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REPLY TO CENTRAL FLORIDA OFFICE

April 17, 2007

HAND DELIVERY

Ann Cole, Commission Clerk  
Office of Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

RE: Cypress Lakes Utilities, Inc. - Application for Amendment to Water and Wastewater  
Certificates in Polk County, Florida  
Our File No.: 30057.139

Dear Ms. Cole:

Enclosed please find for filing an original and fifteen (15) copies of the Application of Cypress Lakes Utilities, Inc., to amend its water and wastewater certificates in Polk County, Florida. Also, enclosed is our check in the amount of \$400.00 representing the appropriate filing fee.

Should you have any questions regarding this filing, please do not hesitate to contact me.

Very truly yours,

VALERIE L. LORD  
For the Firm

Check received with filing and forwarded to Fiscal for deposit. Fiscal to forward deposit information to Records.

Initials of person who forwarded check:

VLL/tlc  
Enclosures

cc: Steven M. Lubertozi, Chief Regulatory Officer (w/enclosures)  
John P. Hoy, Regional Vice President for Operations (w/o enclosures)  
Patrick C. Flynn, Regional Director (w/enclosures)

M:\1 ALTAMONTE\UTILITIES INC\CYPRESS LAKES\(.139) TERRITORY EXTENSION\PSC Clerk 02 (App to Amend Certs).ltr.wpd

DOCUMENT NUMBER-DATE

03275 APR 17 6

FPSC-COMMISSION CLERK

ORIGINAL

CENTRAL FLORIDA OFFICE  
SANLANDO CENTER  
2180 W. STATE ROAD 434, SUITE 2118  
LONGWOOD, FLORIDA 32779  
(407) 830-6331  
FAX (407) 830-8522

MARTIN S. FRIEDMAN, P.A.  
VALERIE L. LORD  
BRIAN J. STREET

COMMISSION  
CLERK

APR 17 PM 2:20

RECEIVED FPSC

070275-WS

Detailed System MAP  
& Original Tariffs forwarded  
RECEIVED & FILED  
to ECR.

R.V.N.  
BUREAU OF RECORDS

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Application of  
CYPRESS LAKES UTILITIES, INC.  
for amendment to water and wastewater  
certificates in Polk County, Florida

---

Docket No. 070 275 as

COMMISSION  
CLERK

07 APR 17 PM 2:23

RECEIVED

APPLICATION FOR AMENDMENT TO  
CERTIFICATES OF AUTHORIZATION

CYPRESS LAKES UTILITIES INC. ("Applicant"), by and through its undersigned attorneys, and pursuant to Section 367.045(2), Florida Statutes, and Rule 25-30.036, Florida Administrative Code, files this Application for Amendment of Certificate No. 592-W and Certificate No. 509-S to extend its water and wastewater service area to include the land more fully described in Exhibit "A" ("Extension Area"), in Polk County, and in support thereof states:

GENERAL INFORMATION

1. The exact name of the Applicant and the address of its principal business offices are:

Cypress Lakes Utilities, Inc.  
200 Weathersfield Avenue  
Altamonte Springs, Florida 32714

and

c/o Utilities, Inc.  
2335 Sanders Road  
Northbrook, IL 60062

DOCUMENT NUMBER-DATE

03275 APR 17 5

FPSC-COMMISSION CLERK

2. The names and address of the persons authorized to receive notices and communications in respect to this application is:

Martin S. Friedman, Esquire  
Valerie L. Lord, Esquire  
Rose, Sundstrom & Bentley, LLP  
2180 W. State Road 434, Suite 2118  
Longwood, FL 32779  
(407)830-6331  
(407)830-8522 fax  
[mfriedman@rsbattorneys.com](mailto:mfriedman@rsbattorneys.com)  
[vlord@rsbattorneys.com](mailto:vlord@rsbattorneys.com)

3. The Applicant is making this Application because the Applicant has been requested to provide water and wastewater service to the Extension Area. A copy of the Agreement for Water and Wastewater Service, dated December 22, 2006, between the Applicant and Cypress Lakes Associates, Ltd., is attached hereto as Exhibit "B" ("Agreement"). The Extension Area is adjacent to the Applicant's existing certificated water and wastewater service area.

4. The approval of this Application is in the public interest because there (a) is a need for water and wastewater service to the Extension Area; and (b) the approval of the Application to amend the Applicant's water and wastewater certificates to include the Extension Area within its certificated water and wastewater service areas will not interrupt, curtail or otherwise affect the provision of water and wastewater service to existing customers.

**INFORMATION REQUIRED BY**  
**RULE 25-30.036(3), FLORIDA ADMINISTRATIVE CODE**

- (a) The Applicant's complete name and address is as shown above.
- (b) The Applicant is an established water and wastewater utility which has been providing service for many years. It has both the financial and technical ability to render reasonably sufficient, adequate and efficient service. A copy of the financial sections of the Applicant's most recent Annual Report filed with the Commission is attached hereto as Exhibit "C". With respect to the Applicant's technical ability, attached as Exhibit "D" is a schedule listing the operators and their license numbers. There are no outstanding Consent Orders or Notices of Violation from DEP.
- (c) To the best of Applicant's knowledge, the provision by the Applicant of water service to the Extension Area is consistent with the water section of the Polk County Comprehensive Plan at the time this Application is filed, as approved by the Department of Community Affairs.
- (d) Documentary evidence of the Applicant's ownership of the land on which its plants are constructed is attached hereto as Exhibit "E".
- (e) A description of the Extension Area is attached as Exhibit "A".
- (f) A copy of the detailed system map showing the proposed lines, treatment facilities, and the territory proposed to be served is attached hereto as Exhibit "F".
- (g) The wastewater treatment plant currently generates reuse and will continue

to do so after the completion of the improvements.

- (h) N/A
- (i) A copy of the official county tax assessment map or other map showing township, range and section, is attached hereto as Exhibit "F".
- (j) The existing lines and treatment facilities currently serving the Applicant's existing certificated water service area have sufficient capacity to serve the Extension Area. In order to serve the 120 residential customers in the Extension Area, the Applicant's wastewater treatment plant will be expanded. The capacity of the existing lines and treatment facilities and the design capacity of the proposed extension is as follows:

	Capacity of Lines	Capacity of Treatment Facilities	Connected Load	Design Capacity of Extension Area
Water	N/A	0.448 mgd	.262 mgd	0.021 mgd
Wastewater	N/A	0.175 mgd	.142 mgd	0.0134 mgd

- (k) A copy of the permit for the construction of the transmission lines is attached hereto as Exhibit "G".
- (l) Pursuant to the Agreement, the Applicant and Cypress Lakes Associates, Ltd. will share equally in the cost of the improvements to the wastewater treatment plant. An engineering estimate of the cost to design, permit and construct the improvements is about \$250,000.
- (m) The Applicant proposes to serve 120 residential building lots in the Extension Area.

- (n) The inclusion of the Extension Area within the Applicant's certificated water and wastewater service areas will not have any impact on the Applicant's rates or service availability charges. Rates for the Applicant are the subject of an Application to Increase Rates which is currently before this Commission. The Applicant will implement the rates and charges set by the Commission on March 5, 2007 in Order No. PSC-07-0199-PAA-WS.
- (o) The original and two copies of the tariff sheets reflecting the Extension Area are attached hereto as Exhibit "H".
- (p) The Applicant has not been able to locate the original certificates and requests replacement certificates.
- (q) The Commission most recently established the Applicant's rates and charges in Order No. PSC-07-0199-PAA-WS, dated March 5, 2007.
- (r) Attached hereto as Exhibit "I" is an Affidavit that the Applicant has on file with the PSC a tariff and current annual report.

#### **REQUIRED NOTICES**

1. Late-filed Exhibit "J" will be an affidavit that the notice of actual application was given in accordance with Section 367.045(1)(a), Florida Statutes, and Rule 25-30.030, Florida Administrative Code, by regular mail to the following:

- (a) the governing body of the municipality, county or counties in which the system or territory to be served is located;
- (b) the privately owned water and wastewater utility that holds a certificate granted by the Public Service Commission and that is located within the

- county in which the utility or the territory proposed to be served is located;
- (c) if any portion of the proposed territory is within one mile of a county boundary, the utility shall notice the privately owned utilities located in the bordering counties and holding a certificate granted by the Commission;
  - (d) the regional planning council;
  - (e) the Office of Public Counsel;
  - (f) the Public Service Commission's Director of Records and Reporting;
  - (g) the appropriate regional office of the Department of Environmental Protection; and
  - (h) the appropriate water management district;

Copies of the Notice and a list of entities noticed shall accompany the affidavit.

2. Late Filed Exhibit "K" will be the notice of actual application was given in accordance with Rule 25-30.030, Florida Administrative Code, by regular mail or personal delivery to each property owner in the Extension Area.

3. Late Filed Exhibit "L" will be an affidavit that the notice of application was published once a week in a newspaper of general circulation in the territory in accordance with Rule 25-30.030, Florida Administrative Code. A copy of the proof of publication will accompany the affidavit.

**FILING FEE**

The number of ERCs in the Extension Area is 120 ERCs. Pursuant to Rule 25-30.020, Florida Administrative Code, the appropriate filing fee is \$400.00 (\$200.00 for water and \$200.00 for wastewater). A check for the amount of the filing fee is included with this Application.

Respectfully submitted on this 17<sup>th</sup> day of April, 2007, by:

ROSE, SUNDSTROM & BENTLEY, LLP  
2180 W. State Road 434, Suite 2118  
Longwood, Florida 32779  
Telephone: (407) 830-6331  
Facsimile: (407) 830-8522

BY: 

---

MARTIN S. FRIEDMAN  
VALERIE L. LORD  
For the Firm



EXHIBIT "A"

EXTENSION AREA

TO BE ADDED TO WATER AND WASTEWATER CERTIFICATES:

The East  $\frac{1}{2}$  of the Northwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 3, Township 27 South, Range 23 East, all lying and being in Polk County, Florida, LESS AND EXCEPT the East 132.0 feet of the South 330.0 feet thereof:

TOGETHER WITH

The West  $\frac{1}{2}$  of the Northeast  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 3, Township 27 South, Range 23 East, Polk County, Florida; LESS AND EXCEPT the East 330.0 feet thereof and LESS AND EXCEPT the South 330.0 feet thereof.

TOGETHER WITH

The East 330.0 feet off the West  $\frac{1}{2}$  of the Northeast  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 3, Township 27 South, Range 23 East, Polk County, Florida; LESS AND EXCEPT the South 330.0 feet thereof. Excepting therefrom any portion of the above described land lying within the maintained right-of-way known as Max Cash Road as depicted on Polk County Maintained Right-of-Way Map recorded May 16, 1990, in Map Book 11, Page 55, of the Public Records of Polk County, Florida.

TOGETHER WITH

The West  $\frac{1}{2}$  of the Northwest  $\frac{1}{4}$  of Section 3, Township 27 South, Range 23 East, all lying and being in Polk County, Florida

TOGETHER WITH

The South 30.0 feet of the West  $\frac{1}{2}$  of the Northeast  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 3, Township 27 South, Range 23 East, all lying and being in Polk County, Florida.

**EXHIBIT "B"**

**(AGREEMENT FOR WATER AND WASTEWATER SERVICE)**

AGREEMENT FOR WATER AND WASTEWATER SERVICE

CYPRESS LAKES, PHASE 12

This Agreement is entered into this 22 day of December, 2006 by and between Cypress Lakes Associates, Ltd. (hereinafter referred to as "Developer"), and Cypress Lakes Utilities, Incorporated, a Florida corporation (hereinafter referred to as "Utility").

WITNESSETH

WHEREAS Developer is the owner of or is duly authorized to act on behalf of the owners of certain real estate in Polk County, Florida, hereinafter referred to as "Property" and more fully described in Exhibit A attached hereto, and

WHEREAS, Utility is engaged in the business of furnishing water and wastewater service to the public in its service territory as authorized by its Certificate of Public Convenience and Necessity, and

WHEREAS, Developer desires Utility to provide water and wastewater service to the Property to serve 120 residential building lots and Utility desires to provide water and wastewater service to the Property according to the terms and conditions of this Agreement.

WHEREFORE, in consideration of the mutual covenants as hereinafter set forth, the parties hereto agree as follows:

ARTICLE I

Representations and Warranties of Developer

Developer represents and warrants:

1. That Developer is the owner of or is duly authorized to act on behalf of the owners of the Property, and;
2. That Developer will cooperate fully with the Utility in any and all applications or petitions to public authorities deemed necessary or desirable by Utility in connection with the construction and installation of the water and wastewater systems contemplated by this Agreement.
3. That Developer will convey to the Utility or provide by recorded subdivision plats such easements or rights of way as the Utility may require for the Utility's performance of its obligations under this Agreement. Any such plats, conveyances or licenses will be in form satisfactory to Utility's legal counsel, and in conformance with the amendment to the Declaration of Covenants, Conditions, Restrictions, and Easement Agreement, substantially in the form attached hereto as Exhibit B (the "Amendment Declaration").

## **ARTICLE II**

### **Construction and Installation of Facilities by Developer**

1. The Developer hereby agrees to construct and install the complete distribution, collection and interconnection facilities (hereinafter collectively referred to as "Facilities") including but not limited to water and wastewater mains, pumping stations, valves, services, and other facilities as are reasonably required to provide adequate water and wastewater service (in accordance with applicable governmental standards) to all units to be constructed within the Property. Developer shall be responsible for interconnecting the Facilities with adequate diameter water and wastewater mains to Utility's existing water and wastewater systems at a point specified by Utility.
2. The Facilities to be constructed by Developer pursuant to Paragraph 1 of this Article II when installed, will meet the reasonable needs of the customers within the Property. All plans, specifications and construction shall be in accordance with applicable standards, requirements, rules and regulations and agencies of the State of Florida and respective County authority.
3. All materials used shall be new, first-class, and suitable for the uses made thereof.
4. Developer warrants all construction, materials, workmanship, and the trouble-free operation of the Facilities for one year after completion of each phase or section.
5. Developer shall save and hold Utility harmless from and against all suits or claims that may be based upon any injury to any person or property that may occur in the course of the performance of the construction of the Facilities by Developer or by anyone acting on Developer's behalf, or under Developer's supervision and control, including but not limited to claims made by employees of Developer, and Developer shall, at its own cost and expense, pay all costs and other expenses arising there from, or incurred in connection therewith, including reasonable attorneys' fees.
6. All of the Facilities installed by Developer pursuant to this Agreement shall become the property of Utility as installed. Developer shall execute all conveyances, licenses and other documents reasonably requested by Utility that are necessary or desirable in its opinion to ensure its ownership of, ready access to, and operation of the Facilities. Developer shall furnish Utility with lien waivers in a form satisfactory to Utility's counsel from Developer and from all suppliers, subcontractors and all others who furnish labor, equipment, materials, rentals, or who perform any services in connection with the Facilities construction herein.

7. Developer shall, prior to the transfer to Utility of the Facilities, grant permanent, assignable easements satisfactory to Utility, authorizing Utility to own, operate and maintain the Facilities and providing reasonably adequate rights of access and working space for such purposes.
8. Developer shall, upon transfer to Utility of the Facilities, provide to Utility operating manuals, permits, as-built drawings, and all other information reasonably required to operate, maintain, and repair the Facilities.

### **ARTICLE III**

#### **Developer Contribution/Connection Fees**

Developer agrees to pay Utility half of the cost of necessary improvements to the Utility's wastewater treatment facility, including costs associated with engineering design, permitting, and construction activities, and whose total estimated cost is \$250,000. Developer agrees to pay Utility \$125,000 upon execution of this Agreement, which will be applied toward its obligation to pay half of the actual cost of engineering design, permitting, and construction activities.

### **ARTICLE IV**

#### **Utility Service, Rates and Charges**

1. Upon installation of the Facilities, completion of the interconnection and payment of fees by Developer, Utility agrees to supply all customers within the Property with adequate and customary water and wastewater service.
2. Water and wastewater usage charges shall be rendered by Utility in accordance with Utility's rates, rules and regulations and conditions of service from time to time on file with the Florida Public Service Commission and then in effect.

### **ARTICLE V**

#### **Inclusion in Service Area**

Upon the execution of this Agreement, Utility shall petition the Florida Public Service Commission for permission to include the Property in Utility's service area as approved by the Florida Public Service Commission. In the event that the Florida Public Service Commission shall fail to approve and grant said petition to include the Property in Utility's service area within twelve (12) months from the date hereof, either party hereto shall have the right to terminate this Agreement at any time until the Property is included in the said service area. The Developer shall be responsible for payment of all costs associated with said

petition and make a deposit in the amount of \$12,000 with the Utility for said expenses

• ARTICLE VI

General

1. This Agreement is intended to be performed in the State of Florida and shall be governed by the laws of the State of Florida.
2. Except as provided for in this Agreement, neither party to this Agreement shall be liable to the other for failure, default or delay in performing any of its obligation hereunder, if such failure, default or delay is caused by strikes or other labor problems; by forces of nature, unavoidable accident; fire; acts of the public enemy; interference by civil authorities, acts or failure to act, decisions or orders or regulations of any governmental or military body or agency, office or commission; delays in receipt of materials; or any other cause, whether of similar or dissimilar nature, not within the control of the party affected and which, by the exercise of due diligence such party is unable to prevent or overcome, except as otherwise provided for herein. Should any of the foregoing events occur, the parties hereto agree to proceed with diligence to do what is reasonable and necessary so that each party may perform its obligations under this Agreement.
3. The failure of either party hereto to enforce any of the provisions of this Agreement or the waiver thereof in any instance by either party shall not be construed as a general waiver or relinquishment on its part of any such provisions, but the same shall, nevertheless, be and remain in full force and effect.
4. Utility agrees to indemnify Developer, its successors and assigns, and hold Developer harmless against any loss, damage, liability, expense or cost accruing or resulting from any misrepresentation or breach of any representation, warranty or agreement on the part of Utility under this Agreement; Developer agrees to indemnify Utility, its successors and assigns, and hold it and them harmless against any loss, damage, liability, expense or cost of Utility, accruing or resulting from any misrepresentation or breach of any representation, warranty or agreement on the part of Developer under this Agreement or from any misrepresentation in or material omission from any certificate or other document furnished or to be furnished to Utility by Developer.
5. This Agreement sets forth the complete understanding between Developer and Utility, and any amendments hereto to be effective must be made in writing.
6. Notices and correspondence required hereunder shall be given to Developer and to Utility at the following addresses, or at any other addresses designated in writing by either party subsequent to the date hereof:

If to Utility: Cypress Lakes Utilities, Inc.  
2335 Sanders Road  
Northbrook, Illinois 60062  
Attn: Ms. Lisa Crossell, Chief Operating Officer

If to Developer: Cypress Lakes Associates, Ltd.  
C/o Community Investment Corporation  
11300 4th Street North, STE 120  
St. Petersburg, Florida 33716  
Attn: Mr. Alan Taylor

With copy to: Ballast Point Group  
11300 4th Street North, Ste 200  
St. Petersburg, FL 33716  
Attn: Julie Fanelli

Delivery when made by registered or certified mail shall be deemed complete upon mailing.

7. This Agreement shall be binding upon and inure to the benefit of the parties herein and their respective successors and assigns.
8. The Exhibits to this Agreement are a part hereof and are hereby incorporated in full by reference.
9. If this Agreement is not executed prior to December 27, 2006, then the terms and conditions contained herein will be waived, with no further obligations or responsibilities to either party.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals the day and year above first written.

Cypress Lakes Utilities, Incorporated

By



Mr. John May, Regional Vice President

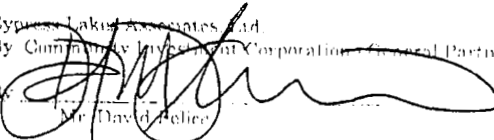
ATTEST:

\_\_\_\_\_

Cypress Lakes Associates, Ltd.

By Community Investment Corporation General Partner

By



Mr. David Pelice

ATTEST:



## EXHIBIT "A"

The East  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 3, Township 27 South, Range 23 East, all lying and being in Polk County, Florida; LESS AND EXCEPT the East 132 feet of the South 330 feet thereof;

TOGETHER WITH

A non-exclusive easement for ingress, egress and utility purposes as provided for and described in an instrument entitled "Declaration of Easement" recorded in Official Records Book 2978, Page 1031, of the public records of Polk County, Florida, over and across the following described land:

The South 30 feet of the West  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 3, Township 27 South, Range 23 East, Polk County, Florida;

TOGETHER WITH

The West  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 3, Township 27 South, Range 23 East, Polk County, Florida; LESS AND EXCEPT the East 330.0 feet thereof and LESS AND EXCEPT the South 330.0 feet thereof;

TOGETHER WITH

The East 330.0 feet of the West  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 3, Township 27 South, Range 23 East, Polk County, Florida; LESS AND EXCEPT the South 330.0 feet thereof. Excepting therefrom any portion of the above described land lying within the maintained right of way known as Max Cash Road as depicted on Polk County Maintained Right-of-Way Map recorded May 16, 1990, in Map Book 11, Page 55, of the public records of Polk County, Florida;

TOGETHER WITH

The West  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 3, Township 27 South, Range 23 East, all lying and being in Polk County, Florida;

TOGETHER WITH

A non-exclusive easement for ingress, egress and utility purposes as provided for and described in an instrument entitled "Declaration of Easement" recorded in Official records Book 2978, page 1031, of the public records of Polk County, Florida, over and across the following described land:

The South 30 feet of the East  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 3, Township 27 South, Range 23 East, Polk County, Florida;

AND

The South 30 feet of the West  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 3, Township 27 South, Range 23 East, all lying and being in Polk County, Florida.



**EXHIBIT "C"**

**(FINANCIAL INFORMATION)**

UTILITY NAME: CYPRESS LAKES UTILITIES INC

<b>YEAR OF REPORT</b> <b>31-Dec-05</b>
---

**COMPARATIVE BALANCE SHEET**  
**ASSETS AND OTHER DEBITS**

ACCT. NO. (a)	ACCOUNT NAME (b)	REF. PAGE (c)	PREVIOUS YEAR (d)	CURRENT YEAR (e)
<b>UTILITY PLANT</b>				
101-106	Utility Plant	F-7	\$ 4,074,563	\$ 3,938,054
108-110	Less: Accumulated Depreciation and Amortization	F-8	1,179,730	1,202,066
Net Plant			\$ 2,894,833	\$ 2,735,988
114-115	Utility Plant Acquisition adjustment (Net)	F-7	-	-
116 *	Other Utility Plant Adjustments			
Total Net Utility Plant			\$ 2,894,833	\$ 2,735,988
<b>OTHER PROPERTY AND INVESTMENTS</b>				
121	Nonutility Property	F-9	\$	\$
122	Less: Accumulated Depreciation and Amortization			
Net Nonutility Property			\$	\$
123	Investment In Associated Companies	F-10		
124	Utility Investments	F-10		
125	Other Investments	F-10		
126-127	Special Funds	F-10		
Total Other Property & Investments			\$	\$
<b>CURRENT AND ACCRUED ASSETS</b>				
131	Cash		\$ (33)	\$ 15
132	Special Deposits	F-9	4,000	4,000
133	Other Special Deposits	F-9		
134	Working Funds			
135	Temporary Cash Investments			
141-144	Accounts and Notes Receivable, Less Accumulated Provision for Uncollectible Accounts	F-11	76,537	78,070
145	Accounts Receivable from Associated Companies	F-12		
146	Notes Receivable from Associated Companies	F-12	-	-
151-153	Material and Supplies			
161	Stores Expense			
162	Prepayments		-	-
171	Accrued Interest and Dividends Receivable		-	
172 *	Rents Receivable			
173 *	Accrued Utility Revenues			
174	Misc. Current and Accrued Assets	F-12	-	-
Total Current and Accrued Assets			\$ 80,504	\$ 82,085

\* Not Applicable for Class B Utilities

UTILITY NAME: CYPRESS LAKES UTILITIES INC

<b>YEAR OF REPORT</b> <b>31-Dec-05</b>
---

**COMPARATIVE BALANCE SHEET  
ASSETS AND OTHER DEBITS**

ACCT. NO. (a)	ACCOUNT NAME (b)	REF. PAGE (c)	PREVIOUS YEAR (d)	CURRENT YEAR (e)
DEFERRED DEBITS				
181	Unamortized Debt Discount & Expense	F-13	\$ _____	\$ _____
182	Extraordinary Property Losses	F-13	_____	_____
183	Preliminary Survey & Investigation Charges		_____	_____
184	Clearing Accounts		_____	_____
185 *	Temporary Facilities		_____	_____
186	Misc. Deferred Debits	F-14	50,370	31,886
187 *	Research & Development Expenditures		_____	_____
190	Accumulated Deferred Income Taxes		8,305	9,419
Total Deferred Debits			\$ 58,675	\$ 41,305
TOTAL ASSETS AND OTHER DEBITS			\$ 3,034,012	\$ 2,859,378
* Not Applicable for Class B Utilities				

**NOTES TO THE BALANCE SHEET**

The space below is provided for important notes regarding the balance sheet.

UTILITY NAME: CYPRESS LAKES UTILITIES INC

<b>YEAR OF REPORT</b> <b>31-Dec-05</b>
---

**COMPARATIVE BALANCE SHEET**  
**EQUITY CAPITAL AND LIABILITIES**

ACCT. NO. (a)	ACCOUNT NAME (b)	REF. PAGE (c)	PREVIOUS YEAR (d)	CURRENT YEAR (e)
<b>EQUITY CAPITAL</b>				
201	Common Stock Issued	F-15	\$ 1,000	\$ 1,000
204	Preferred Stock Issued	F-15		
202,205 *	Capital Stock Subscribed			
203,206 *	Capital Stock Liability for Conversion			
207 *	Premium on Capital Stock			
209 *	Reduction in Par or Stated Value of Capital Stock			
210 *	Gain on Resale or Cancellation of Reacquired Capital Stock			
211	Other Paid - In Capital		1,584,059	1,610,043
212	Discount On Capital Stock			
213	Capital Stock Expense			
214-215	Retained Earnings	F-16	(123,630)	(228,142)
216	Reacquired Capital Stock			
218	Proprietary Capital (Proprietorship and Partnership Only)			
Total Equity Capital			\$ 1,461,429	\$ 1,382,901
<b>LONG TERM DEBT</b>				
221	Bonds	F-15		
222 *	Reacquired Bonds			
223	Advances from Associated Companies	F-17		
224	Other Long Term Debt	F-17		
Total Long Term Debt			\$ -	\$ -
<b>CURRENT AND ACCRUED LIABILITIES</b>				
231	Accounts Payable		1,380	4,527
232	Notes Payable	F-18		
233	Accounts Payable to Associated Companies	F-18	716,435	657,556
234	Notes Payable to Associated Companies	F-18		
235	Customer Deposits		10,500	13,800
236	Accrued Taxes	W/S-3	11,789	17,028
237	Accrued Interest	F-19	405	485
238	Accrued Dividends			
239	Matured Long Term Debt			
240	Matured Interest			
241	Miscellaneous Current & Accrued Liabilities	F-20		
Total Current & Accrued Liabilities			\$ 740,509	\$ 693,396

\* Not Applicable for Class B Utilities

UTILITY NAME: CYPRESS LAKES UTILITIES INC

<b>YEAR OF REPORT</b> <b>31-Dec-05</b>
---

**COMPARATIVE BALANCE SHEET  
EQUITY CAPITAL AND LIABILITIES**

ACCT. NO. (a)	ACCOUNT NAME (b)	REF. PAGE (c)	PREVIOUS YEAR (d)	CURRENT YEAR (e)
<b>DEFERRED CREDITS</b>				
251	Unamortized Premium On Debt	F-13	\$ _____	\$ _____
252	Advances For Construction	F-20	_____	_____
253	Other Deferred Credits	F-21	_____	_____
255	Accumulated Deferred Investment Tax Credits		-	-
Total Deferred Credits			\$ <u>          -          </u>	\$ <u>          -          </u>
<b>OPERATING RESERVES</b>				
261	Property Insurance Reserve		\$ _____	\$ _____
262	Injuries & Damages Reserve		_____	_____
263	Pensions and Benefits Reserve		_____	_____
265	Miscellaneous Operating Reserves		_____	_____
Total Operating Reserves			\$ <u>          -          </u>	\$ <u>          -          </u>
<b>CONTRIBUTIONS IN AID OF CONSTRUCTION</b>				
271	Contributions in Aid of Construction	F-22	\$ 977,595	\$ 1,003,571
272	Accumulated Amortization of Contributions in Aid of Construction	F-22	184,229	244,095
Total Net C.I.A.C.			\$ <u>793,366</u>	\$ <u>759,476</u>
<b>ACCUMULATED DEFERRED INCOME TAXES</b>				
281	Accumulated Deferred Income Taxes - Accelerated Depreciation		\$ 3,827	\$ (5,420)
282	Accumulated Deferred Income Taxes - Liberalized Depreciation		_____	_____
283	Accumulated Deferred Income Taxes - Other		34,881	29,025
Total Accumulated Deferred Income Tax			\$ <u>38,708</u>	\$ <u>23,605</u>
<b>TOTAL EQUITY CAPITAL AND LIABILITIES</b>			\$ <u>3,034,012</u>	\$ <u>2,859,378</u>

UTILITY NAME: CYPRESS LAKES UTILITIES INC

<b>YEAR OF REPORT</b> <b>31-Dec-05</b>
---

## COMPARATIVE OPERATING STATEMENT

ACCT. NO. (a)	ACCOUNT NAME (b)	REF. PAGE (c)	PREVIOUS YEAR (d)	CURRENT YEAR * (e)
<b>UTILITY OPERATING INCOME</b>				
400	Operating Revenues	F-3(b)	\$ 591,902	\$ 599,082
469, 530	Less: Guaranteed Revenue and AFPI	F-3(b)		
Net Operating Revenues			\$ 591,902	\$ 599,082
401	Operating Expenses	F-3(b)	\$ 349,892	\$ 395,131
403	Depreciation Expense:	F-3(b)	\$ 128,287	\$ 124,223
	Less: Amortization of CIAC	F-22	(28,106)	(31,374)
Net Depreciation Expense			\$ 100,181	\$ 92,849
406	Amortization of Utility Plant Acquisition Adjustment	F-3(b)	-	-
407	Amortization Expense (Other than CIAC)	F-3(b)	2,816	87
408	Taxes Other Than Income	W/S-3	61,831	55,573
409	Current Income Taxes	W/S-3	4,214	206
410.10	Deferred Federal Income Taxes	W/S-3	(1,290)	(13,780)
410.11	Deferred State Income Taxes	W/S-3	(1,364)	(2,371)
411.10	Provision for Deferred Income Taxes - Credit	W/S-3	-	-
412.10	Investment Tax Credits Deferred to Future Periods	W/S-3	-	-
412.11	Investment Tax Credits Restored to Operating Income	W/S-3	-	-
Utility Operating Expenses			\$ 516,280	\$ 527,695
Net Utility Operating Income			\$ 75,622	\$ 71,387
469, 530	Add Back: Guaranteed Revenue and AFPI	F-3(b)		
413	Income From Utility Plant Leased to Others			
414	Gains (losses) From Disposition of Utility Property			
420	Allowance for Funds Used During Construction		20	192
Total Utility Operating Income [Enter here and on Page F-3(c)]			\$ 75,642	\$ 71,579

\* For each account,  
Column e should  
agree with Columns  
f, g and h  
on F-3(b)

**COMPARATIVE OPERATING STATEMENT (Cont'd)**

<b>WATER SCHEDULE W-3 *</b> <b>(f)</b>	<b>WASTEWATER SCHEDULE S-3 *</b> <b>(g)</b>	<b>OTHER THAN REPORTING SYSTEMS (h)</b>
\$ 245,865	\$ 353,217	\$ -
\$ 245,865	\$ 353,217	\$ -
\$ 134,677	\$ 260,454	\$ -
56,892 (9,023)	67,331 (22,351)	-
\$ 47,869	\$ 44,980	\$ -
-	-	-
-	87	-
22,994	32,579	-
(94)	300	-
6,299	(20,079)	-
1,084	(3,455)	-
-	-	-
-	-	-
-	-	-
\$ 212,829	\$ 314,866	\$ -
\$ 33,036	\$ 38,351	\$ -
-	-	-
-	-	-
-	-	-
66	126	-
\$ 33,102	\$ 38,477	\$ -

\* Total of Schedules W-3 / S-3 for all rate groups.

UTILITY NAME: CYPRESS LAKES UTILITIES INCYEAR OF REPORT  
31-Dec-05

## COMPARATIVE OPERATING STATEMENT (Cont'd)

ACCT. NO. (a)	ACCOUNT NAME (b)	REF. PAGE (c)	PREVIOUS YEAR (d)	CURRENT YEAR (e)
Total Utility Operating Income [from page F-3(a)]			\$ 75,642	\$ 71,579
OTHER INCOME AND DEDUCTIONS				
415	Revenues-Merchandising, Jobbing, and Contract Deductions		\$	\$
416	Costs & Expenses of Merchandising Jobbing, and Contract Work			
419	Interest and Dividend Income		(2,414)	245
421	Nonutility Income			
426	Miscellaneous Nonutility Expenses		-	-
Total Other Income and Deductions			\$ (2,414)	\$ 245
TAXES APPLICABLE TO OTHER INCOME				
408.20	Taxes Other Than Income		\$	\$
409.20	Income Taxes			
410.20	Provision for Deferred Income Taxes			
411.20	Provision for Deferred Income Taxes - Credit			
412.20	Investment Tax Credits - Net			
412.30	Investment Tax Credits Restored to Operating Income			
Total Taxes Applicable To Other Income			\$ -	\$ -
INTEREST EXPENSE				
427	Interest Expense	F-19	\$ 77,796	\$ 80,031
428	Amortization of Debt Discount & Expense	F-13		
429	Amortization of Premium on Debt	F-13		
Total Interest Expense			\$ 77,796	\$ 80,031
EXTRAORDINARY ITEMS				
433	Extraordinary Income		\$	\$
434	Extraordinary Deductions			
409.30	Income Taxes, Extraordinary Items			
Total Extraordinary Items			\$ -	\$ -
NET INCOME			\$ (4,568)	\$ (8,207)

Explain Extraordinary Income:

NONE



UTILITY NAME: CYPRESS LAKES UTILITIES INC

YEAR OF REPORT  
31-Dec-05

SCHEDULE OF YEAR END RATE BASE

ACCT. NO. (a)	ACCOUNT NAME (b)	REF. PAGE (c)	WATER UTILITY (d)	WASTEWATER UTILITY (e)
101	Utility Plant In Service	F-7	\$ 1,400,108	\$ 2,337,942
	Less:			
	Nonused and Useful Plant (1)			
108	Accumulated Depreciation	F-8	456,790	744,889
110	Accumulated Amortization	F-8	41	346
271	Contributions In Aid of Construction	F-22	292,537	711,034
252	Advances for Construction	F-20		
Subtotal			\$ 650,740	\$ 881,673
272	Add: Accumulated Amortization of Contributions in Aid of Construction	F-22	77,208	166,887
Subtotal			\$ 727,948	\$ 1,048,560
114	Plus or Minus: Acquisition Adjustments (2)	F-7	-	-
115	Accumulated Amortization of Acquisition Adjustments (2)	F-7	-	-
	Working Capital Allowance (3)		16,835	32,557
	Other (Specify):			
RATE BASE			\$ 744,783	\$ 1,081,117
NET UTILITY OPERATING INCOME			\$ 33,036	\$ 38,351
ACHIEVED RATE OF RETURN (Operating Income / Rate Base)			4.44%	3.55%

NOTES :

- (1) Estimate based on the methodology used in the last rate proceeding.
- (2) Include only those Acquisition Adjustments that have been approved by the Commission.
- (3) Calculation consistent with last rate proceeding.  
In absence of a rate proceeding, Class A utilities will use the Balance Sheet Method and Class B Utilities will use the One-eighth Operating and Maintenance Expense Method.

UTILITY NAME: CYPRESS LAKES UTILITIES INC

<b>YEAR OF REPORT</b> <b>31-Dec-05</b>
---

**SCHEDULE OF CURRENT COST OF CAPITAL  
CONSISTENT WITH THE METHODOLOGY USED IN THE LAST RATE PROCEEDING (1)**

CLASS OF CAPITAL (a)	DOLLAR AMOUNT (2) (b)	PERCENTAGE OF CAPITAL (c)	ACTUAL COST RATES (3) (d)	WEIGHTED COST (c x d) (e)
Common Equity	\$ 768,534	42.09%	10.93%	4.60%
Preferred Stock	-	0.00%	0.00%	0.00%
Long Term Debt	1,029,380	56.38%	6.81%	3.84%
Customer Deposits	13,800	0.76%	6.00%	0.05%
Tax Credits - Zero Cost	-	0.00%	0.00%	0.00%
Tax Credits - Weighted Cost	-	0.00%	0.00%	0.00%
Deferred Income Taxes	14,186	0.78%	0.00%	0.00%
Other (Explain) Short Term Debt	-	0.00%	0.00%	0.00%
<b>Total</b>	<b>\$ 1,825,899</b>	<b>100.00%</b>		<b>8.49%</b>

(1) If the utility's capital structure is not used, explain which capital structure is used.

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(2) Should equal amounts on Schedule F-6, Column (g).

(3) Mid-point of the last authorized Return On Equity or current leverage formula if none has been established.

Must be calculated using the same methodology used in the last rate proceeding using current annual report year end amounts and cost rates.

**APPROVED RETURN ON EQUITY**

Current Commission Return on Equity:	<u>10.93%</u>
Commission order approving Return on Equity:	<u>PSC-03-0647-PAA-WS</u>

**APPROVED AFUDC RATE  
COMPLETION ONLY REQUIRED IF AFUDC WAS CHARGED DURING YEAR**

Current Commission Approved AFUDC rate:	<u>9.03%</u>
Commission order approving AFUDC rate:	<u>PSC-04-0262-PAA-WS</u>

If any utility capitalized any charge in lieu of AFUDC (such as interest only), state the basis of the charge, an explanation as to why AFUDC was not charged and the percentage capitalized.

UTILITY NAME:

CYPRESS LAKES UTILITIES INC

<b>YEAR OF REPORT</b> <b>31-Dec-05</b>
---

**SCHEDULE OF CAPITAL STRUCTURE ADJUSTMENTS  
CONSISTENT WITH THE METHODOLOGY USED IN THE LAST RATE PROCEEDING**

CLASS OF CAPITAL (a)	PER BOOK BALANCE (b)	NON-UTILITY ADJUSTMENTS (c)	NON-JURISDICTIONAL ADJUSTMENTS (d)	OTHER (1) ADJUSTMENTS SPECIFIC (e)	OTHER (1) ADJUSTMENTS PRO RATA (f)	CAPITAL STRUCTURE (g)
Common Equity	\$ 92,611,247	\$ 0	\$ 0	\$ 0	\$ (75,546,842)	\$ 768,534
Preferred Stock		0	0	0		-
Long Term Debt	124,044,203	0	0	0	(68,716,308)	1,029,380
Customer Deposits	13,800	0	0	0		13,800
Tax Credits - Zero Cost	-	0	0	0		-
Tax Credits - Weighted Cost	-	0	0	0		-
Deferred Inc. Taxes	14,186	0	0	0		14,186
Other (Explain)	-	0	0	0		-
<b>Total</b>	<b>\$ 216,683,436</b>	<b>\$ 0</b>	<b>\$ 0</b>	<b>\$ 0</b>	<b>\$ (144,263,150)</b>	<b>\$ 1,825,899</b>

(1) Explain below all adjustments made in Columns (e) and (f):

NOT APPLICABLE

**Valerie L. Lord**

---

**From:** "Valerie L. Lord" <vlord@rsbattorneys.com>  
**To:** "Patrick Flynn" <pcflyn@uiwater.com>  
**Sent:** Thursday, April 12, 2007 2:26 PM  
**Subject:** Cypress Lakes

Patrick

Please fill in the blanks for the following:

	Capacity of Lines	Capacity of Treatment Facilities	Design Capacity of Extension Area
Water		0.3955 mgd	
Wastewater	N/A	0.175 mgd	

Valerie L. Lord  
Rose, Sundstrom & Bentley, LLP  
2180 W. State Road 434, Suite 2118  
Longwood, FL 32779  
Tel: 407/830-6331  
Fax: 407/830-8522

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Thank you.

## **EXHIBIT "D"**

### **(OPERATORS)**

David Shoffstall, Lead Operator (Class "C" Water and Class "C" Wastewater)  
Don Hamilton (Class "C" Water and Class "C" Wastewater)

**EXHIBIT "E"**

**(DEED TO WATER AND WASTEWATER TREATMENT PLANT SITES)**

[illegible]

INSTR # 98169268  
OR BK 04130 PG 0287  
RECORDED 11/13/98 07:13 AM  
RICHARD M. WEISS CLERK OF COURT  
POLK COUNTY  
DOC TAX PD(F.S.201.02) 350.00  
DEPUTY CLERK S Wetzel

PREPARED BY AND RETURN TO:  
ROGER A. LARSON, ESQUIRE  
JOHNSON, BLAKELY, POPE, BOKOR,  
RUPPEL & BURNS, P.A.  
911 CHESTNUT STREET  
CLEARWATER, FL 33756

STATUTORY WARRANTY DEED

THIS INDENTURE, is made on 27 day of October, 1998, between CYPRESS LAKES ASSOCIATES, LTD., a Florida limited partnership, whose address is 11300 4th Street North, Suite 200, St. Petersburg, Florida 33716 ("Grantor"), and CYPRESS LAKES UTILITIES, INC., a Florida corporation, whose address is 200 Weathersfield Avenue, Altamonte Springs, Florida 32714 ("Grantee").

WITNESSETH:

Grantor, for and in consideration of Ten Dollars (\$10.00) and other good and valuable consideration to Grantor in hand paid by Grantee, the receipt and sufficiency of which are hereby acknowledged, has granted, bargained and sold to Grantee, and Grantee's heirs, successors and assigns forever, the following described land, situated in Polk County, Florida:

**LEGAL DESCRIPTION - SEE EXHIBIT "A" ATTACHED  
HERETO AND INCORPORATED HEREIN.**

THIS CONVEYANCE IS SUBJECT TO THE EXCEPTIONS TO  
TITLE SET FORTH ON **EXHIBIT "B"** ATTACHED HERETO  
AND INCORPORATED HEREIN.

SUBJECT to applicable land use and zoning restrictions and to easements, reservations and restrictions of record, if any, which are specifically not reimposed or extended hereby, and to taxes for the year 1998 and subsequent years.

Grantor does hereby fully warrant the title to said land and will defend the same against the lawful claims of all persons whomsoever

JOHNSON BLAKELY POPE RUPPELL BURNS  
ROGER A LARSON ESQUIRE  
911 CHESTNUT ST P O BOX 1368  
CLEARWATER, FL 33757-1368

The tax parcel number for the aforescribed property is as to Parcel 1: 342623-000000-01202; and as to Parcel 2: 342623-000000-014010. tax identification number for the Grantee is 59-3530354.

IN WITNESS WHEREOF, Grantor has hereunto set Grantor's hand and seal the day and year first above written.

Signed, sealed and delivered  
in the presence of:

CYPRESS LAKES ASSOCIATES, LTD.,  
a Florida limited partnership

By: Community Investment Corporation  
General Partner

*Christian D. Russell*  
Print name  
*James D. Love*  
Print name

By: *M. Steven Sembler*  
Name: M. STEVEN SEMBLER  
Its: Vice President

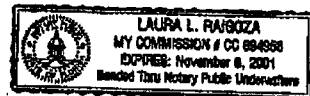
(Corporate Seal)

STATE OF FLORIDA )  
COUNTY OF Pinellas )

The foregoing instrument was acknowledged before me this 27 day of October, 1998, by M. Steven Sembler, as President of Community Investment Corporation, General Partner of CYPRESS LAKES ASSOCIATES, LTD., a Florida limited partnership, on behalf of the partnership. (He) [She] [is personally known to me] [has produced \_\_\_\_\_ as identification].

*Laura L. Raigoza*  
Notary Public  
Print name Laura L. Raigoza  
My commission expires: 11/06/01

09/29/98 10:14 AM d-1 #0164077.01/mme





## EXHIBIT "A"

## Parcel 1: Water Treatment Facility

A parcel of land lying in Section 34, Township 26 South, Range 23 East, Polk County, Florida being more particularly described as follows:

Commence at the Southeast corner of said Section 34, thence South 89 deg. 22'28" West, along the South line of said Section 34, for 208.28 feet; thence North 00 deg. 37'32" West, leaving the South line of said Section 34, for 62.58 feet to the Point of Beginning; thence North 55 deg. 35'25" West, for 11.35 feet; thence North 30 deg. 08'37" East for 20.55 feet; thence North 68 deg. 53'05" East, for 11.57 feet; thence North 04 deg. 48'35" East, for 81.93 feet; thence South 70 deg. 40'59" East, for 87.15 feet; thence South 41 deg. 58'43" East, for 24.15 feet; thence South 01 deg. 32'04" East for 38.00 feet; thence South 87 deg. 41'13" West for 101.37 feet; thence South 70 deg. 00'08" West for 7.14 feet; thence South 34 deg. 02'09" West for 21.14 feet to the Point of Beginning.

## Parcel 2: Sewage Treatment Facility

A tract of land lying in Section 34, Township 26 South, Range 23 East, Polk County, Florida, being more particularly described as follows:

Commence at the Southeast corner of Section 34, Township 26 South, Range 23 East, Polk County, Florida; thence North 00 deg. 48'46" West, along the Easterly line of said Section 34, a distance of 2270.65 feet to the Southerly right of way of State Road #700 and #35, also known as U.S. Highway 98 (160 feet wide); thence North 47 deg. 17'40" West, along the Southerly right of way of said U.S. Highway 98 a distance of 1297.31 feet to a point on a curve to the right of which the radius point lies North 42 deg. 42'05" East, a radial distance of 5824.26 feet; thence along the arc in a Northwesterly direction, passing through a central angle of 06 deg. 26'52", an arc length of 655.45 feet to a point along said curve; thence South 49 deg. 08'58" West, a distance of 57.61 feet to the Point of Beginning of the Sewage Treatment Facility; thence South 10 deg. 18'32" East, a distance of 237.43 feet; thence South 02 deg. 07'38" East, a distance of 59.01 feet; thence South 53 deg. 02'17" West, a distance of 66.47 feet; thence North 43 deg. 24'57" West, a distance of 73.58 feet; thence North 36 deg. 27'45" West, a distance of 199.36 feet; thence North 74 deg. 43'47" East, a distance of 70.39 feet; thence North 27 deg. 01'16" West, a distance of 12.48 feet; thence North 52 deg. 17'35" East, a distance of 145.67 feet to the Point of Beginning.

## Parcel 3

The benefits, appurtenant to Parcel 2, derived from right of way easement recorded in OR Book 3668, page 1198, Public Records of Polk County, Florida.

EXHIBIT "B"

EXCEPTIONS

1. Covenants, conditions, restrictions and easements as recorded in O.R. Book 3668, Page 1174, together with such additions and amendments as from time to time may be made, and any possible charges and/or assessments, Public Records of Polk County, Florida, but deleting any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status, or national origin to the extent such covenants, conditions or restrictions violate 42 USC 3604(c).
2. Terms and conditions of Right of Way Easement recorded in O.R. Book 3668, Page 1198, Public Records of Polk County, Florida.
3. Covenants, conditions, restrictions and easements as recorded in O.R. Book 2922, Page 1436, as amended by O.R. Book 4004, page 484, together with such additions and amendments as from time to time may be made, and any possible charges and/or assessments, Public Records of Polk County, Florida, but deleting any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status, or national origin to the extent such covenants, conditions or restrictions violate 42 USC 3604(c).
4. Developers Rights contained therein Assigned by O.R. Book 3668, page 1200, and Notice recorded in O.R. Book 3612, page 1322, Public Records of Polk County, Florida.
5. Subject to easement recorded in Deed Book 660, Page 455, Public Records of Polk County, Florida.
6. Reservation of drainage easement recorded in O.R. Book 1520, Page 1124, Public Records of Polk County, Florida.
7. Subject to easement recorded in O.R. Book 2613, Page 2019, Public Records of Polk County, Florida.
8. Subject to easement recorded in O.R. Book 2613, Page 2021, Public Records of Polk County, Florida.
9. Subject to easement recorded in O.R. Book 2628, Page 1962, Public Records of Polk County, Florida.
10. Private Access Easement recorded in O.R. Book 2908, Page 995, Public Records of Polk County, Florida.
11. Subject to easement recorded in O.R. Book 3546, Page 1687, Public Records of Polk County, Florida.
12. Subject to easement recorded in O.R. Book 3546, Page 1692, Public Records of Polk County, Florida.

0187798.01/mme

EXHIBIT "F"

(DETAILED SYSTEM MAPS)

(ONLY ONE COPY INCLUDED WITH FILING)

*forwarded to ECR*

**EXHIBIT "G"**

**(PERMITS)**



# Florida Department of Environmental Protection

Southwest District Office  
13051 North Telecom Parkway  
Temple Terrace, Florida 33637-0916

**RECEIVED**

TONY  
for PLAT FILE

Charlie Crist  
Governor

Jeff Kottkamp  
Lt. Governor

Michael W. Sole  
Secretary

MAR 02 2007

**UTILITIES, INC.**

In the Matter of an  
Application for Permit by:

February 28, 2007

Cypress Lakes Associates, LTD  
Alan Taylor, Vice President of Development  
11300 4th Street North  
St. Petersburg, FL 33716

Cypress Lakes Phase 12  
PA File No. CS53-0030554-005  
Cypress Lakes WWTF  
Polk County

## NOTICE OF PERMIT ISSUANCE

Enclosed is Permit Number CS53-0030554-005 to construct a domestic wastewater collection/transmission system, issued pursuant to Section 403.087(1), Florida Statutes.

A person whose substantial interests are affected by this permit may petition for an administrative proceeding (hearing) in accordance with Section 120.57, Florida Statutes. The petition must contain the information set forth herein and must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000, within 14 days of receipt of this permit. Petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. Failure to file a petition within this time period shall constitute a waiver of any right such person may have to request an administrative determination (hearing) under Section 120.57, Florida Statutes.

The petition shall contain the following information:

- (a) The name, address, and telephone number of each petitioner, the applicant's name and address, the Department Permit File Number, and the county in which the project is proposed;
- (b) A statement of how and when each petitioner received notice of the Department's action or proposed action;
- (c) A statement of how each petitioner's substantial interests are affected by the Department's action or proposed action;
- (d) A statement of the material facts disputed by petitioner, if any;
- (e) A statement of facts which petitioner contends warrant reversal or modification of the Department's action or proposed action;
- (f) A statement of which rules or statutes petitioner contends require reversal or modification of the Department's action or proposed action; and

Cypress Lakes Associates, LTD  
Cypress Lakes Phase 12  
PA File No. CS53-0030554-005

(g) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Department's action or proposed action.

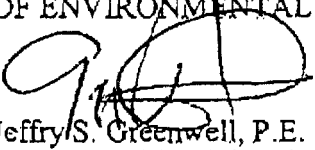
If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, the Department's final action may be different from the position taken by it in this permit. Persons whose substantial interests will be affected by any decision of the Department with regard to the application have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within 14 days of receipt of this notice in the Office of General Counsel at the above address of the Department. Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Section 120.57, F.S., and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 28-5.207, F.A.C.

This permit is final and effective on the date filed with the Clerk of the Department unless a petition is filed in accordance with the above paragraphs or unless a request for extension of time in which to file a petition is filed within the time specified for filing a petition and conforms to Rule 62-103.070, F.A.C. Upon timely filing of a petition or a request for an extension of time, this permit will not be effective until further order of the Department.

When the order (permit) is final, any party to the order has the right to seek judicial review of the order pursuant to Section 120.68, Florida Statutes, by the filing of a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000, and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The Notice of Appeal must be filed within 30 days from the date the Final Order is filed with the Clerk of the Department.

Executed in Hillsborough County, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

*for*   
Jeffery S. Greenwell, P.E.  
Water Facilities Administrator  
Southwest District  
13051 North Telecom Parkway  
Temple Terrace, FL 33637-0926

Cypress Lakes Associates, LTD  
Cypress Lakes Phase 12  
PA File No. CS53-0030554-005

### CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this NOTICE OF PERMIT ISSUANCE and all copies were mailed before the close of business on Feb. 28, 2007 to the listed persons.

### FILING AND ACKNOWLEDGMENT

FILED, on this date, pursuant to s. 120.52(7), Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

Rinda Butler      2/28/07  
(Clerk)                                      (Date)

Enclosure

cc: Michael J. Gaylor, P.E., Gaylor Engineering  
Patrick Flynn, Regional Director, Cypress Lakes Utilities



# Florida Department of Environmental Protection

Southwest District Office  
13051 North Telecom Parkway  
Temple Terrace, Florida 33637-0926

Charlie Crist  
Governor

Jeff Kottkamp  
Lt. Governor

Michael W. Sole  
Secretary

**PERMITTEE:**

Cypress Lakes Associates, LTD  
Alan Taylor, Vice President of Development  
11300 4th Street North  
St. Petersburg, FL 33716

Permit No. CS53-0030554-005

Issuance Date: 2/28/07

Expiration Date: 2/27/12

Processor: Serge Kiyali

**PROJECT:**

Cypress Lakes Phase 12  
Section 3, Township 27, Range 23  
Polk County

This permit is issued under the provisions of Chapter 403, Florida Statutes, and Florida Administrative Code Rule(s) 62-3, 62-4, and 62-604. The above-named permittee is hereby authorized to perform the work or operate the facility shown on the application and approved drawing(s), plans, and other documents enclosed herewith or on file with the Department and made a part hereof and specifically described as follows:

**DESCRIPTION OF PROJECT:**

Construction of a domestic wastewater collection/transmission system to serve 120 mobile homes. This project consists of a new gravity system with 8-inch diameter pipes and 22 manholes, a lift station, and 4-inch diameter force main. Estimated flows of 10,560 gpd will be treated at the Cypress Lakes WWTF [Facility ID No. FLA013123].

**SPECIFIC CONDITIONS:**

1. Drawings, specifications, information, and correspondence submitted in support of the permit application for this system are incorporated into this permit and must be adhered to during installation and operation of the system.
2. This permit does not authorize the connection of this collection system to the designated WWTF. The permit shall not be construed to infer any assurance that the necessary authorization for connection shall be granted. Any such authorization shall be granted only when adequate treatment in accordance with rules, regulations, and issued permits of the Department is available for any flows transported by the system.
3. No portion of this system may be installed in FDEP jurisdictional wetlands prior to the receipt of any and all required wetlands resource management permits.
4. The water/sewer/reclaimed water clearance requirements specified Rule 62-555.314, Florida Administrative Code, shall be adhered to throughout the project, and shall supersede any specifications included in the documentation submitted in support of the permit application for this system.
5. No portion of this system shall be installed within 100 feet of a public supply potable water well.



Cypress Lakes Associates, LTD  
Cypress Lakes Phase 12  
PA File No. CS53-0030554-005

**SPECIFIC CONDITIONS CONTINUED:**

6. All collection/transmission systems shall be constructed using the pipe diameters designated in the drawings and specifications included with the permit application for this project and approved by the Department. Pursuant to Section 33.43 of the "Recommended Standards for Wastewater Facilities," 1990 ed. (incorporated into Chapter 62-604 of the Florida Administrative Code by reference), oversized sewers shall not be approved to justify using flatter slopes.
7. If historical or archaeological artifacts, such as Indian canoes, are discovered at any time within the project site, the permittee shall immediately notify the DEP Southwest District office and the Bureau of Historic Preservation, Division of Archives, History and Records Management, R.A. Gray Building, Tallahassee, Florida 32301, telephone number (850) 487-2073.
8. All components of the lift station, i.e. the wetwell, valve box, and electrical control panel will be locked or otherwise secured against unauthorized access.
9. Upon completion of construction and prior to placing the system into use, the permittee or his engineer-of-record shall submit to this Department the following documents:
  - (a) Domestic Wastewater Collection/Transmission Systems Certification of Completion of Construction [DEP Form 62-604.300(8)(b)], together with a copy of the record drawings for the system; and
  - (b) Certification by the Professional Engineer-of-Record shall be construed to mean conformance to the General Technical Guidance for Collection Systems and Transmission Facilities. [62-604, F.A.C.]Department acceptance and written approval of these documents shall be required prior to placing the system into service.
10. The system shall be inspected for any sediment debris and flushed prior to connection to the designated WWTF.
11. The permittee shall be aware of and operate under the attached "General Permit Conditions #1 through #15". General Permit Conditions are binding upon the permittee and enforceable pursuant to Chapter 403 of the Florida Statutes.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

For

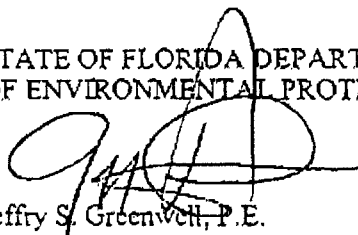
  
Jeffrey S. Greenwell, P.E.  
Water Facilities Administrator  
Southwest District  
13051 North Telecom Parkway  
Temple Terrace, FL 33637-0926

EXHIBIT "H"

(TARIFF SHEETS)

*Orig + 1 copy  
forwarded to ECR*

NAME OF COMPANY: CYPRESS LAKES UTILITIES, INC.

WATER TARIFF

Continued from Sheet No. 3.0

Thence North 26° 18' 39" East along said centerline 1212.81 feet; thence North 62° 32' 09" East still along said centerline 1293.14 feet to said Westerly right-of-way line of State Road No. 700 and No. 35 (U.S. No. 98); thence South 25° 00' 00" East along said Westerly right-of-way line 2265.66 feet to the said Point of Beginning. Said parcel containing 95.75 acres, more or less.

LESS AND EXCEPT maintained right-of-way for Rock Ridge Road and that part of Section 27, Township 26 South, Range 23 East, Polk County, Florida, being more particularly described as follows:

Commence at the Southeast corner of Section 34, Township 26 South, Range 23 East and run North 00° 48' 40" West along the East line of said Section 34, a distance of 2270.71 feet to the West right-of-way line of State Road 700 and No. 35 (U.S. No. 98) as is located on the date of 6/21/85; thence North 47° 20' 00" West along said West right-of-way line, 1294.34 feet to the Point of Curvature of a curve concave to the Northeast having a radius of 5809.58 feet and a central angle of 22° 20' 00"; thence Northwesterly along said Westerly right-of-way line and curve 2264.52 feet to the Point of Tangency; thence North 25° 00' 00" West still along said Westerly right-of-way line 2525.06 feet to the Point of Beginning; thence North 25° 00' 00" West along said Westerly right-of-way 350.00 feet to the centerline of Rock Ridge Road; thence South 62° 32' 09" West along said centerline 330.00 feet; thence South 25° 00' 00" East 350.00 feet; thence North 62° 32' 09" East 330 feet to the said Point of Beginning. Said parcel containing 2.50 acres.

Continued on Sheet No. 3.2

Lawrence N. Schumacher  
ISSUING OFFICER  
PRESIDENT  
TITLE

NAME OF COMPANY: CYPRESS LAKES UTILITIES, INC.

WATER TARIFF

continued from Sheet No. 3.1

The East  $\frac{1}{2}$  of the Northwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 3, Township 27 South, Range 23 East, all lying and being in Polk County, Florida, LESS AND EXCEPT the East 132.0 feet of the South 330.0 feet thereof:

TOGETHER WITH

The West  $\frac{1}{2}$  of the Northeast  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 3, Township 27 South, Range 23 East, Polk County, Florida; LESS AND EXCEPT the East 330.0 feet thereof and LESS AND EXCEPT the South 330.0 feet thereof.

TOGETHER WITH

The East 330.0 feet off the West  $\frac{1}{2}$  of the Northeast  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 3, Township 27 South, Range 23 East, Polk County, Florida; LESS AND EXCEPT the South 330.0 feet thereof. Excepting therefrom any portion of the above described land lying within the maintained right-of-way known as Max Cash Road as depicted on Polk County Maintained Right-of-Way Map recorded May 16, 1990, in Map Book 11, Page 55, of the Public Records of Polk County, Florida.

TOGETHER WITH

The West  $\frac{1}{2}$  of the Northwest  $\frac{1}{4}$  of Section 3, Township 27 South, Range 23 East, all lying and being in Polk County, Florida

TOGETHER WITH

The South 30.0 feet of the West  $\frac{1}{2}$  of the Northeast  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 3, Township 27 South, Range 23 East, all lying and being in Polk County, Florida.

Lawrence N. Schumacher  
ISSUING OFFICER  
PRESIDENT  
TITLE

NAME OF COMPANY: CYPRESS LAKES UTILITIES, INC.

WASTEWATER TARIFF

Continued from Sheet No. 3.0

Thence North 26° 18' 39" East along said centerline 1212.81 feet; thence North 62° 32' 09" East still along said centerline 1293.14 feet to said Westerly right-of-way line of State Road No. 700 and No. 35 (U.S. No. 98); thence South 25° 00' 00" East along said Westerly right-of-way line 2265.66 feet to the said Point of Beginning. Said parcel containing 95.75 acres, more or less.

LESS AND EXCEPT maintained right-of-way for Rock Ridge Road and that part of Section 27, Township 26 South, Range 23 East, Polk County, Florida, being more particularly described as follows:

Commence at the Southeast corner of Section 34, Township 26 South, Range 23 East and run North 00° 48' 40" West along the East line of said Section 34, a distance of 2270.71 feet to the West right-of-way line of State Road 700 and No. 35 (U.S. No. 98) as is located on the date of 6/21/85; thence North 47° 20' 00" West along said West right-of-way line, 1294.34 feet to the Point of Curvature of a curve concave to the Northeast having a radius of 5809.58 feet and a central angle of 22° 20' 00"; thence Northwesterly along said Westerly right-of-way line and curve 2264.52 feet to the Point of Tangency; thence North 25° 00' 00" West still along said Westerly right-of-way line 2525.06 feet to the Point of Beginning; thence North 25° 00' 00" West along said Westerly right-of-way 350.00 feet to the centerline of Rock Ridge Road; thence South 62° 32' 09" West along said centerline 330.00 feet; thence South 25° 00' 00" East 350.00 feet; thence North 62° 32' 09" East 330 feet to the said Point of Beginning. Said parcel containing 2.50 acres.

Continued on Sheet No. 3.2

Lawrence N. Schumacher  
ISSUING OFFICER  
PRESIDENT  
TITLE

NAME OF COMPANY: CYPRESS LAKES UTILITIES, INC.

WASTEWATER TARIFF

continued from Sheet No. 3.1

The East  $\frac{1}{2}$  of the Northwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 3, Township 27 South, Range 23 East, all lying and being in Polk County, Florida, LESS AND EXCEPT the East 132.0 feet of the South 330.0 feet thereof:

TOGETHER WITH

The West  $\frac{1}{2}$  of the Northeast  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 3, Township 27 South, Range 23 East, Polk County, Florida; LESS AND EXCEPT the East 330.0 feet thereof and LESS AND EXCEPT the South 330.0 feet thereof.

TOGETHER WITH

The East 330.0 feet off the West  $\frac{1}{2}$  of the Northeast  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 3, Township 27 South, Range 23 East, Polk County, Florida; LESS AND EXCEPT the South 330.0 feet thereof. Excepting therefrom any portion of the above described land lying within the maintained right-of-way known as Max Cash Road as depicted on Polk County Maintained Right-of-Way Map recorded May 16, 1990, in Map Book 11, Page 55, of the Public Records of Polk County, Florida.

TOGETHER WITH

The West  $\frac{1}{2}$  of the Northwest  $\frac{1}{4}$  of Section 3, Township 27 South, Range 23 East, all lying and being in Polk County, Florida

TOGETHER WITH

The South 30.0 feet of the West  $\frac{1}{2}$  of the Northeast  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 3, Township 27 South, Range 23 East, all lying and being in Polk County, Florida.

Lawrence N. Schumacher  
ISSUING OFFICER  
PRESIDENT  
TITLE

**EXHIBIT "I"**

**(AFFIDAVIT OF TARIFF AND ANNUAL REPORT)**

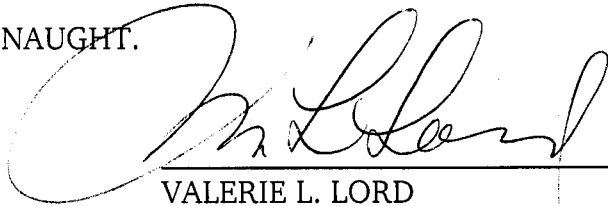
AFFIDAVIT

STATE OF FLORIDA

COUNTY OF SEMINOLE

Before me, the undersigned authority, authorized to administer oaths and take acknowledgments, personally appeared VALERIE L. LORD, ESQUIRE, who, after being duly sworn on oath, did depose on oath and say that she is the attorney for Cypress Lakes Utilities, Inc.; that Cypress Lakes Utilities, Inc. has a Tariff on file with the Public Service Commission; and that on April 12, 2003, she verified on the Public Service Commission's website that Cypress Lakes Utilities, Inc. has a current Annual Report on file.

FURTHER AFFIANT SAYETH NAUGHT.

  
VALERIE L. LORD

Sworn to and subscribed before me this the 16<sup>th</sup> day of April, 2007, by VALERIE L. LORD, who is personally known to me.



**Trina L. Collins**  
Commission # DD290253  
Expires February 12, 2008  
Bonded Troy Fain - Insurance, Inc. 800-386-7019

  
PRINTED NAME: \_\_\_\_\_  
NOTARY PUBLIC  
My Commission Expires: \_\_\_\_\_

EXHIBIT "T"



**EXHIBIT "J"**

**(AFFIDAVIT OF NOTICE TO GOVERNMENTAL ENTITIES)**

**(TO BE LATE FILED)**

**EXHIBIT "K"**

**(AFFIDAVIT OF NOTICE TO PROPERTY OWNERS)**

**(TO BE LATE FILED)**

EXHIBIT "L"

(AFFIDAVIT OF PUBLICATION)

(TO BE LATE FILED)