merger for the purpose of merging Avatar Utilities Inc. of Florida, the subsidiary corporation, into Florida Cities Water Company, its parent corporation.

1. The following Agreement and Plan of Merger (Exhibit A) was duly approved by unanimous written consent as permitted by Chapter 607, Florida Statutes, the articles of incorporation and the bylaws of the directors of the Florida Cities Water Company, surviving corporation, on December 31, 1986.

2. The number of outstanding shares of each class of Avatar Utilities Inc. of Florida, and the number of such shares of each class owned by Florida Cities Water Company are as follows:

Class	Total Shares Outstanding	Shares Owned by Florida Cities Water Company
Common	1000	1000

3. A copy of the Agreement and Plan of Merger was mailed and provided to Florida Cities Water Company, the subsidiary corporation on December 1, 1986.

4. The manner of the adoption of the plan of merger and the vote by which it was adopted constitute full legal compliance with the provisions of Chapter 607, Florida Statutes, and with the articles of incorporation and the bylaws of the subsidiary corporation and the surviving corporation.

5. The effective date of the merger is January 1, 1987.

Dated: January 15, 1987

Florida Cities Water Company

By:   
Robert E. Gordon - President

By:   
Judith A. Winberg - Assistant Secretary

Exhibit A

AGREEMENT AND PLAN OF MERGER

Agreement made December 31, 1986, between Avatar Utilities Inc. of Florida, a corporation organized and existing under the laws of the State of Florida having a principal office at 2112 Gulf Gate Drive, Sarasota, County of Sarasota, State of Florida 33581, and Florida Cities Water Company, a corporation organized and existing under the laws of the State of Florida, having a principal office and place of business at 2112 Gulf Gate Drive, Sarasota, County of Sarasota, State of Florida 33581.

## RECITALS

The boards of directors of the respective corporations deem it desirable and in the best interest of the corporations and their shareholders that Avatar Utilities Inc. of Florida be merged into Florida Cities Water Company.

For the reasons set forth above, and in consideration of the mutual covenants and promises of the parties hereto, the constituent corporations agree, pursuant to Section 607.227, Florida Statutes, that Avatar Utilities Inc. of Florida shall be merged into Florida Cities Water Company as a single corporation; and the parties agree to and prescribe the terms and conditions of such merger, the method of carrying it into effect, and the manner of handling the shares of Avatar Utilities Inc. of Florida, as hereinafter.

## 1. Surviving Corporation.

a. Avatar Utilities Inc. of Florida shall be the subsidiary corporation, and all references in this plan of merger to "subsidiary corporation" shall be to Avatar Utilities Inc. of Florida.

b. Florida Cities Water Company shall be the surviving corporation which owns all of the issued and outstanding stock of the above-named subsidiary corporation, and all references in this plan of merger to "surviving corporation" shall be to Florida Cities Water Company.

## 2. Management.

a. The articles of incorporation of Florida Cities Water Company shall continue to be its articles of incorporation following the effective date of the merger, until the same shall be altered, or amended.

b. The bylaws of Florida Cities Water Company shall be and remain the bylaws of the surviving corporation until altered, amended, or repealed.

c. The officers and directors of Florida Cities Water Company in office on the effective date of the merger shall continue in office and shall constitute the directors and officers of Florida Cities Water Company for the term elected until their respective successors shall be elected or appointed and qualified.

### 3. Rights, Privileges, etc.

a. On the effective date of the merger, Florida Cities Water Company shall possess all the rights, privileges, immunities, powers, and franchises of a public and private nature, and shall be subject to all of the restrictions, disabilities and duties of the subsidiary corporation; and all of the property, real, personal and mixed, and all debts due on whatever account, and all other choses in action and all and every other interest of or belonging to or due to the subsidiary corporation shall be deemed to be transferred to and vested in Florida Cities Water Company without further act or deed, and the title to any property or any interest therein, vested in the subsidiary corporation shall not revert or be in any way impaired by reason of the merger.

b. On the effective date of the merger, Florida Cities Water Company shall be deemed responsible and liable for all the liabilities and obligations of the subsidiary corporation; and any claims existing by or against the subsidiary corporation may be prosecuted to judgment as if the merger had not taken place, or Florida Cities Water Company may be substituted in place of the subsidiary corporation. The rights of the creditors shall not be impaired by this merger. Florida Cities Water Company shall execute and deliver any and all documents which may be required for it to assume or otherwise comply with the outstanding obligations of the subsidiary corporation.

### 4. Conversion of Shares.

Florida Cities Water Company at present owns all of the outstanding shares of stock of the subsidiary corporation. Upon the effective date of the merger, all the outstanding shares of stock of the subsidiary corporation shall be surrendered and cancelled. The shares of common stock of Florida Cities Water Company, whether authorized or issued on the effective date of the merger shall not be converted, exchanged, or otherwise affected as a result of the merger, and no new shares of stock be issued by reason of this merger.

### 5. Expenses of Merger.

Florida Cities Water Company shall pay all the expenses of accomplishing the merger.

6. Subsequent Acts.

If at any time Florida Cities Water Company shall consider or be advised that any further assignment or assurances in law are necessary or desirable to vest or to perfect or confirm of record in Florida Cities Water Company the title to any property or rights of the subsidiary corporation or to otherwise carry out the provisions hereof, the proper officers and directors of the subsidiary corporation as of the effective date of the merger shall execute and deliver any and all proper assignments and assurances in law, and do all things necessary or proper to vest, perfect, or confirm title to such property or rights in Florida Cities Water Company and to otherwise carry out the provisions hereof.

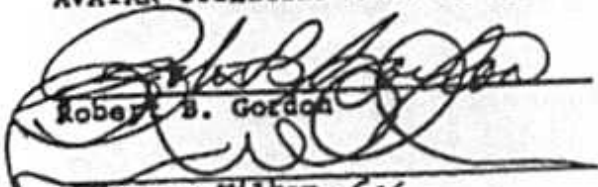
7. Abandonment of Merger.

At any time prior to the filing of the articles of merger with the Secretary of State of the State of Florida, the proposed merger may be abandoned by Florida Cities Water Company pursuant to this provision.

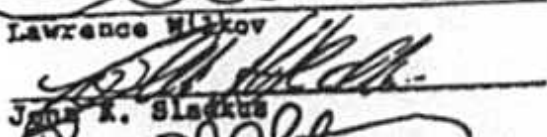
In witness whereof, the directors of Florida Cities Water Company, and the directors of Avatar Utilities Inc. of Florida have executed this plan of merger under their respective corporate seals on the day and year first above written.

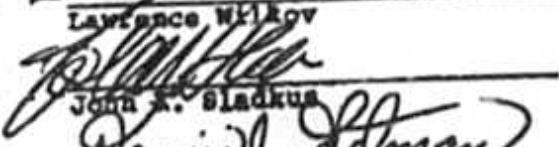
AVATAR UTILITIES INC. OF FLORIDA

FLORIDA CITIES WATER COMPANY

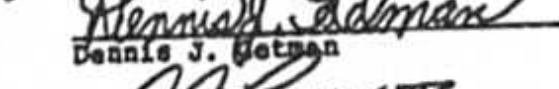
  
Robert B. Gordon

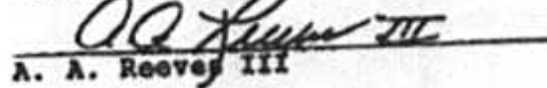
  
Robert B. Gordon

  
Lawrence Wilkov

  
Lawrence Wilkov

  
John K. Sladkus

  
John K. Sladkus

  
Dennis J. Getman

  
Dennis J. Getman

  
A. A. Reeves III

  
A. A. Reeves III

# State of Florida



Department of State

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2140

# COPY

001270  
OR BOOK

I certify the attached is a true and correct copy of Articles of Merger, filed on March 17, 1987, merging AVATAR UTILITIES INC. OF FLORIDA, a Delaware corporation, which is authorized to transact business in the State of Florida, into FLORIDA CITIES WATER COMPANY, the surviving Florida corporation, as shown by the records of this office.

The document number for the surviving corporation is 291141.

OF . .  
2800

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2696

Given under my hand and the Great Seal of the State of Florida, at Tallahassee, the Capital, this the 20th day of March, 1987.



CR26223 (10-85)

George Firestone  
Secretary of State

Notary Public  
State of Florida

**Composite Exhibit 2**

**Legal Description of Proposed Territory**

**Proposed Extension Area A: Avatar Property  
Proposed Extension Area B: Fleming Grant/Micco  
Composite Water and Wastewater Description**



Proposed Extension Area A

The intersection of the North line of the Southeast 1/4 of Section 3 (also the North line of the South 1/2 of Section 3), Township 30 South, Range 38 East and the Westerly right of way line of the Florida East Coast Railroad (100 foot Right of Way width) describes the Point of Beginning.

From the Point of Beginning run S23°54'12" E along said Westerly Right of Way line for a distance of 2881.57 feet to the South line of the Southeast 1/4 of Section 3; thence S89°50'45"W along said South line for a distance of 470.46 feet; thence departing said South line run N01°13'26"W for a distance of 1053.18 feet; thence N89°50'47"W for a distance of 2021.86 feet; thence N00°27'56"W for a distance of 1581.03 feet to the North line of the South 1/2 of Section 3, Township 30 South, Range 38 East; thence S89°50'47"E along the North line of the South 1/2 of Section 3 for a distance of 1360.08 feet to the Point of beginning ±.

Proposed Extension Area B

From the point of commencement at the Northeast corner of Section 15, Township 30 South, Range 38 East, proceed southerly a distance of 1334 feet ±, thence proceed westerly a distance of 1331 feet ±, to the point of Beginning.

From the point of beginning proceed N00°32'12"W a distance of 11.20 feet; thence S89°32'20"W a distance of 330.01 feet; thence N00°32'12"W a distance of 330 feet; thence S89°32'20"W a distance of 335.43 feet; thence S00°32'12"E a distance of 330 feet ±; thence S89°32'20"W a distance of 343.26 feet; thence N00°31'40"W a distance of 1320 feet; thence S89°32'20"W a distance of 287.9 feet; thence S00°31'40"E a distance of 1950 feet; thence S89°32'20"E a distance of 1350 feet; thence N0°32'12"W a distance of 654.40 feet to the point of Beginning.



**FLORIDA CITIES WATER COMPANY - BREVARD COUNTY DIVISION**

**BAREFOOT BAY**

**COMPOSITE WATER AND WASTEWATER DESCRIPTION**

A portion of Sections 9, 10, 11, 15 and 16, Township 30 South, Range 38 East, Brevard County, Florida, being more particularly described as follows:

Begin at the Northeast corner of Section 15, Township 30 South, Range 38 East, proceed Southerly along the Eastern boundary line of said Section 15, a distance of 1334 feet, more or less, to the Southeast corner of the Northeast 1/4 of the Northeast 1/4; thence Northeast 1/4 of said Section 15, a distance of 1331 feet, more or less to the Southwest corner of the Northeast 1/4 of the Northeast 1/4 of said Section 15; thence North  $00^{\circ}32'12''$  West, a distance of 11.20 feet; thence South  $89^{\circ}32'20''$  West, a distance of 330.01 feet; thence North  $00^{\circ}32'12''$  West, a distance of 330 feet to a line described as the North boundary of the South 330 feet of the North 1320 feet of the Northwest 1/4 of the Northeast 1/4 of said Section 15, thence South  $89^{\circ}32'20''$  West, along said boundary line for a distance of 335.43 feet; thence South  $00^{\circ}32'12''$  East, a distance of 330 feet to a line described as the South boundary of the North 1320 feet of the Northwest 1/4 of the Northeast 1/4 of said Section 15; thence South  $89^{\circ}32'20''$  West, a distance of 343.26 feet; thence North  $00^{\circ}31'40''$  West, along the East boundary of the West 10 acres of the Northwest 1/4 of the Northeast 1/4 of said Section 15 a distance of 1320.00 feet to a point on a line 50.00 feet south of and parallel with the north line of said Section 15 (the Southern boundary of Micco Road right-of-way); thence South  $89^{\circ}32'20''$  West parallel with and 50.00 feet south of the North line of said Section 15, a distance of 287.9 feet, to a point on a line 40.00 feet west of and parallel with the west line of the Northeast 1/4 of said Section 15 (the East line of Flemming Grant Road); thence South  $00^{\circ}31'40''$  East along said line a distance of 1950 feet; thence South  $89^{\circ}32'20''$  East, a distance of 1350 feet to the Southeast corner of the North 1/2, Southwest 1/4, Northeast of said Section 15; thence South  $0^{\circ}05'00''$  East, a distance of 950 feet, more or less; thence South  $89^{\circ}46'20''$  West, a distance of 1331.43 feet, to the West line of the Southeast 1/4 of said Section 15; thence northerly along the North-South centerline of said Section 15, a distance of 261.75 feet to the center of said Section 15; thence South  $89^{\circ}46'20''$  West, along South boundary of the Northwest 1/4 of said Section 15, for a distance of 2333.53 feet; thence North  $44^{\circ}37'18''$  West a distance of 475.72 feet, to the West line of said Section 15; thence North  $0^{\circ}32'45''$  West, along said West line, a distance of 993.85 feet, to the South boundary of the North 1/2 of the Northwest 1/4, of said Section 15; thence North  $89^{\circ}53'10''$  East, a distance of 2331.8 feet, to Southwest corner of the East 1/2, East 1/2, Northeast 1/4, Northwest 1/4 of said Section 15; thence North  $00^{\circ}31'49''$  West, along the West line of the 1/2, East 1/2, Northeast 1/4, Northwest 1/4 of said Section 15, a distance of 1319.16 feet to a line lying 50.00 feet South of and parallel with the North line of said Section 15 (the South boundary of Micco Road right-of-way); thence Westerly parallel with and 50.00 feet South of the North lines of said Sections 15 and 16, a distance 4992.7 feet, to the West boundary of the Northeast 1/4 of Section 16, Township 30 South, Range 38 East, thence North  $00^{\circ}33'44''$  West along said boundary and the West boundary of the

Southeast 1/4 of Section 9, Township 30 South, Range 38 East, a distance of 2732.1 feet, to the center said Section 9; thence North  $89^{\circ}49'31''$  West, along the South line of the Northwest 1/4 of said Section 9 for a distance of 1326.90 feet, to the Southwest corner of the Southeast 1/4, Northwest 1/4, said Section 9; thence North  $00^{\circ}29'39''$  West, along the West line of the Southeast 1/4, Northwest 1/4, said Section 9, for a distance of 1343.21 feet to the Northwest corner of the Southeast 1/4, Northwest 1/4, Section 9 of said Township and Range; thence South  $89^{\circ}44'36''$  East, along the North boundary of the Southeast 1/4 of the Northwest 1/4 of said Section 9 a distance of 1325.33 feet, more or less to the Northeast corner of the Southeast 1/4 of Northwest 1/4 of said Section 9; thence North  $00^{\circ}33'44''$  West, along the West boundary of the Northeast 1/4 of said Section 9 a distance 1341 feet, more or less to the North 1/4 corner of said Section 9;

thence Easterly along the North boundary of said Section 9, Township 30 South, Range 38 East, a distance of 2647.27 feet to the Southwest corner of Section 3, Township 30 South, Range 38 East; proceed N  $00^{\circ}32'48''$  W, along the west line of the Southwest 1/4 of said Section 3, a distance of 2,656.30 feet to a concrete monument at the northwest corner of said Southwest 1/4; thence S  $89^{\circ}50'47''$  E, along the north line of said Southwest 1/4 a distance of 1320.29 feet; thence S  $00^{\circ}52'46''$  E a distance of 331.12 feet, thence S  $89^{\circ}53'14''$  E a distance of 660.91 feet, thence S  $00^{\circ}27'56''$  E a distance of 1250.41 feet, thence S  $89^{\circ}50'47''$  E distance of 2021.86 feet to the East line of the Southwest 1/4 of the Southeast 1/4 of said Section 3, Township 30 South, Range 38 East; thence S  $01^{\circ}13'26''$  E a distance of 1053.18 feet to the Northeast corner of the Northwest 1/4 of the Northeast 1/4 of said Section 3, Township 30 South, Range 38 East; thence S  $89^{\circ}50'45''$  W a distance of 375.00 feet; thence S  $00^{\circ}35'41''$  E a distance of 1329.38 feet to the south line of the Northwest 1/4 of the Northeast 1/4 of Section 10, Township 30 South, Range 38 East; thence S  $89^{\circ}42'50''$  W a distance of 968.12 feet to the eastern boundary of the Northeast 1/4 of said Section 10, Township 30 South, Range 38 East; thence S  $00^{\circ}38'31''$  East a distance of 1331.98 feet to the center point of said Section 10;

thence Easterly along the East-West centerline of said Section 10, a distance of 2684.6 feet, to the Northeast corner of the Southeast 1/4 of said Section 10; thence East along the East-West centerline of said Section 11, a distance of 1080 feet, to Westerly boundary of US Highway 1 (State Road No. 5) right-of-way; thence Southeasterly along said westerly boundary a distance of 2619.3 feet (plus or -); thence South  $77^{\circ}07'44''$  West a distance of 681.4 (plus or -) feet; thence South  $23^{\circ}53'16''$  East parallel to Florida East Coast Railroad right-of-way a distance of 190.7 (plus or -) feet to the South line of said Section 11; thence West along the South line of said Section, for a distance of 1,617.4 feet (plus or -) to the Southwest corner of said Section 11, said point also being the Northeast corner of said Section 15 and the POINT OF BEGINNING.

**Composite Exhibit 3**

**System Maps (three sheets)**

1. **Proposed Connection to Existing Water Distribution**
2. **Proposed Force Main**
3. **Proposed Connection to Existing Water and Sewer**

**[Furnished Directly to Commission Staff]**

Composite Exhibit 4

Territorial Map (three sheets)

1. Section 15, Township 30S Range 38E  
Section 11 Township 30S Range 38E
2. Section 03 Township 30S Range 38E
3. Section 09 Township 30S Range 38E  
Section 10 Township 30S Range 38E

[Furnished Directly to Commission Staff]

Exhibit 5

February 5, 1998 Letter From Charles H. Hill

STATE OF FLORIDA

LOG

Commissioners:  
JULIA L. JOHNSON, CHAIRMAN  
J. TERRY DEASON  
SUSAN F. CLARK  
JOE GARCIA  
E. LEON JACOBS, JR.



DIVISION OF WATER & WASTEWATER  
CHARLES H. HILL  
DIRECTOR  
(850) 413-6900

**Public Service Commission**

February 6, 1998

**RECEIVED**

FEB 10 1998

Mr. Wayne L. Schiefelbein  
Gatlin, Schiefelbein & Cowdery, P.A.  
1709-D Mahan Drive  
Tallahassee, Florida 32308

OFFICE OF  
WAYNE L. SCHIEFELBEIN

Re: Docket No. 971236-WS; Application for Amendment of Certificates Nos. 7-W and 3-S  
in Brevard County by Florida Cities Water Company.

Dear Mr. Schiefelbein:

The purpose of this letter is to verify the intention of Florida Cities Water Company to file for a new class of service for the potential reuse customers in the territory considered in Docket No. 971236-WS. The staff understands that the filing is premature at the time of the amendment recommendation, since no construction has been started by the developer. Therefore, the utility is uncertain at this time as to what, if any reuse charge it would request in its tariff.

However, you have represented to Mr. John Williams that Florida Cities will be filing for a new reuse class of service in the future for this specific customer. If you have any questions concerning this filing, please contact John Williams at (850) 413-6986.

Sincerely,

Charles H. Hill  
Director

CHH/RPR  
C:\WP6\971236B.RPR\I:

cc: Division of Legal Services (Jaber, Brubaker)  
Division of Water and Wastewater (Williams, Messer, Willis, Shafer, Redemann)  
Division of Records and Reporting (Bayo, Security File)

**Composite Exhibit 6**

**Proposed Tariff Sheets**

**Water**

**Fourth Revised Sheet No. 3.0**

**Fourth Revised Sheet No. 4.0**

**Fourth Revised Sheet NO. 4.1**

**Wastewater**

**Fourth Revised Sheet No. 4.0**

**Fourth Revised Sheet No. 4.1**

**Fourth Revised Sheet No. 4.2**

FLORIDA CITIES WATER COMPANY  
Barefoot Bay Division-Water

TERRITORY SERVED

CERTIFICATE NUMBER - 7-W

COUNTY - BREVARD

COMMISSION ORDER(S) APPROVING TERRITORY SERVED -

<u>Order Number</u>	<u>Date Issued</u>	<u>Docket No.</u>	<u>Filing Type</u>
5016	12-30-70	70394-WS	Original Certificate
9526	09-09-80	800485-WS	Amendment
10561	02-02-82	820024-WS	Name Change
17803	07-02-87	870531-WS	Name Change
PSC-97-0141-FOF-WS	02-11-97	960915-WS	Amendment and Correction of Order No. 5016
PSC-98-0360-FOF-WS	03-05-98	971236-WS	Amendment Amendment

(Continued to Sheet No. 4.0)



FLORIDA CITIES WATER COMPANY  
Barefoot Bay Division-Water

**TERRITORY SERVED**  
**WATER SERVICE AREA DESCRIPTION**

The following composite description includes (1) the areas granted by Orders Nos. 5016 and 9526, as corrected by Order No. PSC-97-0141-FOF-WS, with certain angles and distances added to make the description more clear and concise; and (2) additional areas approved by Order No. PSC-97-0141-FOF-WS; and (3) additional areas approved by Order No. PSC-98-0360-FOF-WS; and (4) the new area.

A portion of Sections 3, 9, 10, 11, 15 and 16, Township 30 South, Range 38 East, Brevard County, Florida, being more particularly described as follows:

Begin at the Northeast corner of Section 15, Township 30 South, Range 38 East, proceed Southerly along the Eastern boundary line of said Section 15, a distance of 1334 feet, more or less, to the Southeast corner of the Northeast 1/4 of the Northeast 1/4; thence westerly along the South boundary of the Northeast 1/4 of the Northeast 1/4 of said Section 15, a distance of 1331 feet, more or less to the Southwest corner of the Northeast 1/4 of the Northeast 1/4 of said Section 15; thence South 00°32'12" East, a distance of 654.40 feet; thence South 0°05'00" East, a distance of 950 feet, more or less; thence South 89°46'20" West, a distance of 1331.43 feet, to the West line of the Southeast 1/4 of said Section 15; thence northerly along the North-South centerline of said Section 15, a distance of 261.75 feet to the center of said Section 15; thence South 89°46'20" West, along South boundary of the Northwest 1/4 of said Section 15, for a distance of 2333.53 feet; thence North 44°37'18" West a distance of 475.72 feet, to the West line of said Section 15; thence North 0°32'45" West, along said West line, a distance of 993.85 feet, to the South boundary of the North 1/2 of the Northwest 1/4, of said Section 15; thence North 89°53'10" East, a distance of 2331.8 feet, to Southwest corner of the East 1/2, East 1/2, Northeast 1/4, Northwest 1/4 of said Section 15; thence North 00°31'49" West, along the West line of the East 1/2, East 1/2, Northeast 1/4, Northwest 1/4 of said Section 15, a distance of 1319.16 feet to a line lying 50.00 feet South of and parallel with the North line of said Section 15 (the South boundary of Micco Road right-of-way); thence Westerly parallel with and 50.00 feet South of the North lines of said Sections 15 and 16, a distance 4992.7 feet, to the West boundary of the Northeast 1/4 of Section 16, Township 30 South, Range 38 East, thence North 00°33'44" West along said boundary and the West boundary of the Southeast 1/4 of Section 9, Township 30 South, Range 38 East, a distance of 2732.1 feet, to the center said Section 9; thence North 89°49'31" West, along the South line of the Northwest 1/4 of said Section 9 for a distance of

GERALD S. ALLEN

PRESIDENT

FLORIDA CITIES WATER COMPANY  
Barefoot Bay Division-Water

1326.90 feet, to the Southwest corner of the Southeast 1/4, Northwest 1/4, said Section 9; thence North  $00^{\circ}29'39''$  West, along the West line of the Southeast 1/4, Northwest 1/4, said Section 9, for a distance of 1343.21 feet to the Northwest corner of the Southeast 1/4, Northwest 1/4, Section 9 of said Township and Range; thence South  $89^{\circ}44'36''$  East, along the North boundary of the Southeast 1/4 of the Northwest 1/4 of said Section 9 a distance of 1325.33 feet, more or less to the Northeast corner of the Southeast 1/4 of Northwest 1/4 of said Section 9; thence North  $00^{\circ}33'44''$  West, along the West boundary of the Northeast 1/4 of said Section 9 a distance 1341 feet, more or less to the North 1/4 corner of said Section 9; thence Easterly along the North boundary of said Section 9, Township 30 South, Range 38 East, a distance of 2647.27 feet to the Southwest corner of Section 3, Township 30 South, Range 38 East; thence N  $00^{\circ}32'48''$  W, along the west line of the Southwest 1/4 of said Section 3, a distance of 2,656.30 feet to a concrete monument at the northwest corner of said Southwest 1/4; thence S  $89^{\circ}50'47''$  E, along the north line of said Southwest 1/4 a distance of 1320.29 feet; thence S  $00^{\circ}52'46''$  E a distance of 331.12 feet, thence S  $89^{\circ}53'14''$  E a distance of 660.91 feet, thence N  $00^{\circ}27'56''$  W a distance of 330.62 feet; thence S  $89^{\circ}50'47''$  E a distance of 1360.08 feet to a point on the westerly right of way line of the Florida East Coast Railway; thence S  $23^{\circ}54'12''$  E along said westerly right of way line for 2881.57 feet; thence S  $89^{\circ}50'45''$  W a distance of 845.46 feet; thence S  $01^{\circ}13'26''$  E a distance of 1053.18 feet to the Northeast corner of the Northwest 1/4 of the Northeast 1/4 of Section 10, Township 30 South, Range 38 East; thence S  $89^{\circ}50'45''$  W a distance of 375.00 feet; thence S  $00^{\circ}35'41''$  E a distance of 1329.38 feet to the south line of the Northwest 1/4 of the Northeast 1/4 of Section 10, Township 30 South, Range 38 East; thence S  $89^{\circ}42'50''$  W a distance of 968.12 feet to the eastern boundary of the Northeast 1/4 of said Section 10, Township 30 South, Range 38 East; thence S  $00^{\circ}38'31''$  East a distance of 1331.98 feet to the center point of said Section 10; thence Easterly a distance of 3764.6 feet to the Westerly boundary of US Highway 1 (State Road No. 5) right-of-way; thence Southeasterly along said westerly boundary a distance of 2619.3 feet (plus or -); thence South  $77^{\circ}07'44''$  West a distance of 681.4 (plus or -) feet; thence South  $23^{\circ}53'16''$  East parallel to Florida East Coast Railroad right-of-way a distance of 190.7 (plus or -) feet to the South line of Section 11; thence West along the South line of said Section 11, for a distance of 1,617.4 feet (plus or -) to the Southwest corner of said Section 11, said point also being the Northeast corner of said Section 15 and the POINT OF BEGINNING.

GERALD S. ALLEN

PRESIDENT

FLORIDA CITIES WATER COMPANY  
Barefoot Bay Division- WASTEWATER TARIFF

TERRITORY SERVED

CERTIFICATE NUMBER - 3-S

COUNTY - BREVARD

COMMISSION ORDER(S) APPROVING TERRITORY SERVED -

<u>Order Number</u>	<u>Date Issued</u>	<u>Docket No.</u>	<u>Filing Type</u>
5016	12-30-70	70394-WS	Original Certificate
9526	09-09-80	800485-WS	Amendment
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17803	07-02-87	870531-WS	Name Change
PSC-97-0141-FOF-WS	02-11-97	960915-WS	Amendment and Correction of Order No. 5016
PSC-98-0360-FOF-WS	03-05-98	971236-WS	Amendment Amendment

(Continued to Sheet No. 4.1)

FLORIDA CITIES WATER COMPANY  
Barefoot Bay Division-Wastewater

**TERRITORY SERVED**  
**WASTEWATER SERVICE AREA DESCRIPTION**

The following composite description includes (1) the areas granted by Orders Nos. 5016 and 9526, as corrected by Order No. PSC-97-0141-FOF-WS, with certain angles and distances added to make the description more clear and concise; and (2) additional areas approved by Order No. PSC-97-0141-FOF-WS; and (3) additional areas approved by Order No. PSC-98-0360-FOF-WS; and (4) the new area.

A portion of Sections 3, 9, 10, 11, 15 and 16, Township 30 South, Range 38 East, Brevard County, Florida, being more particularly described as follows:

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GERALD S. ALLEN

PRESIDENT

FLORIDA CITIES WATER COMPANY  
Barefoot Bay Division-Wastewater

1326.90 feet, to the Southwest corner of the Southeast 1/4, Northwest 1/4, said Section 9; thence North  $00^{\circ}29'39''$  West, along the West line of the Southeast 1/4, Northwest 1/4, said Section 9, for a distance of 1343.21 feet to the Northwest corner of the Southeast 1/4, Northwest 1/4, Section 9 of said Township and Range; thence South  $89^{\circ}44'36''$  East, along the North boundary of the Southeast 1/4 of the Northwest 1/4 of said Section 9 a distance of 1325.33 feet, more or less to the Northeast corner of the Southeast 1/4 of Northwest 1/4 of said Section 9; thence North  $00^{\circ}33'44''$  West, along the West boundary of the Northeast 1/4 of said Section 9 a distance 1341 feet, more or less to the North 1/4 corner of said Section 9; thence Easterly along the North boundary of said Section 9, Township 30 South, Range 38 East, a distance of 2647.27 feet to the Southwest corner of Section 3, Township 30 South, Range 38 East; thence N  $00^{\circ}32'48''$  W, along the west line of the Southwest 1/4 of said Section 3, a distance of 2,656.30 feet to a concrete monument at the northwest corner of said Southwest 1/4; thence S  $89^{\circ}50'47''$  E, along the north line of said Southwest 1/4 a distance of 1320.29 feet; thence S  $00^{\circ}52'46''$  E a distance of 331.12 feet, thence S  $89^{\circ}53'14''$  E a distance of 660.91 feet, thence N  $00^{\circ}27'56''$  W a distance of 330.62 feet; thence S  $89^{\circ}50'47''$  E a distance of 1360.08 feet to a point on the westerly right of way line of the Florida East Coast Railway; thence S  $23^{\circ}54'12''$  E along said westerly right of way line for 2881.57 feet; thence S  $89^{\circ}50'45''$  W a distance of 845.46 feet; thence S  $01^{\circ}13'26''$  E a distance of 1053.18 feet to the Northeast corner of the Northwest 1/4 of the Northeast 1/4 of Section 10, Township 30 South, Range 38 East; thence S  $89^{\circ}50'45''$  W a distance of 375.00 feet; thence S  $00^{\circ}35'41''$  E a distance of 1329.38 feet to the south line of the Northwest 1/4 of the Northeast 1/4 of Section 10, Township 30 South, Range 38 East; thence S  $89^{\circ}42'50''$  W a distance of 968.12 feet to the eastern boundary of the Northeast 1/4 of said Section 10, Township 30 South, Range 38 East; thence S  $00^{\circ}38'31''$  East a distance of 1331.98 feet to the center point of said Section 10; thence Easterly a distance of 3764.6 feet to the Westerly boundary of US Highway 1 (State Road No. 5) right-of-way; thence Southeasterly along said westerly boundary a distance of 2619.3 feet (plus or -); thence South  $77^{\circ}07'44''$  West a distance of 681.4 (plus or -) feet; thence South  $23^{\circ}53'16''$  East parallel to Florida East Coast Railroad right-of-way a distance of 190.7 (plus or -) feet to the South line of Section 11; thence West along the South line of said Section 11, for a distance of 1,617.4 feet (plus or -) to the Southwest corner of said Section 11, said point also being the Northeast corner of said Section 15 and the POINT OF BEGINNING.

GERALD S. ALLEN

PRESIDENT

Composite Exhibit 7

Certificates Nos. 7-W and 3-S

[Furnished Directly to Commission Staff]



**FLORIDA PUBLIC SERVICE COMMISSION**

**Certificate Number**

**7 - W**

Upon consideration of the record it is hereby ORDERED  
that authority be and is hereby granted to:

**FLORIDA CITIES WATER COMPANY**

Whose principal address is:


4837 Swift Road, Suite 100  
Sarasota, Florida 34231-5157 (Brevard County)

to provide water service in accordance with the provision of Chapter 367,  
Florida Statutes, the Rules, Regulations and Orders of this Commission in the  
territory described by the Orders of this Commission.

This Certificate shall remain in force and effect until suspended, cancelled or  
revoked by Orders of this Commission.

ORDER	5016	DOCKET	70394-WS
ORDER	9526	DOCKET	800485-WS
ORDER	10561	DOCKET	820024-WS
ORDER	17803	DOCKET	870531-WS
ORDER	PSC-97-0141-FOF-WS	DOCKET	960915-WS
ORDER	PSC-98-0360-FOF-WS	DOCKET	971236-WS
ORDER		DOCKET	
ORDER		DOCKET	

**BY ORDER OF THE  
FLORIDA PUBLIC SERVICE COMMISSION**

  
Director  
Division of Records and Reporting

FLORIDA PUBLIC SERVICE COMMISSION

Certificate Number

3 - S

Upon consideration of the record it is hereby ORDERED  
that authority be and is hereby granted to:

FLORIDA CITIES WATER COMPANY

Whose principal address is:

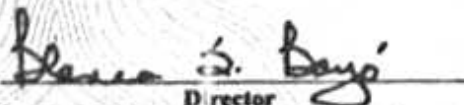
4837 Swift Road, Suite 100  
Sarasota, Florida 34231-5157 (Brevard County)

to provide wastewater service in accordance with the provision of Chapter 367,  
Florida Statutes, the Rules, Regulations and Orders of this Commission in the  
territory described by the Orders of this Commission.

This Certificate shall remain in force and effect until suspended, cancelled or  
revoked by Orders of this Commission.

ORDER	5016	DOCKET	70394-WS
ORDER	9526	DOCKET	800485-WS
ORDER	10561	DOCKET	820024-WS
ORDER	17803	DOCKET	870531-WS
ORDER	PSC-97-0141-FOF-WS	DOCKET	960915-WS
ORDER	PSC-98-0360-POF-WS	DOCKET	971236-WS
ORDER		DOCKET	
ORDER		DOCKET	

BY ORDER OF THE  
FLORIDA PUBLIC SERVICE COMMISSION

  
Director

Division of Records and Reporting



Exhibit 8

Affidavit On Tariffs and Annual Reports

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for Extension )  
of Service Area (Amendment of )  
Certificates Nos. 7-W and 3-S) )  
by FLORIDA CITIES WATER )  
COMPANY in Brevard County, )  
Florida )

**AFFIDAVIT**

STATE OF FLORIDA  
COUNTY OF SARASOTA

BEFORE me personally appeared Michael Acosta, who  
is Vice President, Engineering & Operations of Florida Cities Water Company and who,  
upon being duly sworn, deposes and says that:

Florida Cities Water Company has tariffs and annual reports on file with the Commission  
as required by Commission regulations.

Further affiant says not.



As: Vice President, Engineering &  
Operations

SWORN TO AND SUBSCRIBED before me this 14<sup>th</sup> day of September, 1998.



PERSONALLY KNOWN BY ME  
OR PRODUCED BY ME

  
Notary Public

Anita J. Chubbuck  
Printed Name

**RUDEN  
McClosky  
SMITH  
SCHUSTER &  
RUSSELL, P.A.**  
ATTORNEYS AT LAW

DEPOSIT DATE  
**D022** OCT 21 1998

215 SOUTH MONROE STREET  
SUITE 815  
TALLAHASSEE, FLORIDA 32301

TELEPHONE: (850) 681-9027  
FAX: (850) 224-2032

E-MAIL: WLS@RUDEN.COM

October 20, 1998

Blanca S. Bayo, Director  
Division of Records & Reporting  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

**HAND DELIVERY**

Re: Application for Extension of Service Area (Amendment of  
Certificates Nos. 7-W and 3-S) by Florida Cities Water Company  
in Brevard County, Florida

Dear Ms. Bayo:

Enclosed on behalf of Florida Cities Water Company are an original  
and twelve (12) copies of the Application for Extension of Service Area  
(Amendment of Certificates Nos. 7-W and 3-S) in Brevard County, Florida

Please open a docket for this application.

Also enclosed is Check No. 144989 in the amount of \$200.00 as  
payment of the filing fee for the application.

Please acknowledge receipt of the foregoing by stamping the enclosed  
extra copy of this letter and returning same to my attention. Thank you

RECEIVED  
FLORIDA PUBLIC SERVICE COMMISSION  
OCT 21 1998  
19271

**FLORIDA CITIES WATER COMPANY**

4837 Swift Road, Suite 100  
Sarasota, Florida 34231  
Telephone (941) 925-3088

**NationsBank**

NationsBank N.A.  
Asheville, North Carolina  
Member Federal Deposit Insurance Corporation

CHECK NO. **144989**

DATE	AMOUNT
09/21/98	*****200.00

PAY

19271

VOID AFTER 90 DAYS

TWO HUNDRED AND 00/100 \*\*\*\*\*

TO THE ORDER OF:

**FLORIDA PUBLIC SERVICE COMMISSION**  
2540 SHUMARD OAK BLVD  
TALLAHASSEE FL

32399-0870

*[Handwritten Signature]*

AUTHORIZED SIGNATURES