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COMMISSION
CLERK

Public Service Commission

May 31, 2011

D. Bruce May, Jr., Esquire
Holland & Knight
315 South Calhoun Street, Suite 600
Tallahassee, FL 32301

Re: Docket No. 110019-WS, Aqua Utilities Florida, Inc.'s application for original certificate for an existing wastewater system, request for initial rates and charges for Harbor Hills Utilities, L.P.'s wastewater system, amendment of wastewater Certificate No. 120-S, in Lake County, to include Harbor Hills Utilities, L.P.'s wastewater service area; and application for approval of transfer of Harbor Hills Utilities, L.P.'s water system to Aqua Utilities Florida, Inc., amendment of Aqua Utilities Florida, Inc.'s water Certificate No. 106-W, in Lake County, to include Harbor Hills Utilities, L.P.'s water service territory, and cancellation of Harbor Hills Utilities, L.P.'s water Certificate No. 522-W.

Dear Mr. May:

Thank you for Aqua Utilities Florida, Inc.'s (AUF) March 8, 2011 response to staff's February 3, 2011 letter of deficiency and request for additional information. Staff has determined that the application continues to be deficient and that further information is needed

**Water Application
Rule 25-30.037(2), Florida Administrative Code (F.A.C.)
Deficiencies**

1. **Noticing.** Pursuant to Rule 25-30.030(1), F.A.C., when a utility applies for a sale, assignment, or transfer of its certificate of authorization, it shall provide notice of its application in the manner and to the entities described by the rule. Pursuant to Rule 25-30.030(4)(a) and (d), F.A.C., the notice shall include the date it is given and a statement that any objections must be filed with the Commission no later than 30 days after the date of the latest notice. The original notice given to the list of utilities and governmental authorities, to customers, and published pursuant to Rule 25-30.030(5), (6), and (7), F.A.C., respectively, did not provide the correct date of notice. As a result, AUF voluntarily renounced the application. It appears that the second notice also contained an incorrect date. Please provide a third notice pursuant to Rule 25-30.030(5), (6), and (7), F.A.C., in the manner required by Rule 25-30.030(4), F.A.C. Note that the original list of utilities and governmental authorities provided by staff has expired and a new list must be obtained. Staff recommends that a copy of the third notice provided to staff for review prior to noticing.

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2. Noticing Affidavits. Rule 25-30.030(8), F.A.C., requires that the affidavits of the notices described in the rule be accompanied by a copy of the notice that was given. Please submit affidavits of the third noticing required pursuant to Item 1, above, accompanied by a copy of the notice that is given. The affidavit of the notice to the list of utilities and governmental authorities must also attach a copy of the list to which the notice was given.

3. Proof of ownership. Pursuant to Rule 25-30.037(2)(q), F.A.C., evidence is required that the utility owns, or has long-term access to, the land on which the utility treatment facilities are located. Although the transfer of the water system is not intended to occur until after Commission approval, please provide an unexecuted copy of the document intended to convey the continued use of the land under the water treatment facilities from the seller to the buyer.

Wastewater Application
Rules 25-30.033(1) and 25-30.036(3), F.A.C.
Deficiencies

4. Noticing. Pursuant to Rule 25-30.030(1), F.A.C., when a utility applies for a certificate of authorization, it shall provide notice of its application in the manner and to the entities described by the rule. Pursuant to Rule 25-30.030(4)(a) and (d), F.A.C., the notice shall include the date it is given and a statement that any objections must be filed with the Commission no later than 30 days after the date of the latest notice. The original notice given to the list of utilities and governmental authorities, to customers, and published pursuant to Rule 25-30.030(5), (6), and (7), F.A.C., respectively, did not provide the correct date of notice. As a result, AUF voluntarily renoticed the application. It appears that the second notice also contained an incorrect date. Please provide a third notice pursuant to Rule 25-30.030(5), (6), and (7), F.A.C., in the manner required by Rule 25-30.030(4), F.A.C. Note that the original list of utilities and governmental authorities provided by staff has expired and a new list must be obtained. Staff recommends that a copy of the third notice be provided to staff for review prior to noticing.

5. Noticing Affidavits. Rule 25-30.030(8), F.A.C., requires that the affidavits of the notices described in the rule be accompanied by a copy of the notice that was given. Please submit affidavits of the third noticing required pursuant to Item 4, above, accompanied by a copy of the notice that is given. The affidavit of the notice to the list of utilities and governmental authorities must also attach a copy of the list to which the notice was given.

6. Proof of ownership. Pursuant to Rules 25-30.033(1)(j) and 25-30.036(3)(d), F.A.C., evidence is required that the utility owns, or has long-term access to, the land upon which the utility treatment facilities are located. Although, the certification and transfer of the wastewater system is pending Commission approval, please provide an executed copy of the document intended to convey the continued use of the land under the wastewater treatment facilities from the seller to the buyer. In addition, the legal description shown in Exhibit F to the wastewater application does not appear to describe the land under the wastewater treatment facilities, as it is identical to the legal description provided for the water treatment facilities.

Additional Information

7. **Wastewater Revenue Requirements.** Please describe in detail the basis used and/or documents relied upon for the annual wastewater growth projections through the year 2014.
8. **System Maps.** Please provide water and wastewater system maps showing which lots have existing connections and which lots are vacant.

If you have any questions regarding the information requested above, please feel free to contact me or a member of my staff, Patricia Brady at (850) 413-6686, or pbrady@psc.state.fl.us. If you have any engineering questions, please contact a member of my staff, Stan Rieger, at (850) 413-6970, or srieger@psc.state.fl.us. If you have any legal questions or concerns, please contact Lisa Bennett, Esq., at (850) 413-6230, or lbennett@psc.state.fl.us. Otherwise, please file your response to this request for information on or before **June 30, 2011**. Whether you respond by regular mail or by e-file, please ensure your response is filed directly with Ann Cole, Office of Commission Clerk.

Sincerely,



Patti Daniel
Public Utilities Supervisor
Bureau of Certification, Economics, and Tariffs

PD:pb

cc: Division of Economic Regulation (Brady, Rieger)
Office of the General Counsel (Brubaker, Bennett)
Office of Commission Clerk