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State of Florida



## Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD  
TALLAHASSEE, FLORIDA 32399-0850

**-M-E-M-O-R-A-N-D-U-M-**

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**DATE:** October 22, 2015

**TO:** Office of Commission Clerk (Stauffer)

**FROM:** Office of the General Counsel (Cowdery) *DMC*  
Division of Accounting and Finance (Golden) *CSB*  
Division of Economics (Daniel, Hudson, Rome) *ALM*  
Division of Engineering (King, Vickery) *GR*  
*DS* *PA*

**RE:** Docket No. 150198-WS – Proposed adoption of Rules 25-30.029 and 25-30.038, F.A.C., and amendment of Rules 25-30.030, 25-30.032, 25-30.033, 25.30.034, 25-30.035, 25-30.036, 25-30.037, 25-30.039, and 25-30.090, F.A.C.

**AGENDA:** 11/05/15 – Regular Agenda – Rule Proposal - Interested Persons May Participate

**COMMISSIONERS ASSIGNED:** All Commissioners

**PREHEARING OFFICER:** Brisé

**RULE STATUS:** Proposal May Be Deferred

**SPECIAL INSTRUCTIONS:** None

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### Case Background

Chapter 25-30, Florida Administrative Code (F.A.C.), contains the rules that implement Chapter 367, Florida Statutes (F.S.), concerning water and wastewater systems regulated by the Commission. The nine existing and two new draft rules in this docket address applications for original and grandfather certificates, certificate amendment and transfer, utility name change, and abandonments.

Staff initiated this rulemaking to streamline, clarify, simplify and update the rules and increase efficiency. A notice of rule development appeared in the July 22, 2014, edition of the Florida Administrative Register. A staff rule development workshop was held on October 21, 2014. Representatives from the Office of Public Counsel (OPC) and U.S. Water Services Corp. (U.S.

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Water) participated at the workshop. U.S. Water submitted written comments at the workshop regarding draft Rules 25-30.030 and 25-30.037, F.A.C., and OPC submitted written post-workshop comments regarding draft Rules 25-30.030, 25-30.033, 25-30.034, 25-30.035, 25-30.036, and 25-30.037, F.A.C.

This recommendation addresses whether the Commission should propose the adoption of Rules 25-30.029 and 25-30.038, F.A.C., and propose the amendment of Rules 25-30.030, 25-30.032, 25-30.033, 25-30.034, 25-30.035, 25-30.036, 25-30.037, 25-30.039, and 25-30.090, F.A.C. The Commission has jurisdiction pursuant to Sections 120.54, 350.127(2), 367.031, 367.045, 367.071, 367.121, 367.1213, 367.1214, and 367.165, F.S.

## Discussion of Issues

**Issue 1:** Should the Commission propose the adoption of Rules 25-30.029, Legal Description of Service Area, and 25-30.038, F.A.C., Application for Transfer to a Governmental Authority, and the amendment of Rules 25-30.030, Notice of Application; 25-30.032, Applications; 25-30.033, Application for Original Certificate of Authorization and Initial Rates and Charges; 25-30.034, Application for Certificate of Authorization for Existing Utility Currently Charging for Service; 25-30.035, Application for Grandfather Certificate; 25-30.036, Application for Amendment to Certificate of Authorization to Extend or Delete Service; 25-30.037, Application for Authority to Transfer; 25-30.039, Application for Name Change; and 25-30.090, F.A.C., Abandonments?

**Recommendation:** Yes, the Commission should propose the adoption of Rules 25-30.029 and 25-30.038, F.A.C., and the amendment of Rules 25-30.030, 25-30.032, 25-30.033, 25-30.034, 25-30.035, 25-30.036, 25-30.037, 25-30.039, and 25-30.090, F.A.C., as set forth in Attachment A. (Cowdery, Vickery, King, Daniel, Hudson, Golden, Rome)

**Staff Analysis:** This recommendation addresses whether the Commission should propose the amendment of nine existing rules and the adoption of two new rules addressing applications concerning water and wastewater certificates of authority, utility name change, and abandonment. The nine existing rules, with one exception, have not been amended since 1993. The purpose of this rulemaking is to update and clarify the rules. All rules have been amended for readability<sup>1</sup> and to delete vague, obsolete and unnecessary language. The rules have been reviewed and amended for consistency with Commission practice.

## Recommended New Rules

### ***Rule 25-30.029, F.A.C., Legal Description of Service Area***

Staff is recommending that the Commission propose the adoption of Rule 25-30.029, F.A.C., Legal Description of Service Area. (Attachment A, p. 34) Currently, Subsection 25-30.030(1), F.A.C., Notice of Application, includes the requirements for a legal description for applications for a certificate, extension or deletion of service area, or transfer. Staff believes that adopting a separate rule concerning legal description of service area, rather than combining the requirements for legal descriptions with noticing requirements, results in more clarity for applicants.

Subsection 25-30.029(1), F.A.C., lists the types of water and wastewater applications required to provide a legal description. Subsection (2) of the rule updates and clarifies the requirements for the legal description, currently found in subsection 25-30.030(2), F.A.C. Staff is recommending that subsection 25-30.029(2), F.A.C., be amended to allow the legal description to reference interstates, state roads, local streets, and major bodies of water, except that the description may not rely on references to government lots, recorded plats or lots, tracts, or other recorded instruments. This language, which is not in the current legal description Rule 25-30.030, F.A.C.,

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<sup>1</sup> Section 120.54(2), F.S., requires all rules to be drafted in readable language that avoids the use of obscure words, unnecessarily long or complicated constructions, and unnecessary technical or specialized language that is understood only by members of particular trades or professions.

updates the rule, makes the legal description more understandable to customers and comports with staff's practice and experience concerning legal descriptions used in applications since the rule was last amended in 1993.

***Rule 25-30.038, F.A.C., Application for Transfer to a Governmental Authority***

Draft Rule 25-30.038, F.A.C., is a new rule to address applications for transfer to a governmental authority. (Attachment A, p. 36) Currently, applications for transfer to a governmental authority are submitted pursuant to subsection 25-30.037(4), F.A.C., which has been deleted from draft Rule 25-30.037, F.A.C. Draft Rule 25-30.038, F.A.C., contains no significant differences from current subsection 25-30.037(4), F.A.C. Staff recommends that the application requirements for transfer to a governmental authority be moved to new Rule 25-30.038, F.A.C., because the information required for transfers addressed in draft Rule 25-30.037, F.A.C., is substantially different than the information required in an application for transfer to a governmental authority.

**Recommended Rule Amendments**

***Rule 25-30.030, F.A.C., Notice of Application***

Rule 25-30.030, Notice of Application, (Attachment A, p. 38) contains the noticing requirements to be followed when a utility applies for a certificate of authorization, an extension or deletion of service area, or a sale, assignment or transfer of its certificate, facilities or majority organizational control. Staff recommends that subsection (1) of this rule be amended for clarity by listing the specific applications and relevant rule sections to which this rule applies. Staff recommends that subsection (2) be amended to delete the legal description requirements that are being relocated to new draft Rule 25-30.029, F.A.C. Subsection (3) is being amended to reflect the application titles as set forth in this recommendation.

Subsection (4) lists the information that must be included in a notice of application. Staff recommends that this subsection be amended to reflect the additional information that utilities routinely include in such notices, thus adding clarity to the noticing process. Draft paragraph (f) specifically allows an abbreviated legal description for the notice. The abbreviated legal description decreases publication costs while still providing proper notice to customers. Staff is recommending that new paragraph (g) be added to require the notice to state, if applicable, that the utility is not requesting any changes to its rates, classifications, charges, rules, and regulations. This information is very helpful to customers' understanding of the nature and effect of the application filed with the Commission.

Draft subsection (5) lists how the utility must provide notice. Under the current rule, each customer of a system that is being certificated, transferred, acquired, or deleted must be notified by regular mail or personal service. Staff believes it is the public interest to notify the utility's existing customers of changes to the utility's operations and expenses that could negatively impact the rates or quality of service for existing customers. Therefore, the utility's existing customers should be afforded a point of entry to object to a requested transfer, acquisition or deletion of territory. For these reasons, staff recommends that the rule be amended to codify existing agency practice of requiring the utility to send notice to both existing customers and to



each owner of property located within the service area to be served, extended, deleted or transferred.

Staff recommends amending current subsection (7) by adding language to codify existing agency practice to clarify that if the utility service area crosses county lines, notice shall be published in a newspaper of general circulation in each county. (Draft paragraph 25-30.030(5)(c), F.A.C.) U.S. Water commented that this requirement to provide notice by publication in a newspaper of general circulation in the proposed service area might be unachievable if there are no such newspapers in the proposed service area, as opposed to near the proposed service area. Staff notes that this requirement is in the current rule subsection (7), and staff is unaware that utilities have had any problems meeting this publication requirement.

Staff recommends that subsections 25-30.030(5), (6), (7), and (8), F.A.C., be amended to delete requirements that an applicant provide notice within a certain number of days of filing its application. In staff's experience, utilities have been unable to provide notice within the current time frames set forth in these subsections of the rule. In recognition of the difficulty of meeting the current rule requirement, staff is recommending that new subsection (6) state that applications requiring noticing are deficient until the required affidavits are filed with the Commission Clerk. This language allows more flexibility to the applicant and is consistent with current procedure. Addition of draft subsection (6) will provide clarity and guidance to applicants.

Staff recommends adding a new subsection (7) that sets out noticing requirements if a customer meeting is held. Currently, such meetings are held and noticed at the request of staff on a case by case basis. Staff believes that for clarity and ease of understanding by applicants, noticing requirements for customer meetings should be codified into Rule 25-30.030, F.A.C. Draft subsection (7) requires the utility to submit a notice of customer meeting to Commission staff prior to distribution. Such preapproval avoids utilities being required to re-notice a customer meeting as a result of notice deficiencies. To reflect this change, staff recommends that Rule 25-30.030, F.A.C., be titled "Notice of Application and of Customer Meeting."

#### **Rule 25-30.032, F.A.C., Applications**

Rule 25-30.032, F.A.C., (Attachment A, p. 44) addresses general filing requirements for applications covered by these rules. Subsection (1) requires the filing of an original and six copies of all applications except transfer to a governmental utility that requires an original and two copies. Additionally, the current rules require an applicant to file one original and two copies of model tariffs.<sup>2</sup>

The procedure and requirements concerning document filing with the Commission Clerk have recently changed. By Order No. PSC-15-0362-FOF-OT, issued September 8, 2015, in Docket 150143-OT, *Proposed Repeal of Rule 25-22.028, F.A.C., Filing, Number of Copies, and Proposed Amendment of Rule 25-40.001, F.A.C., Exceptions to the Uniform Rules of Procedure*, the Commission repealed Rule 25-22.028, F.A.C. The new requirements for filing are set forth in the Commission's Statement of Agency Organization and Operations and Uniform Rule 28-

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<sup>2</sup> Current Rules 25-30.033(1)(k); 25-30.034(1)(f); 25-30.035(7); 25-30.036(3)(o) and (4)(i); and 25-30.037(2)(s), (3)(j), and (5)(c); 25-30.039(2)(g), F.A.C.

106.104, F.A.C. Under this procedure, an application that must be accompanied by a filing fee is not eligible for e-filing and must be filed by paper copy. However, there is no requirement to file additional copies, with certain exceptions not applicable to the water/ wastewater rules addressed in this recommendation. When a paper copy of a document is filed, it is scanned and placed in the docket file, which is electronically maintained, thus dispensing with the need for multiple paper copies to be filed. For these reasons, staff recommends that subsection 25-30.032(1), F.A.C., requiring an original and multiple copies of filings, be deleted as obsolete and unnecessary and, further, that the requirement for filing two extra copies of tariffs with applications be deleted.<sup>3</sup>

Subsection 25-30.032(3), F.A.C., states that the official filing date is the date a completed application is filed, except that if noticing is not completed within the time limits prescribed by Rule 25-30.030, F.A.C., the official filing date shall be the date the noticing is complete. Staff recommends that this subsection be deleted as unnecessary and superseded by the recommended draft subsection 25-30.030(5), F.A.C., which states that all applications requiring noticing are deficient until the notices of affidavits are filed with the Commission Clerk. In addition, the meaning of official filing date is addressed in Rule 25-30.025, F.A.C., and Section 367.083, F.S. Section 367.083, F.S., Determination of official date of filing, provides that for any written document for which an official date of filing is to be established, the official filing date must be promptly established when the minimum filing requirements are met. Section 25-30.025, F.A.C., Official Date of Filing, states that the official date of filing for any utility's application is the date on which the Deputy Executive Director, Technical, determines that the utility has filed completed sets of the minimum filing requirements.

Subsection 25-30.032(2), F.A.C., addresses combined applications. Consistent with staff's recommendation to delete current subsections (1) and (3), staff recommends that the rule title be changed to "Combined Applications." The suggested amendments to subsection (2) are for readability and clarity.

***Rule 25-30.033, Application for Original Certificate of Authorization and Initial Rates and Charges, F.A.C.***

Section (1) of Rule 25-30.033, F.A.C., (Attachment A, p. 45) describes the information that must be included in an application for original certificate of authorization and initial rates and charges. In general, the draft rule has been amended to update and clarify filing requirements, and language has been rewritten for readability. Staff's recommended substantive changes are discussed below.

• ***Example application and tariff forms***

The Commission currently has example application forms and model water and wastewater tariffs that are available for applicants to use at their option in filing the eight application types identified in existing Rules 25-30.033 through 25-30.039, F.A.C. However, these example application forms and model tariffs are not mentioned in the rules. By incorporating the example application and water and wastewater tariff forms into the rules, the forms will be available to

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<sup>3</sup> Draft rule paragraphs 25-30.033(1)(n); 25-30.034(1)(o); 25-30.035(13); 25-30.036(2)(o); 25-30.037(1)(u); 25-30.038(2)(h)4., and 25-30.039(2)(f), F.A.C.

applicants through an electronic hyperlink on the Department of State's website.<sup>4</sup> The amended rules would also state that the forms are available on the Commission's website. In addition, the forms have been modified so that they would be "fillable," meaning an applicant may access a form on-line, enter the required information electronically, save the completed form electronically, and print the completed form as necessary. Currently, the forms are only available as pdf documents. These changes will make the example application and water and wastewater tariff forms more easily accessible and user friendly for applicants. For these reasons, staff recommends that subsection 25-30.033(1), F.A.C., be amended to incorporate by reference Form PSC 1001, Application for Original Certificate of Authorization for a Proposed or Existing System Requesting Initial Rates and Charges and that paragraph (1)(k) be renumbered and amended to incorporate by reference Form 1010, Water Tariff, and Form 1011, Wastewater Tariff.

- ***Applicant identification information***

Paragraph 25-30.033(1)(a), F.A.C., currently requests the applicant's name and address. Staff recommends that this paragraph be amended to request the utility's telephone number, Federal Employer Identification Number, authorized representative, and, if available, e-mail address and fax number. (Draft paragraph 25-30.033(1)(c), F.A.C.) The request for the utility's Federal Employer Identification Number is consistent with the change made by the Commission Clerk from using a Commission-assigned Company Code to identify utilities in the Clerk's records to use of Federal Employer Identification Numbers.<sup>5</sup>

- ***Business organization information***

Paragraph 25-30.033(1)(b), F.A.C., currently requests the nature of the applicant's business organization. It is staff's practice to verify the business and fictitious name information listed in the application with the Florida Department of State, Division of Corporations. Consistent with the practice of verifying the applicant's written representations, staff recommends that paragraph (1)(b) be amended to require the applicant to provide documentation from the Florida Department of State, Division of Corporations, showing the utility's business and fictitious names and registration/document numbers for the purpose of verifying business and fictitious name information. (Draft paragraph 25-30.033(1)(d), F.A.C.) This requirement ensures that the applicant's business has established itself as an entity doing business in the State of Florida, and it provides written verification of the applicant's business name.

- ***Ownership interests in utility***

Paragraph 25-30.033(1)(c), F.A.C., currently requires the applicant to provide the names and addresses of all corporate officers, directors, partners, or any other persons or entities owning an interest in the applicant's business organization. Staff recommends that the rule be amended to require the names, addresses, and percentage of ownership of each entity or person that owns or will own more than a 5 percent interest in the utility. (Draft paragraph 25-30.033(1)(e), F.A.C.) Staff does not believe that it is necessary to obtain names, addresses or ownership information from persons or entities holding less than a 5 percent interest in the utility. Persons owning less than 5 percent likely would have little influence over the utility. Eliminating the requirement for

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<sup>4</sup> See Section 120.54(1)(i)3., F.S.

<sup>5</sup> There is no applicable exemption from the Florida Public Records law for Federal Employer Identification Numbers.

ownership information on owners holding less than 5 percent ownership interest in the utility will help reduce the filing requirements for applicants, while still providing a sufficient level of ownership information. As will be discussed in more detail below in the Financial Ability section related to recommended amendments to existing paragraph 25-30.033(1)(s), F.A.C., this amendment is consistent with the Commission's annual report filing requirements for water and wastewater utilities and also certain U.S. Securities and Exchange Commission reporting requirements.

- ***Statement as to how water and wastewater service is to be provided***

Staff recommends that a new paragraph (1)(g) be added to require a statement indicating whether the application is for water, wastewater, or both, and that if the applicant is applying for water or wastewater only, the statement shall include how the other service is provided. This information is currently generally expected to be included in the application. Generally, the requirement to explain how the other service is being provided is needed to determine if the requested service would impact the existing service. For example, a new wastewater provider would need water usage data from the existing water utility. Codification of this requirement clarifies the intent of the rule for applicants and results in consistency.

- ***Financial and technical ability to provide service; need for service***

Paragraph 25-30.033(1)(e), F.A.C., currently requires an applicant for original certificate of authorization and initial rates and charges to provide a statement showing financial and technical ability of the applicant to provide service and the need for service in the proposed area. Additionally, this paragraph requires the statement to identify any other utilities within the area proposed to be served that could potentially provide service, and the steps the applicant took to ascertain whether such other service is available. Existing paragraphs (1)(r) and (s) require certain specific information related to financial ability.

Staff recommends that subsection 25-30.033(1)(e), F.A.C., be amended to identify in detail the information required to demonstrate financial ability and to consolidate the requirements related to financial ability in one paragraph (draft paragraph 25-30.033(1)(h), F.A.C.), as explained below. Staff also recommends that subsection 25-30.033(1), F.A.C., be amended to create new paragraphs that identify in detail the information required to demonstrate technical ability (draft paragraph 25-30.033(1)(i), F.A.C.) and the need for service as explained below. (Draft paragraph 25-30.033(1)(k), F.A.C.)

### **Financial ability**

Existing paragraph 25-30.033(1)(r), F.A.C., requires a detailed financial statement of the applicant, certified if available. Staff recommends that the rule be amended to require that the detailed financial statement be an audited financial statement, if available, as opposed to certified financial statement. (Draft subparagraph (1)(h)1.) Staff recommends this change in order to clarify the type of financial document required.

Existing paragraph (1)(s) requires a list of all entities holding 10 percent or more ownership interest in the utility, upon which the applicant is relying to provide funding to the utility. Staff recommends that the 10 percent threshold be changed to 5 percent and that the applicant provide copies of any financial agreements between the listed entities and the utility, as well as proof of those entities' ability to provide funding, such as financial statements. (Draft subparagraph

(1)(h)2.) Staff believes owners who hold at least 5 percent ownership interest in the utility may have an influence over the utility. Staff recommends this amendment in order to gain additional financial information that will be beneficial in assessing an applicant's financial ability. This amendment is consistent with other reporting requirements for water and wastewater utilities. Specifically, the Commission requires utilities in annual reports to report every corporation or person owning or holding 5 percent or more of the voting securities of the utility. In addition, under certain conditions, the U.S. Securities and Exchange Commission requires a "beneficial ownership report" when a person or group of persons acquires beneficial ownership of more than 5 percent of a voting class of a company's equity securities. Based on its experience, staff believes utilities will be able to easily identify any entities or persons holding 5 percent or more ownership in the utilities.

In its post-workshop comments, OPC suggested that Rule 25-30.033 should require that if the utility or any parent entity of the utility has not operated for a full year, then the utility shall provide the financial statements of all persons or entities with at least 5 percent ownership interest. OPC reasons that if an applicant is a recently created "shell" entity, it is important for the Commission to verify the financial ability of the real parties in interest. Staff has concluded that it is not necessary to address a situation where the utility has not operated for a full year because the draft rule requires submittal of financial information whether or not the utility or any parent entity of the utility has operated for a full year.

OPC further suggested that the rule should define the financial arrangements and agreements that should be provided to include copies of all mortgage and loan agreements, surety bonds, contracts and other financial agreements documenting the sources of funding or a copy of each entity's financial statements. Staff does not believe that reference to these additional documents is needed because the document types identified by OPC are all included in the draft rule requirement that the applicant must provide any financial agreements and proof of ability to provide funding.

OPC suggested that the list of all entities upon which the applicant is relying to provide funding should specifically include "related parties." In conjunction with these suggested changes, OPC suggests that the rules specifically define "affiliate," "affiliated entity," and "related parties" by using the definitions from the Financial Accounting Standards Boards ("FASB"), Accounting Standards Codification ("ASC") Master Glossary, and by referring to that source material.

Staff does not recommend that the term "related party" be included in the rules because it would be unnecessary. The draft rule requires that the applicant provide a list of "all entities, including affiliates, upon which the applicant is relying to provide funding to the utility," which would include related parties. Further, staff does not recommend that the rule define terms using the definitions from FASB and ASC. The terms "related party" and "affiliate" are primarily used by the accounting industry to identify the parameters for financial statement disclosures for purposes of informing investors. For instance, if there is an entity that provides a significant volume of a company's raw input materials, and that entity is having financial difficulty, it would likely require disclosure in the financial statements. On the other hand, the water and wastewater rules are intended to provide information to allow the Commission to determine whether an entity has the financial stability to run a utility. Ideally, the utility should be sound

enough that it does not have to rely on a proprietor's personal income or investments in order to operate the utility. Including the definitions suggested by OPC could result in an applicant being required to provide financial documents of family members who are not even remotely associated with the utility. If during the course of reviewing the application, staff believes that a remote family member may have an interest in the utility, that information could be requested in a staff data request.

As explained above, existing paragraph 25-30.033(1)(e), F.A.C., currently requires only a statement showing financial ability of the applicant to provide service. Staff recommends that paragraphs (1)(e), (r) and (s) be consolidated into draft paragraph 25-30.033(1)(h), F.A.C., and that the language be amended as explained above in order to identify in detail the information required to demonstrate financial ability.

**Technical ability and environmental compliance information**

Paragraph 25-30.033(1)(e), F.A.C., currently requires a statement showing the technical ability of the applicant to provide service, but does not identify specific information required to show technical ability. Staff recommends that subsection (1) be amended to specify that the information required to demonstrate technical ability is a statement of the applicant's experience in the water or wastewater industry; a copy of all current permits issued by the Department of Environmental Protection (DEP) and the water management district; a copy of the most recent DEP and/or county health department sanitary survey, compliance inspection report, and secondary standards drinking water report; and a copy of all correspondence with the DEP, county health department, and water management districting, including consent orders and warning letters, and the utility's responses to the same, for the past five years. (Draft paragraph 25-30.033(1)(i), F.A.C.)

Currently, Commission engineering staff frequently obtains this information during their analysis of certificate dockets to determine if there are any environmental regulatory problems with the utility's system or customer service issues. This information is primarily obtained from the utility through a staff request for additional information. Inclusion of these requirements in the rules will clarify, streamline, and provide consistency to applicants and staff.

Staff notes that pursuant to Section 367.0812, F.S., enacted by the Florida legislature in 2014, the Commission in fixing rates is required to consider the extent to which the utility provides water service that meets secondary water quality standards as established by the DEP. In making this determination, the Commission is required to consider the results of past tests required by a county health department or DEP measuring compliance with applicable secondary water quality standards and must consider customer complaints regarding the applicable secondary water quality standards filed with the Commission, DEP, the respective local government entity, or a county health department, during the past five years. Staff believes that the recommended amendments in draft paragraph 25-30.033(1)(i), F.A.C., will assist the Commission in determining the extent to which a utility is providing water service that meets DEP secondary water quality standards.

In addition, the consent order/warning letter correspondence with the DEP, county health department, and water management district often deals with primary water quality standards,

which are more important measures than secondary standards. Therefore, staff believes it is prudent, and consistent with Section 367.0812(1)(c), F.S., to amend existing paragraph 25-30.033(1)(e), F.A.C., to require and evaluate correspondence pertaining to applicable primary water quality standards for the same five-year time period.

**Need for service**

Currently, paragraphs 25-30.033(1)(e), (f), (h), and (i), F.A.C., contain requirements relating to need for service. For clarity and to give clear guidance to applicants, staff is recommending that these paragraphs be combined into new paragraph (1)(k), as discussed below. The requirements of existing paragraphs 25-30.033(1)(h) and (i), F.A.C., concerning number and types of customers, are not substantively amended. (Draft subparagraph 25-30.033(1)(k)1., F.A.C.)

Paragraph 25-30.033(1)(e), F.A.C., requires the applicant to provide a statement of the need for service in the proposed area. As part of this showing, staff generally requests the applicant to provide a copy of all requests for service for areas not currently served. This requirement demonstrates the impact to the capacity of the applicant's system and whether it can support the new territory. In order to clarify the need for this information, staff recommends amending subsection 25-30.033(1), F.A.C., to require a copy of all requests for service for areas not currently served. (Draft subparagraph (1)(k)2.)

Paragraph (1)(e) currently requires the statement of need for service to identify any other utilities within the area proposed to be served that could potentially provide service, and the steps the applicant took to ascertain whether such other service is available. Staff recommends deleting this requirement because Rule 25-30.030, F.A.C., already requires the utility to provide newspaper notice and individual notice to the governing bodies of all counties, municipalities, and all certificated privately owned water and wastewater utilities in the county in which the utility or the territory proposed to be served is located. Any such entities are therefore on notice that they may object to the application for service by the utility if, among other reasons, they believe that service is already available in the area proposed to be served by the utility.

Paragraph 25-30.033(1)(f), F.A.C., currently requires applicants to provide a statement that provision of service will be consistent with the local comprehensive plan approved by the Department of Community Affairs, or, if inconsistent, how it is in the public interest. Based on the current rule, the companies report that, to the "best of their knowledge," the application is consistent with the local comprehensive plan. Staff recommends amending the rule to require the applicant to specify the current land use designation of the proposed service territory as described in the local comprehensive plan and to describe steps taken or to be taken if the local comprehensive plan will need to be revised in order to develop the proposed service territory. (Draft subparagraph (1)(k)3., F.A.C.) This revised language is intended to make sure an applicant can, in fact, develop the property in the manner proposed based on the current local comprehensive plan or, if not, identify what the applicant must do to revise the comprehensive plan. This rule amendment is also intended to highlight to the applicant that it needs to be talking to local officials and working on any required comprehensive plan revisions during the Commission application process so that it is clear that there is a need for service and the proposed development is doable.

In addition, staff believes that utilities should investigate and be aware of the existence of land use restrictions, such as environmental restrictions imposed by governmental authorities, prior to undertaking the construction of a new utility or expansion of an existing utility's territory. For this reason, staff recommends adding draft subparagraph (1)(k)4 to require that the applicant provide any known land use restrictions, such as environmental restrictions imposed by governmental authorities.

The information staff recommends requiring in subparagraphs (1)(k)3. and 4. is currently obtained by staff through a data request once the application is filed. Clarifying the rule to include the specific information required will give guidance to applicants and consistency to the application process.

- ***Documentation of the utility's right to continued use of land***

Section 367.1213, F.S., requires a Commission-regulated water or wastewater utility to own the land or possess the right to continued use of the land upon which treatment facilities are located and requires the Commission to adopt rules to implement the statute. Paragraph 25-30.033(1)(j), F.A.C., currently requires documentation of land ownership or continued use of the land.

Paragraph 25-30.033(1)(j), F.A.C., currently requires the applicant to provide evidence in the form of a warranty deed that the utility owns the land upon which the utility treatment facilities are located or a copy of an agreement that provides for the continued use of the land, such as a 99-year lease or written easement. The paragraph allows an applicant to submit an unexecuted copy of the warranty deed provided an executed and recorded copy is filed within 30 days of the order granting the certificate. Staff recommends that this paragraph be amended to require that documentation of continued use shall be in the form of a recorded warranty deed, recorded quit claim deed accompanied by title insurance, recorded lease, such as a 99-year lease, or recorded easement and that an applicant may submit an unrecorded copy of the instrument documenting the utility's right to access and continued use of the land, provided that the applicant files a recorded copy within the time required in the order granting the application. (Draft paragraph 25-30.033(1)(m), F.A.C.) This language is consistent with prior Commission orders addressing the typical documentation proposed by utilities and approved by the Commission to document the utility's right to continued use of the land. In addition, many utilities found it difficult to adhere to the 30 day time frame prescribed by the current rule for filing the executed and recorded documentation. The proposed language gives the utility the flexibility to propose a reasonable time frame for filing the recorded documentation.

OPC suggested that the rule language should be amended to state that the identified documentation shall be in the form of any recorded easements "if necessary to guarantee the utility's continued access of the utility's treatment facilities." OPC asserted that this language provides clarity that the utility must demonstrate ownership or continued access to the land. Staff does not recommend adding this language because it appears unnecessary. Section 367.1213, F.S., requires a utility to possess the right to continued use of the land upon which treatment facilities are located. If a utility cannot provide appropriate documentation, it will not have met its burden of proving it has met the requirements of section 367.1213, F.S.



- ***Method of effluent disposal***

Paragraph 25-30.033(1)(p), F.A.C., currently requires a description of the type of water treatment, wastewater treatment, and method of effluent disposal. Paragraph (1)(q) currently states that if effluent disposal by means of reuse is not used, the applicant must provide a statement that describes with particularity the reasons for not using reuse. Staff recommends deleting paragraph (1)(q) because it is redundant in that the previous paragraph of the draft rules defines the method of effluent disposal. Further, this requirement is not necessary because effluent reuse is addressed through the DEP permitting process.

- ***Cost information and schedules***

Paragraphs 25-30.033(1)(t)-(w), F.A.C., currently require schedules of projected assets, expenses, and cost of capital, and a cost study supporting the proposed rates, charges, and service availability charges. Staff recommends replacing this requirement with new draft subparagraphs (1)(p)1. – 7. that clarify the content of the individual schedules needed to show how the proposed rates, service availability policy and charges, and customer deposits and miscellaneous service charges were developed.

***Rule 25-30.034, F.A.C., Application for Certificate of Authorization for Existing Utility Currently Charging for Service.***

Rule 25-30.034, F.A.C., (Attachment A, p. 54) addresses applications for an original certificate for an existing utility currently charging for service. Because of the similarities between Rule 25-30.034 and 25-30.033, F.A.C., many of the amendments staff recommends to Rule 25-30.033, F.A.C., and the reasons for recommending those changes, apply to Rule 25-30.034, F.A.C. The draft rule amendments would be renumbered as appropriate.

- ***Example application and tariff forms***

For the reasons discussed concerning Rule 25-30.033, F.A.C., staff recommends that subsection 25-30.034(1), F.A.C., be amended to incorporate by reference Form PSC 1002, Application for Original Certificate of Authorization for an Existing Utility Currently Charging for Service, and that paragraph (1)(f) be renumbered and amended to incorporate by reference Form 1010, Water Tariff, and Form 1011, Wastewater Tariff.

- ***Applicant identification information***

Paragraph 25-30.034(1)(a), F.A.C., currently requests the applicant's name and address. For the reasons discussed above concerning Rule 25-30.033, F.A.C., staff recommends that this paragraph be amended to request the utility's telephone number, Federal Employer Identification Number, authorized representative, and, if available, e-mail address and fax number. (Draft paragraph 25-30.034(1)(c), F.A.C.)

- ***Business organization information***

Paragraph 25-30.034(1)(b), F.A.C., currently requests the nature of the applicant's business organization. For the reasons discussed concerning Rule 25-30.033, F.A.C., staff recommends that paragraph (1)(b) be amended to require the applicant to provide documentation from the Florida Department of State, Division of Corporations showing the utility's business and fictitious names and registration/document numbers for the purpose of verifying business and fictitious name information. (Draft paragraph 25-30.034(1)(d), F.A.C.)

- ***Ownership interests in utility***

Paragraph 25-30.034(1)(c), F.A.C., requires the applicant to provide the names and addresses of all corporate officers, directors, partners, or any other persons owning or who will own an interest in the utility. For the reasons discussed concerning Rule 25-30.033, F.A.C., staff recommends that paragraph (1)(c) be amended to require the names, addresses and percentage of ownership of each entity or person that owns or will own more than a 5 percent interest in the utility. (Draft paragraph 25-30.034(1)(e), F.A.C.)

- ***Financial ability***

Paragraph 25-30.034(1)(d), F.A.C., requires a statement showing the applicant's financial ability to provide service. Staff recommends amending this requirement to identify the specific information that must be provided in order to demonstrate financial ability. For the same reasons as explained for draft subparagraph 25-30.033(1)(h)1., above, staff recommends that an applicant be required to provide a detailed financial statement, audited if available. (Draft subparagraph 25-30.034(1)(i)1., F.A.C.)

For the same reasons as explained for draft subparagraph 25-30.033(1)(h), above, staff also recommends that the applicant be required to provide a list of all entities holding 5 percent or more ownership interest in the utility upon which the applicant is relying to provide funding to the utility and copies of any financial agreements between the listed entities and the utility, as well as proof of those entities' ability to provide funding, such as financial statement. (Draft subparagraph 25-30.034(1)(i)2., F.A.C.)

For the same reasons discussed above for Rule 25-30.033, F.A.C., staff does not recommend making OPC's suggested amendments to paragraph 25-30.034(1) concerning the demonstration of financial ability.

- ***Technical ability and environmental compliance information***

Paragraph 25-30.034(1)(d), F.A.C., currently requires a statement showing the technical ability of the applicant to provide service. For the same reasons discussed for Rule 25-30.033, staff recommends that this rule provision should be amended to specify the same information staff requires for a demonstration of technical ability as discussed for Rule 25-30.033, F.A.C. The specific information required by rule would be a statement of the applicant's experience in the water or wastewater industry, a copy of all current permits issued by the Department of Environmental Protection (DEP) and the water management district, a copy of the most recent DEP and/or county health department sanitary survey, compliance inspection report, and secondary standards drinking water report; and a copy of all correspondence with the DEP, county health department, and water management districting, including consent orders and warning letters, and the utility's responses to the same, for the past five years. (Draft paragraph 25-30.034(1)(j), F.A.C.)

- ***Statement as to how water and wastewater service is to be provided***

For the reasons discussed concerning Rule 25-30.033, F.A.C., staff recommends that subsection 25-30.034(1), F.A.C., be amended to require a statement indicating whether the application is for water, wastewater, or both, and that if the applicant is applying for water or wastewater only, the

statement shall include how the other service is provided. (Draft paragraph 25-30.034(1)(f), F.A.C.)

- ***Documentation of the utility's right to continued use of land***

Paragraph 25-30.034(1)(e), F.A.C., requires evidence that the utility owns the land upon which the utility treatment facilities are located or a copy of an agreement which provides for the continued use of the land, such as a 99-year lease or written easement. For the reasons discussed for Rule 25-30.033, F.A.C., staff recommends that this paragraph be amended to require that documentation of continued use shall be in the form of a recorded warranty deed, recorded quit claim deed accompanied by title insurance, recorded lease, such as a 99-year lease, or recorded easement and that an applicant may submit an unrecorded copy of the instrument documenting the utility's right to access and continued use of the land, provided that the applicant files a recorded copy within the time required in the order granting the application. (Draft paragraph 25-30.034(1)(m), F.A.C.)

For the same reasons discussed in for Rule 25-30.033, F.A.C., staff does not recommend making OPC's suggestion that the rule language should be amended to state that the identified documentation shall be in the form of any recorded easements "if necessary to guarantee the utility's continued access of the utility's treatment facilities."

- ***Additional requirements if applicant is requesting any territory not served at the time of application***

Subsection 25-30.034(2), F.A.C., addresses additional requirements if the applicant is requesting any territory not served at the time of application. Subsection (2) currently requires a statement showing the need for service in the proposed area. For the same reasons as discussed for Rule 25-30.033, F.A.C., staff recommends that subsection (2) be amended to specify that to demonstrate the need for service in the proposed area, the applicant must provide information on the number and type of customers to be served; a copy of all requests for service for areas not currently served; land use designation information; and any known land use restrictions.

- ***Rule 25-30.035, F.A.C., Application for Grandfather Certificate***

Rule 25-30.035, F.A.C., (Attachment A, p. 60) addresses applications for an original certificate of authorization following rescission of jurisdiction by a county, also referred to as "grandfather applications." The draft rule provisions are renumbered as appropriate.

- ***Example application and tariff forms***

For the reasons discussed concerning Rule 25-30.033, F.A.C., staff recommends that Rule 25-30.035, F.A.C., be amended to incorporate by reference Form PSC 1003, Application for Original Certificate of Authorization Following Rescission of Jurisdiction by a County (Grandfather Certificate), and that subsection (7) be amended to incorporate by reference Form 1010, Water Tariff, and Form 1011, Wastewater Tariff. (Draft subsection 25-30.035(7), F.A.C.)

- ***Applicant identification information***

Subsection 25-30.035(1), F.A.C., currently requests the applicant's name and address. For the reasons discussed above concerning Rule 25-30.033, F.A.C., staff recommends that this subsection be amended to request the utility's telephone number, Federal Employer

Identification Number, authorized representative, and, if available, e-mail address and fax number. (Draft subsection 25-30.035(3), F.A.C.)

- ***Business organization information***

Subsection 25-30.035(2), F.A.C., currently requests the nature of the applicant's business organization. For the reasons discussed above concerning Rule 25-30.033, F.A.C., staff recommends that subsection (2) be amended to require the applicant to provide documentation from the Florida Department of State, Division of Corporations showing the utility's business and fictitious names and registration/document numbers for the purpose of verifying business and fictitious name information. (Draft subsection 25-30.035(4), F.A.C.)

- ***Ownership interests in utility***

Subsection (3) of Rule 25-30.035, F.A.C., requires the applicant to provide the names and addresses of all corporate officers, directors, partners, or any other persons owning or who will own an interest in the utility. For the reasons discussed concerning Rule 25-30.033, F.A.C., staff recommends that the rule be renumbered to section (5) and amended to require the names, addresses and percentage of ownership of each entity or person that owns or will own more than a 5 percent interest in the utility.

- ***Statement as to how water and wastewater service is to be provided***

For the reasons discussed concerning Rule 25-30.033, F.A.C., staff recommends that Rule 25-30.035, F.A.C., be amended to require a statement indicating whether the application is for water, wastewater, or both, and that if the applicant is applying for water or wastewater only, the statement shall include how the other service is provided. (Draft subsection 25-30.035(6), F.A.C.)

- ***Documentation of authorized service territory***

Staff recommends that Rule 25-30.035, F.A.C., be amended to require the utility to provide documentation of the territory the utility was serving, or was authorized to service, from the county which had jurisdiction over the utility on the day Chapter 367, F.S., became applicable to the utility. (Draft subsection 25-30.035(10), F.A.C.) This requirement provides staff with verification that the applicant was given authority by the county to provide service. In addition, this documentation aids staff in understanding the scope of the grandfathered utility as to the size of its overall service territory and its location in relation to other utilities falling under the Commission's jurisdiction.

- ***Documentation of the utility's right to continued use of land***

Subsection 25-30.035(6), F.A.C., requires evidence that the utility owns the land upon which the utility treatment facilities are located or a copy of an agreement which provides for the continued use of the land, such as a 99-year lease or written easement. For the reasons discussed for Rule 25-30.033, F.A.C., staff recommends that this paragraph be amended to require that documentation of continued use shall be in the form of a recorded warranty deed, recorded quit claim deed accompanied by title insurance, recorded lease, such as a 99-year lease, or recorded easement and that an applicant may submit an unrecorded copy of the instrument documenting the utility's right to access and continued use of the land, provided that the applicant files a recorded copy within the time required in the order granting the application. (Draft subsection 25-30.035(11), F.A.C.)

For the same reasons discussed in for Rule 25-30.033, F.A.C., staff does not recommend making OPC's suggestion that the rule language should be amended to state that the identified documentation shall be in the form of any recorded easements "if necessary to guarantee the utility's continued access of the utility's treatment facilities."

- **Permits**

Subsection 25-30.035(12), F.A.C., currently requires the applicant to provide the numbers and dates of any permits issued for the system. For the reasons discussed for Rule 25-30.033, F.A.C., staff recommends that this section be amended to require that copies of all current DEP and water management district permits be provided. (Draft subsection 25-30.035(16), F.A.C.)

- **Rule 25-30.036, F.A.C., Application for Amendment to Certificate of Authorization to Extend or Delete Service**

Rule 25-30.036, F.A.C., (Attachment A, p. 64) addresses applications for an amendment to a certificate of authorization to extend or delete the service area.

- **Example application and tariff forms**

For the reasons discussed concerning Rule 25-30.033, F.A.C., staff recommends that section 25-30.036, F.A.C., be amended to incorporate by reference Form PSC 1004, Application for Amendment of Certificate (Extension, Quick Take Extension, or Deletion) (draft subsection 25-30.036(1), F.A.C.) and Forms 1010, Water Tariff, and 1011, Wastewater Tariff. (Draft paragraphs 25-30.036(2)(o) and (3)(i), F.A.C.)

- **Subsection 25-30.036(2), F.A.C., Quick take certificate amendments**

Subsection 25-30.036(2), F.A.C., provides a procedure commonly referred to as a "quick take" certificate amendment, which is allowed for certain small, uncontested certificate extensions. The quick-take application requirements have remained essentially the same substantively. However, staff recommends that the requirements be updated and streamlined, consistent with the draft rule amendments described above for applications to extend service for other than quick take under draft subsection 25-30.036(2), F.A.C., concerning applicant identification information, documentation of the utility's right to continued use of land, and legal description, as discussed above. (Draft subsection 25-30.036(3), F.A.C.)

In addition, staff recommends that the quick take certificate rule be amended to require the applicants for quick take to provide a copy of all current permits issued by the DEP and water management district (draft subsection 25-30.036(3)(c), referencing subsection 25-30.036(2)(j), F.A.C.). This requirement allows staff to analyze the applicant's system and its capacities in order understand the quick take certificate amendment's overall impact.

Paragraph 25-30.036(2)(c), F.A.C., currently requires that an applicant for quick take certificate amendment must file its completed application within 45 days of completion of the notice requirements. Staff experience has shown that identifying a specific timeframe has proven burdensome to utilities. Thus, for the same reasons as explained for deleting requirements that an applicant provide notice within a certain number of days of filing its application in subsections 25-30.030(5)-(8), F.A.C., staff recommends deleting this 45-day filing requirement.

- ***Subsection 25-30.036(3), F.A.C., Applications to extend service area other than quick take***

**Applicant identification information**

Paragraph 25-30.036(3)(a), F.A.C., for an application to extend service area currently requests the applicant's name and address. For the reasons discussed concerning Rule 25-30.033, F.A.C., staff recommends that this paragraph be amended to request the utility's telephone number, Federal Employer Identification Number, authorized representative, and, if available, e-mail address and fax number. (Draft paragraph 25-30.036(2)(c), F.A.C.)

**Need for service**

Paragraph 25-30.036(3)(b), F.A.C., currently requires the applicant to provide a statement showing the need for service in the area requested. Staff recommends that this paragraph be amended to identify the specific information required to show the need for service. Staff recommends, for the reasons discussed above concerning Rule 25-30.033, F.A.C., that the applicant must provide detailed information on the number and type of customers; a copy of all requests for service for areas not currently served; land use designation information; and any known land use restrictions. (Draft paragraph 25-30.036(2)(d), F.A.C.) For the reasons discussed for Rule 25-30.033, F.A.C., the reference to the Department of Community Affairs in paragraph 25-30.036(3)(c), F.A.C., should be deleted.

**Documentation of the utility's right to continued use of land**

Paragraph 25-30.036(3)(d), F.A.C., currently requires evidence that the utility owns the land upon which the utility treatment facilities are located or a copy of an agreement which provides for the continued use of the land, such as a 99-year lease or written easement. For the reasons discussed for Rule 25-30.033, F.A.C., staff recommends that this paragraph be amended to require that if the utility is planning to build a new water or wastewater treatment plant to serve the proposed territory, the applicant must provide documentation of continued use in the form of a recorded warranty deed, recorded quit claim deed accompanied by title insurance, recorded lease, such as a 99-year lease, or recorded easement and that an applicant may submit an unrecorded copy of the instrument documenting the utility's right to access and continued use of the land, provided that the applicant files a recorded copy within the time required in the order granting the application. (Draft paragraph 25-30.036(2)(e), F.A.C.)

For the same reasons discussed for Rule 25-30.033, F.A.C., staff does not recommend making OPC's suggestion that the rule language should be amended to state that the identified documentation shall be in the form of any recorded easements "if necessary to guarantee the utility's continued access of the utility's treatment facilities."

**Legal description and system map**

Paragraph 25-30.036(3)(e), F.A.C., currently requires a legal description of the territory proposed to be served. As a result, a utility's certificated area may be represented by multiple legal descriptions, which can result in confusion in describing the entire area. Staff believes that because the legal description for a utility defines the entire territory served by the utility, it is important for the utility to provide a single legal description for the existing and new adjacent territory being requested. For this reason, staff recommends that paragraph 25-30.036(3), F.A.C., be amended to require that if the extension of territory is adjacent to the existing

territory, the applicant must provide a legal description of the territory adjacent to the existing territory and a legal description of the resulting territory including both existing and expanded portions. (Draft paragraph 25-30.036(2)(f), F.A.C.)

Paragraph (3)(f) currently requires an applicant for territory extension to provide a detailed system map for the territory proposed to be served. The system map should show the entire territory that will be served as a result of the territory extension, as opposed to multiple maps resulting from individual territory amendments. For this reason, staff recommends that paragraph 25-30.036(3)(f), F.A.C., be amended to require that if the territory to be served is adjacent to the utility's existing territory, a complete map showing both existing and expanded territories must be provided. (Draft paragraph 25-30.036(2)(g), F.A.C.)

**Technical ability and environmental compliance information**

Paragraph 25-30.036(3)(b), F.A.C., requires a statement showing the technical ability of the applicant to provide service. For the same reasons discussed above for Rule 25-30.033, F.A.C., staff recommends that this language be amended to identify the specific information that must be provided to show technical ability. The specific information required would be a copy of all current permits issued by DEP and the water management district (draft paragraph (2)(j)); a copy of the most recent DEP and/or county health department sanitary survey, compliance inspection report, and secondary standards drinking water report (draft paragraph (2)(k)); and a copy of all correspondence with the DEP, county health department, and water management districting, including consent orders and warning letters, and the utility's responses to the same, for the past five years. (Draft paragraph 25-30.036(2)(l))

Paragraphs 25-30.036(3)(g) and (h), F.A.C., request information about effluent disposal if a new or upgraded wastewater treatment plant is planned to serve the proposed territory. Staff recommends deleting these paragraphs as unnecessary because staff will obtain all necessary information regarding effluent disposal through the DEP permits and information to be provided pursuant to draft paragraphs (2)(j) – (l) discussed above.

***Rule 25-30.037, F.A.C., Application for Authority to Transfer***

Rule 25-30.037, F.A.C., (Attachment A, p. 71) concerns applications for authority to transfer an existing water or wastewater system. The draft rule provisions have been renumbered as appropriate.

• ***Subsection 25-30.037(1), F.A.C.***

Subsection (1) of the rule identifies the four different types of transfer applications addressed in subsections (2) through (5). Staff recommends that subsection 25-30.037(1), F.A.C., be amended to require that if a transfer occurs prior to Commission approval, the utility shall submit an application for authority to transfer no later than 90 days after the sale closing date. Staff included this amendment to prevent problems that could occur if a considerable amount of time were allowed to lapse between the sale of a utility and the submission by the buyer of an application for authority to transfer. With the increased passage of time subsequent to a utility sale closing, the probability of difficulties associated with the unavailability of important documentation potentially could increase. By establishing a specific date by which transfer applications must be submitted, staff seeks to minimize the likelihood that an application filing

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would languish and create unnecessary problems that could further complicate or delay the application review process.

For the reasons discussed concerning Rule 25-30.033, F.A.C., staff recommends that subsection 25-30.037(1), F.A.C., be amended to incorporate by reference Form PSC 1005, Application for Transfer of Certificates or Facilities from a Regulated Utility to Another Regulated Utility; Form PSC 1006, Application for Transfer of an Exempt Entity to a Regulated Utility or Transfer of a Utility in a Non-jurisdictional County to a Regulated Utility that Results in a System Whose Service Transverses County Boundaries; Form PSC 1007, Application for a Transfer of Majority Organizational Control of a Regulated Utility; and Form PSC 1008, Application for Transfer of Facilities from a Regulated Utility to an Exempt Entity Other Than a Governmental Authority. Staff further recommends that Forms 1010, Water Tariff, and 1011, Wastewater Tariff, be incorporated by reference in this rule. (Draft paragraph 25-30.037(2)(s), F.A.C.)

- ***Subsection 25-30.037(2), F.A.C., Transfer of a regulated utility to another regulated utility***

**Applicant identification and contact information**

Paragraph 25-30.037(2)(b), F.A.C., currently requires the buyer's name and address. For the reasons discussed concerning Rule 25-30.033, F.A.C., staff recommends that this paragraph be amended to request the buyer's telephone number, Federal Employer Identification Number, authorized representative, and, if available, e-mail address and fax number. (Draft paragraph 25-30.037(2)(d), F.A.C.) Staff recommends that paragraph (2)(b) be amended to require the applicant to provide the new name of the utility if the buyer plans to operate under a different name in order for staff to be able to identify the name under which the new entity will be certified. (Draft paragraph 25-30.037(2)(d), F.A.C.) Staff also recommends that a new paragraph (2)(e) be added to require contact information for the person in possession of the books and records when the application is filed. This requirement will assure that as staff conducts its review for setting rate base, it will have all necessary contact information in order to review the utility's books and records, as appropriate.

**Business organization information**

For a transfer of a regulated utility to another regulated utility, paragraph 25-30.037(2)(c), F.A.C., currently requests the nature of the buyer's business organization. For the reasons discussed concerning Rule 25-30.033, F.A.C., staff recommends that paragraph (2)(c) be amended to require the applicant to provide documentation from the Florida Department of State, Division of Corporations showing the buyer's business and fictitious names and registration/document numbers for the purpose of verifying business and fictitious name information. (Draft paragraph 25-30.037(2)(f), F.A.C.)

**Ownership interests in utility**

Paragraph 25-30.037(2)(d), F.A.C., currently requires the applicant to provide the names and addresses of all corporate officers, directors, partners, or any other persons who will own an interest in the utility. For the reasons discussed concerning Rule 25-30.033, F.A.C., staff recommends that paragraph (2)(d) be amended to require the names, addresses and percentage of



ownership of each entity or person that owns or will own more than a 5 percent interest in the utility. (Draft paragraph 25-30.037(2)(g), F.A.C.)

**Requirement that transfer occurring prior to Commission approval be made contingent upon that approval**

Paragraph 25-30.037(2)(g), F.A.C., currently requires the applicant to provide a copy of the contract for sale and all auxiliary or supplement agreements and identifies the provisions which must be included in the contract for sale or auxiliary or supplemental agreements. Section 367.071(1), F.S., allows a sale, assignment, or transfer of a utility's certificate, facilities, or majority organizational control prior to Commission approval if the contract is made contingent upon commission approval. Rule 25-30.037, F.A.C., does not address the requirement that if a transfer occurs prior to commission approval, the contract must be made contingent upon commission approval. To clarify this requirement, staff recommends that Paragraph 25-30.037(2)(g), F.A.C., be amended to require that, if applicable, the contract for sale contain a provision that the transfer is contingent upon Commission approval. (Draft paragraph 25-30.037(2)(i), F.A.C.)

**Documentation of transfer terms**

Paragraph 25-30.037(2)(g), F.A.C., also currently identifies provisions to be included in the purchase and sale agreement. Staff recommends that subsection 25-30.037(2), F.A.C., be amended to identify transfer terms that must be documented. (Draft paragraph 25-30.037(2)(j), F.A.C.)

Staff recommends that the applicant for transfer of a regulated utility to another regulated utility be required to provide documentation of the date the closing occurred or will occur (draft subparagraph 25-30.037(2)(j)1., F.A.C.); a statement that the buyer has or will obtain the books and records of the seller, including all supporting documentation for rate base additions since the last time rate base was established for the utility (draft subparagraph 25-30.037(2)(j)7., F.A.C.); a statement that the utility's books and records will be maintained using the 1996 National Association of Regulatory Utilities Commissioners Uniform System of Accounts (draft subparagraph 25-30.037(2)(j)8., F.A.C.); and a statement that the utility's books and records will be maintained at the utility's office(s) in Florida, and if so, its location, or that the utility will comply with the Commission's rule requirement regarding maintenance of utility records at another location or out-of-state. (Draft subparagraph 25-30.037(2)(j)9., F.A.C.) The information that would be required by these subparagraphs is specific information that staff relies on in reviewing applications for transfer of a regulated utility to another regulated utility. The requirements also include the buyer providing acknowledgement that it is aware of the Commission's requirements concerning maintenance of the utility's books and records. These provisions add clarity and guidance to the buyer of the utility.

**Financial ability**

For a transfer of a regulated utility to another regulated utility, paragraph 25-30.037(2)(j), F.A.C., currently requires a statement showing the financial ability of the applicant to provide service. To show financial ability, staff recommends that Rule 25-30.037, F.A.C., be amended for the reasons discussed above concerning Rule 25-30.034, F.A.C., to require the buyer to provide a detailed financial statement, audited if available, of the financial condition of the

applicant for the preceding calendar or fiscal year, stating the sources and uses of funds, if available. (Draft subparagraph 25-30.037(2)(1)1., F.A.C.)

U.S. Water stated in its comments that requiring a detailed financial statement of the buyer would be problematic because, in purchasing the assets of a particular regulated utility in Florida, a new Florida corporation is formed expressly for that purpose, and such newly formed utilities do not have any previous financial statements since they were incorporated at the time of the asset purchase agreement. U.S. Water stated that because of this, the only available financial statements would be personal individual financial information, the disclosure of which would harm the privacy interests of individual persons and subject those individuals to potential identity theft by providing unauthorized access to third parties. U.S. Water noted that the Commission typically does not require the disclosure of personal financial information of majority shareholders of regulated utilities since this information may be considered confidential in nature. U.S. Water argued that personal financial information should be considered proprietary confidential information. Further, U.S. Water noted that personal financial information typically does not come in the form of balance sheets or income statements, and that its submittal may result in a deficiency letter. Finally, U.S. Water argued that the disclosure of personal individual financial information would have a chilling effect on future potential acquisitions of troubled water and wastewater utilities in the State of Florida by competent, experienced persons with the technical and financial wherewithal to provide continued quality of service.

Staff believes that U.S. Water's concerns are addressed through the Commission's current procedures regarding requests for treatment of confidential information under Section 367.156, F.S., and Rule 25-22.006, F.A.C. Confidential treatment of information by the Commission does not allow unauthorized access of information or disclosure to third parties. Staff also notes that personal financial statements typically used for securing credit from lending institutions or for tax preparation purposes are generally formatted similarly to balance sheets and income statements such that it is unlikely that a deficiency letter would result. In view of the safeguards associated with the Commission's treatment of confidential information, staff does not believe that the rule amendments would have a chilling effect on future potential utility acquisitions by competent entities.

Paragraph 25-30.037(2)(k), F.A.C., currently requires a list of all entities holding 10 percent or more ownership interest in the utility upon which the applicant is relying to provide funding to the utility. For the reasons discussed for Rule 25-30.033, F.A.C., staff recommends that the 10 percent threshold be changed to 5 percent, that the applicant provide copies of any financial agreements between the listed entities and the utility, as well as proof of those entities' ability to provide funding, such as financial statements. (Draft subparagraph 25-30.037(2)(1)2., F.A.C.) For the same reasons discussed for Rule 25-30.033, F.A.C., staff does not recommend making OPC's suggested changes to this language.

#### **Technical ability and environmental compliance information**

For a transfer of a regulated utility to another regulated utility, staff recommends that subsection 25-30.037(2), F.A.C., be amended to require the buyer, as part of its demonstration of technical ability to provide service, to provide the buyer's plans for ensuring continued operation of the utility, such as retaining the existing plant operators and office personnel, or contracting with

outside entities. This information is typically provided by the utility in its application or when requested by staff through a written request for additional information or informally through phone calls or e-mails. This information is necessary to help assess the new owner's technical ability to operate the utility and to determine whether the transfer is expected to have an impact on the utility's operation. A positive determination of the new owner's technical ability is necessary for a finding that the transfer is in the public interest. Amending the rule to specifically request the information will help streamline, add clarity to the application process, and provide consistency in how staff obtains this information. (Draft paragraph 25-30.037(2)(m), F.A.C.)

**Environmental compliance**

Paragraph 25-30.037(2)(p), F.A.C., requires a statement from the buyer that the system acquired appears to be in satisfactory condition and in compliance with DEP standard, or, if in need of repair or in violation of any DEP standards, a list of improvements and the approximate cost, as well as a copy of the Notice of Violation and consent order. Staff believes it is important for the applicant to provide documentation showing that the DEP requirements and or repairs will be addressed and identifying the responsible party (seller or buyer). For this reason, staff recommends that paragraph (2)(p) be amended to require the buyer to provide any agreements between the seller and buyer regarding who will be responsible for any identified repairs or improvements. (Draft paragraph 25-30.073(2)(q), F.A.C.)

Staff further recommends, for the same reasons discussed for Rule 25-30.033, F.A.C., that subsection 25-30.037(2) be amended to require a copy of all current permits issued by the DEP and the water management district, a copy of the most recent DEP and/or county health department sanitary survey, compliance inspection report, and secondary standards drinking water report; and a copy of all correspondence with the DEP, county health department, and water management districting, including consent orders and warning letters, and the utility's responses to the same, for the past five years. In addition, staff recommends that applicants be required to include a copy of all customer complaints that the utility has received regarding DEP secondary water quality standards during the past five years. (Draft paragraph 25-30.037(2)(r), F.A.C.)

U.S. Water stated in its pre-workshop comments that these recommended amendments may potentially place additional burden and or financial obligations on the purchasing utility. Staff does not anticipate that the amendments contained in draft paragraph 25-30.037(2)(r), F.A.C., would place significant additional burdens or financial obligations on prospective purchasing utilities. DEP and water management district permits are readily available and are routinely reviewed during the course of certification dockets. Presently, the permit information is obtained either from the utility through a written request for additional information or directly from DEP or the water management district. Staff believes that the inclusion of this current business practice in the rules will streamline the process and benefit both applicants and staff by saving time and providing consistency during the application evaluation process. (Draft subparagraph 25-30.037(2)(r)1, F.A.C.)

Staff notes that the documentation identified in draft subparagraphs 25-30.037(2)(r)2., 3., and 4., F.A.C., is routinely reviewed during the evaluation of certification applications to determine if there are any compliance or customer service issues. The information typically is obtained from

the utility through a request for additional information. However, staff's requests for additional information historically have covered the most recent three years of data. Staff recognizes that requiring the documentation for an additional two years does represent an additional requirement to applicants; however, staff does not anticipate that the impacts to utilities would be significant.

Staff also notes that pursuant to Section 367.0812, F.S., the Commission in fixing rates must consider customer complaints regarding the applicable secondary water quality standards filed with the Commission, DEP, the respective local government entity, or a county health department during the past five years. The requirement for five years of correspondence contained in draft subparagraphs 25-30.037(2)(r)3. and 4., F.A.C., is consistent with the statutory requirement in Section 367.0812, F.S., regarding the Commission's consideration of five years of complaint letters pertaining to applicable secondary water quality standards. The consent order/warning letter correspondence with the DEP, county health department, and water management district often deals with primary water quality standards, which are more important measures than secondary standards. Therefore, staff believes it is prudent to also evaluate correspondence pertaining to applicable primary water quality standards for the same five-year time period.

**Documentation of the utility's right to continued access and continued use of land**

In a transfer from a regulated utility to another regulated utility, paragraph 25-30.037(2)(q), F.A.C., currently requires the applicant to provide evidence that the utility owns the land upon which the utility treatment facilities are located. Staff recommends that, for the same reasons discussed for Rule 25-30.033, F.A.C., this paragraph be amended to require that documentation of continued use shall be in the form of a recorded warranty deed, recorded quit claim deed accompanied by title insurance, recorded lease, such as a 99-year lease, or recorded easement and that an applicant may submit an unrecorded copy of the instrument documenting the utility's right to access and continued use of the land, provided that the applicant files a recorded copy within the time required in the order granting the application. (Draft paragraph 25-30.037(2)(s), F.A.C.)

For the same reasons discussed in for Rule 25-30.033, F.A.C., staff does not recommend making OPC's suggested amendments that the rule language should state that the identified documentation shall be in the form of any recorded easements "if necessary to guarantee the utility's continued access of the utility's treatment facilities."

**Economies of Scale**

In a transfer from a regulated utility to another regulated utility, staff recommends that subsection 25-30.037(2), F.A.C., be amended to require that if the buyer owns other water or wastewater utilities that are regulated by the Commission, the application shall include a schedule reflecting any economies of scale that are anticipated to be achieved within the next three years and the effect on rates for existing customers served by both the utility being purchased and the buyer's other utilities. In the case where the buyer owns other water or wastewater utilities, a question arises as to whether existing customers may have to help bear any increased costs associated with improving a newly purchased system that is in poor condition. Information about economies of scale will help to determine if any benefits to customers are

expected as a result of the common ownership of multiple systems, or if it is more likely to lead to a rate increase. (Draft paragraph 25-30.037(2)(v), F.A.C.)

**Regulatory assessment fees**

Paragraph 25-30.037(2)(r), F.A.C., currently requires an applicant to provide a statement regarding the disposition of any outstanding regulatory assessment fees, fines, or refunds owed. In order to codify current practice, staff recommends that this paragraph be amended to require the applicant to also state which entity will be responsible for paying regulatory assessment fees and filing the annual report for the year of the transfer and subsequent years. (Draft paragraph 25-30.037(2)(t), F.A.C.)

- ***Draft subsection 25-30.037(3), F.A.C., Transfer of an exempt entity or utility in a nonjurisdictional county to a regulated utility that results in a system whose service transverses county boundaries***

Currently, the transfer of an exempt entity to a regulated utility is filed under subsection 25-30.037(2), F.A.C., as a transfer to a non-governmental entity. Staff recommends that Rule 25-30.037, F.A.C., be amended to add a new application for transfer of an exempt entity or utility in a nonjurisdictional county to a Commission regulated utility which results in a system whose service transverses county boundaries. Applications filed under this new rule subsection would continue to require the information currently filed under the existing rule, as amended for the reasons discussed above concerning subsection 25-30.037(2), F.A.C.

However, subsection 25-30.037(2), F.A.C., was designed to primarily address the transfer of a regulated utility to another regulated utility and does not require any information related to an exempt entity's type of exemption or rates. Because draft subsection 25-30.037(3), F.A.C., contemplates a change in the territory served, staff recommends that an applicant must provide a map plotting the proposed territory, a statement describing the capacity of the existing lines and treatment facilities, and the design capacity of the proposed extension. Further, because this application addresses the transfer of an exempt entity or utility in a nonjurisdictional county, staff recommends that an applicant be required to provide an explanation of how its rates were established, if applicable, and an explanation of how the seller is either exempt or is a utility in a nonjurisdictional county.

- ***Draft subsection 25-30.037(4), F.A.C., Transfer of majority organizational control of a regulated utility***

Subsection 25-30.037(3), F.A.C., currently applies to applications for transfer of majority organizational control of a regulated utility. Staff recommends that this rule be renumbered to draft subsection 25-30.037(4), F.A.C., and rewritten to reference the requirements of draft subsection 25-30.037(2), F.A.C., that must be included in an application for transfer of majority organizational control of a regulated utility and as discussed below.

**Applicant identification and contact information**

Paragraph 25-30.037(3)(a), F.A.C., currently requires the seller's name and address, and paragraph (3)(b) requires the buyer's name and address. For the reasons discussed concerning Rule 25-30.033, F.A.C., staff recommends that for a transfer of majority organizational control, these paragraphs be amended to request the buyer's and seller's telephone numbers, Federal

Employer Identification Numbers, authorized representatives, and, if available, e-mail addresses and fax numbers. In addition, for the reasons discussed concerning draft paragraph 25-30.037(2)(d), F.A.C., staff recommends that the applicant be required to provide the utility's new name if the buyer plans to operate under a different name. (Draft paragraph 25-30.037(4)(c), F.A.C., referencing paragraphs 25-30.037(2)(c) and (d), F.A.C.)

### **Business organization information**

Currently, applicants for a transfer of majority organizational control are not required by rule to provide information regarding the nature of the buyer's business organization. Staff recommends that subsection 25-30.037(3), F.A.C., be amended to codify existing staff practice of requesting business organization information if it is not provided in the application. Transfers of majority organizational control commonly involve the sale of 100 percent of the utility's stock, resulting in a complete change in ownership. In those cases, the change in ownership can lead to changes in the way the utility operates if the buyer's business organization is different from the seller's business organization. For example, if the business organization changes from a corporation to a sole proprietorship after the sale, the utility may change the way in which it pays income taxes. Knowing about possible changes in operations that may result from a transfer of majority organizational control will be beneficial to staff when reviewing future annual reports and rate filings. In addition, a transfer of majority organizational control may result in a utility becoming exempt from Commission regulation when the stock is purchased by an exempt entity, such as a homeowners' association. Information about the buyer's business organization is necessary to determine if the utility qualifies to become exempt following the transfer.

Therefore, for the reasons explained above and as discussed concerning Rule 25-30.033, F.A.C., staff recommends that subsection 25-30.037(3), F.A.C., be amended to require the applicant to describe the nature of the buyer's business organization and provide documentation from the Florida Department of State, Division of Corporations showing the buyer's business and fictitious names and registration/document numbers for the purpose of verifying business and fictitious name information. (Draft paragraph 25-30.037(4)(c), F.A.C., referencing draft Rule 25-30.037(2)(f), F.A.C.)

### **Ownership interests in the utility**

Paragraph 25-30.037(3)(c), F.A.C., currently requires an applicant for transfer of majority organizational control to provide the names and addresses of all of the buyer's corporate officers, directors, partners and any other persons who will own an interest in the utility. Staff recommends amending this requirement to require a description of the ownership transfer, including the date the transfer occurred or will occur and a description of the resulting ownership interests in the utility. (Draft paragraph 25-30.037(4)(d), F.A.C.) Staff routinely reviews this information when processing an application for transfer of majority organizational control. This information is typically provided by the utility in its application or when requested by staff. Inclusion of this requirement in the rule adds clarity and consistency to the application process.

### **Technical and financial ability**

Paragraph 25-30.037(3)(d), F.A.C., currently requires the applicant for a transfer of majority organizational control to provide the names and locations of any other water or wastewater utilities owned by the buyer. Staff recommends that this requirement be deleted as unnecessary

and duplicative because the applicant will be required to provide an explanation of the buyer's experience in the water or wastewater industry. (Draft paragraph 25-30.037(4)(c), F.A.C., referencing draft subparagraph 25-30.037(2)(m)1., F.A.C.)

Paragraph 25-30.037(3)(e), F.A.C., currently requires a statement describing the financing of the purchase. Staff recommends that this requirement be deleted as duplicative because the applicant will be required to provide information related to the buyer's financial ability. (Draft paragraph 25-30.037(4)(c), F.A.C., referencing draft paragraph 25-30.037(2)(l), F.A.C.)

Paragraph 25-30.037(3)(f), F.A.C., currently requires a statement describing how the transfer is in the public interest, including a summary of the buyer's experience in water or wastewater utility operations, a statement showing the buyer's financial ability to provide service, and a statement that the buyer will fulfill the commitments, obligations and representations of the seller with regard to utility matters. Staff recommends retaining the current requirements to describe how the transfer is in the public interest and to provide a statement that the buyer will fulfill all commitments of the seller. (Draft paragraph 25-30.037(4)(c), F.A.C., referencing draft paragraphs 25-30.037(2)(j) and (2)(k), F.A.C.) In addition, staff recommends that draft paragraph 25-30.037(4)(c), F.A.C., include the requirement that the applicant provide the buyer's plans for ensuring continued operation of the utility, such as retaining the existing plant operator and office personnel, or contracting with outside entities, for the reasons discussed and as set forth in draft paragraph 25-30.037(2)(m), F.A.C.

For the reasons discussed concerning draft paragraph 25-30.037(2)(l), F.A.C., staff recommends amending paragraph (3)(f) to require the buyer to provide a detailed financial statement, audited if available, of the financial condition of the applicant for the preceding calendar or fiscal year, stating the sources and uses of funds, if available. (Draft paragraph 25-30.037(4)(c), F.A.C., referencing draft paragraph 25-30.037(2)(l), F.A.C.)

Paragraph 25-30.037(3)(g), F.A.C., currently requires a list of all entities holding 10 percent or more ownership interest in the utility upon which the applicant is relying to provide funding to the utility. For the reasons discussed for Rule 25-30.033, F.A.C., staff recommends that the 10 percent threshold be changed to 5 percent and that the applicant provide copies of any financial agreements between the listed entities and the utility as well as proof of those entities' ability to provide funding, such as financial statement. (Draft paragraph 25-30.037(4)(c), referencing draft subparagraph 25-30.037(2)(l)2., F.A.C.)

Paragraph 25-30.037(3)(h), F.A.C., currently requires a statement from the buyer that the system acquired appears to be in satisfactory condition and in compliance with DEP standards, or, if in need of repair or in violation of any DEP standards, a list of improvements and the approximate cost, as well as a copy of the Notice of Violation and consent order. For the same reasons as discussed concerning paragraph 25-30.037(2)(p), F.A.C., staff recommends that the applicant be required to provide any agreements between the seller and buyer regarding who will be responsible for any identified repairs or improvements. (Draft paragraph 25-30.037(4)(c), referencing paragraph 25-30.073(2)(q), F.A.C.)

**Documentation of transfer terms**

Currently, applicants for a transfer of majority organizational control are not required by rule to provide a copy of the contract for sale and auxiliary or supplemental agreements for a transfer of majority organizational control. Staff recommends that subsection 25-30.037(3), F.A.C., be amended to require a copy of the contract for sale and all auxiliary or supplemental agreements, as set forth in draft paragraph 25-30.037(2)(i), F.A.C., to codify existing staff practice of requesting this information if it is not provided in the application. Inclusion of this requirement in the rule will offer clarity to applicants and make the process more consistent.

Staff recommends that subsection 25-30.037(3), F.A.C., be amended to require that, if applicable, the contract for sale contain a provision that the transfer is contingent upon Commission approval, for the reasons discussed above and as set forth in draft paragraph 25-30.037(2)(i), F.A.C.

Additionally, staff recommends, for the reasons discussed above for draft paragraph 25-30.037(2)(j), F.A.C., that the buyer provide documentation of the date the closing occurred or will occur; information concerning the utility's books and records; a statement that the buyer has or will obtain the books and records of the seller, including all supporting documentation for rate base additions since the law time rate base was established for the utility; a statement that the utility's books and records will be maintained using the 1996 National Association of Regulatory Utilities Commissioners Uniform System of Accounts; and a statement that the utility's books and records will be maintained at the utility's offices in Florida, and if so, its location, or that the utility will comply with the Commission's rule requirement regarding maintenance of utility records at another location or out-of-state.

Staff also recommends that documentation be provided for the following transfer terms: The purchase price and terms of payment; a list of and the dollar amount of the assets purchased and liabilities assumed or not assumed, including those of nonregulated operations or entities; a description of all consideration between the parties, including promised salaries, retainer fees, stock, stock options, and assumptions of obligations, and provisions, where applicable, for the disposition of customer deposits and interest, guaranteed revenue contracts, developer agreements, customer advances, debt of the utility, and leases. (Draft paragraph 25-30.037(4)(c), referencing paragraph 25-30.037(2)(j), F.A.C.) Amendment of Rule 25-30.037(3), F.A.C., to require this information would codify existing staff practice of requesting this information if it is not provided in the application. Inclusion of these requirements in the rule will offer clarity to applicants and make the process more consistent. For these same reasons, staff recommends that subsection 25-30.037(3), F.A.C., be amended to require a description of the ownership transfer, including the date that the transfer occurred or will occur and a description of the resulting ownership interests in the utility. (Draft paragraph 25-30.037(4)(d), F.A.C.)

**Documentation of the utility's right to continued use of land**

Paragraph 25-30.037(3)(i), F.A.C., requires documentation of land ownership or continued use of the land. Staff recommends that this requirement be deleted from the requirements for an application for transfer of majority organizational control because the utility's ownership or continued use of the land is not changing; only the control of the utility is being transferred through stock transfer.



**Regulatory assessment fees and annual report filing responsibilities**

Applications for transfer of majority organization control do not currently address regulatory assessment fees. Staff recommends that subsection 25-30.037(3), F.A.C., be amended to require that, as set for in draft paragraph 25-30.037(2)(t), F.A.C., applicants be required to include a statement regarding the disposition of outstanding regulatory assessment fees, fines, or refunds owed and which entity will be responsible for paying regulatory assessment fees and filing the annual report for the year of the transfer and subsequent years. (Draft paragraph 25-30.037(4)(c), referencing paragraph 25-30.037(2)(t), F.A.C.) Amendment of Rule 25-30.037(3), F.A.C., to require this information would codify existing staff practice of requesting this information if it is not provided in the application. Staff regularly reviews the status of the utility's regulatory assessment fees and annual reports in all transfer dockets. As noted above, transfers of majority organizational control commonly involve the sale of 100 percent of the utility's stock to a new owner. In those cases where the transfer of majority organizational control results in a complete change in ownership, staff believes it is especially important to determine where the seller's responsibility to pay regulatory assessment fees and file annual reports ends and where the buyer's responsibility begins. In addition, a transfer of majority organizational control may result in a utility becoming exempt from Commission regulation when the stock is purchased by an exempt entity, such as a homeowners' association. In those cases where there is a change in the utility's regulatory status following the stock transfer, staff believes it is important to ensure that all outstanding regulatory assessment fees and annual reports are addressed prior to canceling the utility's certificate.

- ***Subsection 25-30.037(4), F.A.C., Transfer to a governmental authority***

As previously explained, staff recommends that existing Rule 25-30.037(4), F.A.C., concerning transfers to governmental authorities, be deleted and that new draft Rule 25-30.038, Application for Transfer to a Governmental Authority, be adopted.

- ***Draft Subsection 25-30.037(5), F.A.C., Transfer of a regulated utility to an exempt entity other than a governmental authority***

Draft subsection 25-30.037(5), F.A.C., (Attachment A, p. 80) adds a new application for transfer of a regulated utility to an exempt entity other than a governmental authority. Examples of an exempt entity other than a governmental authority are nonprofit corporations, associations, or cooperatives providing service solely to members who own and control the business entity. Draft subsection 25-30.037(5), F.A.C., is intended to clarify, reduce, and streamline the application process by identifying and requiring information specifically relevant to this type of transfer.

Presently, the transfer of a regulated utility to a non-governmental exempt entity is filed under subsection 25-30.037(2), F.A.C. As previously noted, subsection 25-30.037(2), F.A.C., was primarily designed to address the transfer of a regulated utility to another regulated utility and does not require any information related to an exempt entity's type of exemption. Staff recommends that draft subsection 25-30.037(5), F.A.C., require an explanation of how the buyer is exempt pursuant to Section 367.022, F.S. In addition, an applicant under this subsection would be required to file identification information for the buyer and seller, documentation of terms of the transfer relevant to a transfer to a nongovernmental exempt entity, proof of financial and technical ability, environmental compliance documents, and documentation of the terms of the transfer, as described and for the reasons explained concerning draft subsection 25-30.037(2),

F.A.C., above. As currently required, the applicant would provide an explanation of why the transfer is in the public interest.

Applications for transfer of a regulated utility to a non-governmental exempt entity currently filed under subsection 25-30.037(2), F.A.C., require information that is not relevant to the sale of a regulated utility that becomes exempt. For this reason, draft subsection 25-30.037(5), F.A.C., does not include the provision of current subsection 25-30.037(2), F.A.C., requiring detailed information concerning the exempt entity's business organization, a legal description, the proposed net book value of the system, a statement that the buyer has or will obtain copies of federal income tax records, information concerning cost of any repairs or improvements required by DEP, documentation concerning the utility's right to continued use of the land upon which the facilities are located, and a copy of the tariff. Amending Rule 25-30.037, F.A.C., to add subsection (5) is intended to give guidance to applicants and consistency to the application process by clarifying the information required for this type of transfer.

***Rule 25-30.039, F.A.C., Application for Name Change***

Rule 25-30.039, F.A.C., (Attachment A, p. 83) applies to a certificated utility that changes its name only, with no change in ownership or control of the utility or its assets. The current rule also addresses customer notice of the name change.

Section 367.1214, F.S., Notice of Name Change, requires a water and wastewater utility to notify the Commission and its customers before changing its name and gives the Commission authority to adopt rules that a water and wastewater utility must follow when giving this notice to its customers. Pursuant to the Commission's Administrative Procedure Manual, applications for name change are approved administratively by staff. Staff recommends changing this rule from an application to a notice and changing the title of the Rule to "Notice of Name Change," in order to be consistent with the language of Section 367.1214, F.S.

Subsection 25-30.039(2), F.A.C., currently gives the information that must be supplied with an application for name change. Staff recommends that this section be amended to codify existing practice and identify the information that the utility must provide the Commission before notifying its customers of the utility name change. This information would be the utility's contact information, including its authorized representative; documentation of the name change information from the Florida Department of State, Division of Corporations; the effective date of the name change; a statement that the ownership and control of the utility and its assets will not change under the new name; a draft customer notice of the name change; and a tariff reflecting the name change. Staff further recommends that the subsection (2) requirement of giving the reasons for the name change be deleted as unnecessary.

Subsection 25-30.090(3), F.A.C., currently states that after the Commission staff approves the customer notice, the utility shall send the approved customer notice to all existing customers with the next regular billing, advising them of the name change. It has been staff's practice to require a statement for the utility verifying the date the notice was sent to the customers. Staff recommends subsection 25-30.039(3), F.A.C., be amended to codify this practice and require the utility to file with the Commission Clerk a statement verifying the date that the notice was sent to the customers.

**Rule 25-30.090, F.A.C., Abandonment**

Rule 25-30.090, F.A.C., applies to abandonment of a utility (Attachment A, p. 85). The draft amendments are intended to improve readability and clarity. Subsection (2) identifies the information required in the notice of abandonment. Staff recommends that paragraph (2)(b) be updated to include the contact person's e-mail address and fax number, if available.

Subsection 25-30.090(3), F.A.C., requires that within 10 days of appointment of a receiver by the circuit court, the receiver shall request from the Commission a copy of the utility's tariff and most recent annual report. Staff recommends that subsection (3) be amended to state that the receiver shall provide the Commission with a copy of the order of appointment within 10 days of appointment. This information is needed by staff in order to verify the terms and conditions under which the Court has approved the receiver.

Subsection 25-30.090(4), F.A.C., provides that a receiver shall file a revised tariff within 90 days of appointment. Subsection 25-9.009(5), F.A.C., requires that the name and title of the issuing officer of the utility must be at the bottom of each sheet of a tariff. Staff recommends that subsection (4) be amended to clarify that the tariff filing must include the name of the receiver as the new issuing officer. Staff also recommends that subsection (4) be amended to state that the tariff filing requirement does not apply to a receiver who is a governmental authority. A tariff filing requirement does not apply to a receiver who is a governmental authority because pursuant to Section 367.022(2), F.S., the governmental authority acting as receiver would be exempt from Commission jurisdiction. The result of a government being appointed receiver would be cancellation of the utility's certificate. *See In re: Notice of abandonment of water and wastewater systems in Okeechobee County by Pine Ridge Management Corporation*, Order No. PSC-12-0344-FOF-WS, issued July 12, 2012, Docket No. 120042-WS.

Subsection 25-30.090(6), F.A.C., states that if the receiver is a governmental authority, it shall be found exempt upon request pursuant to Section 367.022(2), F.S. A governmental authority meeting the definition of subsection 367.022(2), F.S., is exempt from Commission regulation, and there is no requirement for it to file a "request" with the Commission. For this reason, staff recommends that subsection 25-30.090(6), F.A.C., be deleted.

**Statement of Estimated Regulatory Costs**

Pursuant to subparagraph 120.54(3)(b)1., F.S., agencies are encouraged to prepare a statement of estimated regulatory costs (SERC) before the adoption, amendment, or repeal of any rule. A SERC was prepared for this rulemaking and is appended as Attachment B. The SERC analysis includes whether the rule adoptions and amendments are likely to have an adverse impact on growth, private sector job creation or employment, or private sector investment in excess of \$1 million in the aggregate within 5 years after implementation.<sup>6</sup>

The SERC concludes that the rule amendments will likely not directly or indirectly increase regulatory costs in excess of \$200,000 in the aggregate in Florida within 1 year after implementation. Further, the SERC concludes that the rule amendments will not likely have an adverse impact on business competitiveness, productivity, or innovation in excess of \$1 million

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<sup>6</sup> Subsection 120.541(2), F.S.

in the aggregate within 5 years of implementation. Thus, the rule amendments do not require legislative ratification, pursuant to Subsection 120.541(3), F.S. In addition, the SERC states that the rule amendments would not have an adverse impact on small businesses, would have no implementation or enforcement cost on the Commission or any other state and local government entity, and would have no impact on small cities or small counties. The SERC states that for the large majority of the rule changes, additional transactional costs on small businesses, if there are any, are expected to be de minimis. The SERC addresses additional statutory requirements.

For the reasons described above, staff recommends that the Commission should propose the adoption of Rules 25-30.029 and 25-30.038, F.A.C., and the amendment of Rules 25-30.030, 25-30.032, 25-30.033, 25-30.034, 25-30.035, 25-30.036, 25-30.037, 25-30.039, and 25-30.090, F.A.C., as set forth in Attachment A.

**Issue 2:** Should this docket be closed?

**Recommendation:** Yes. If no requests for hearing or comments are filed, the rules should be filed with the Department of State, and the docket should be closed. (Cowdery)

**Staff Analysis:** If no requests for hearing or comments are filed, the rules should be filed with the Department of State, and the docket should be closed.

1 25-30.029 Legal Description of Service Area

2 (1) The utility shall provide a legal description of the service area to be served, extended,  
3 deleted, or transferred in the following applications:

4 (a) An original certificate of authorization and initial rates and charges as provided in Rule 25-  
5 30.033, F.A.C.

6 (b) An original certificate of authorization for an existing utility currently charging for service  
7 provided in Rule 25-30.034, F.A.C.;

8 (c) An original certificate of authorization following rescission of jurisdiction by a county as  
9 provided in Rule 25-30.035, F.A.C.;

10 (d) An extension of service area as provided in Sections 25-30.036(2) or (3), F.A.C.;

11 (e) A deletion of service area as provided in Section 25-30.036(4), F.A.C.;

12 (f) A transfer of a regulated utility to another regulated utility as provided in Section 25-  
13 30.037(2), F.A.C.;

14 (g) A transfer of an exempt entity to a regulated utility or transfer of a utility in a  
15 nonjurisdictional county to a regulated utility as provided in Section 25-30.037(3), F.A.C.;

16 (h) A transfer of majority organizational control of a regulated utility as provided in Section  
17 25-30.037(4), F.A.C.;

18 (i) A transfer of a regulated utility to an exempt entity other than a governmental authority as  
19 provided in Section 25-30.037(5), F.A.C.; or

20 (j) A partial transfer of a regulated utility to a governmental authority as provided in paragraph  
21 25-30.038(2)(h)2., F.A.C.;

22 (2) The legal description of the service area to be served, extended, deleted or transferred shall  
23 identify:

24 (a) A reference to township(s), range(s), land section(s), and county(s); and

25 (b) A complete and accurate description of the service area to be served, added, deleted, or

CODING: Words underlined are additions; words in ~~struck through~~ type are deletions from existing law.

1 transferred. The description may reference interstates, state roads, local streets, and major  
2 bodies of water, but shall not rely on references to government lots, recorded plats or lots,  
3 tracts, or other recorded instruments. The description shall be provided in one of the  
4 following formats:

5 1. Sections. If the service area includes complete sections, the description shall only include  
6 the township, range, and section reference. If the service area includes partial sections, the  
7 description shall identify the subsections to be included or excluded.

8 2. Metes and bounds. The description shall identify a point of beginning which is referenced  
9 from either a section corner or a subsection corner, such as a quarter corner. The perimeter  
10 shall be described by traversing the service area boundary and closing at the point of  
11 beginning. The description shall identify all bearings and distances necessary to provide  
12 continuous description.

13 Rulemaking Authority 350.127(2), 367.045, 367.121(1) FS. Law Implemented 367.045,  
14 367.071 FS. History New-\_\_\_\_\_.

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- 1 25-30.038 Application for Transfer to a Governmental Authority.
- 2 (1) This rule applies to an application to transfer a regulated utility to a governmental  
3 authority pursuant to Section 367.071(4)(a), F.S.
- 4 (2) Each applicant for acknowledgement of the transfer of facilities, or any portion thereof,  
5 from a regulated utility to a governmental authority shall file the information set forth in  
6 paragraphs (a) through (h) below with the Office of Commission Clerk. Form PSC 1009  
7 (12/15) entitled “Application for Transfer to a Governmental Authority,” which is  
8 incorporated by reference in this rule and is available at [Department of State hyperlink], is an  
9 example application that may be completed by the applicant and filed with the Office of  
10 Commission Clerk to comply with this subsection. This form may also be obtained from the  
11 Commission’s website, [www.floridapsc.com](http://www.floridapsc.com).
- 12 (a) The certificated name, address, telephone number, certificate number(s), authorized  
13 representative, and, if available, e-mail address and fax number of the utility.
- 14 (b) The name, address, and telephone number, and authorized representative, and, if available,  
15 e-mail address and fax number of the governmental authority;
- 16 (c) The date on which the governmental authority assumed ownership or proposes to assume  
17 ownership, operation, management, or control of the utility;
- 18 (d) A copy of the contract or other document transferring the utility system to the  
19 governmental authority;
- 20 (e) A statement that the governmental authority obtained from the utility or Commission the  
21 most recent available annual report;
- 22 (f) A statement describing the disposition of customer deposits and interest thereon;
- 23 (g) A statement regarding the disposition of any outstanding regulatory assessment fees, fines  
24 or refunds owed;
- 25 (h) If a utility is transferring only a portion of its facilities to a governmental authority, it must

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1 provide the following additional information:

2 1. A list of any utility assets not transferred to the governmental authority, if such remaining  
3 assets constitute a system providing or proposing to provide water or wastewater service to the  
4 public for compensation;

5 2. A legal description of the territory not transferred to the governmental authority in the  
6 format prescribed in Rule 25-30.029, F.A.C.;

7 3. An official county tax assessment map or other map showing township, range, and section  
8 with a scale such as 1" = 200' or 1" = 400', with the remaining territory plotted thereon,  
9 consistent with the legal description provided in paragraph (2)(h)2. above; and

10 4. Tariff sheets reflecting the remaining territory. Form PSC 1010 (12/15), entitled "Water  
11 Tariff" and Form PSC 1011 (12/15), entitled "Wastewater Tariff," which are incorporated by  
12 reference in Rule 25-30.033, F.A.C., are example tariffs that may be completed by the  
13 applicant and included in the application. These forms may also be obtained from the  
14 Commission's website, [www.floridapsc.com](http://www.floridapsc.com).

15 *Rulemaking Authority 367.045, 367.121, 350.127(2) FS. Law Implemented 367.045, 367.071*  
16 *FS. History–New*\_\_\_\_\_.

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1 25-30.030 Notice of Application and of Customer Meeting.

2 (1) ~~When A utility applies for a certificate of authorization, an extension or deletion of its~~  
3 ~~service area, or a sale, assignment or transfer of its certificate of authorization, facilities or any~~  
4 ~~portion thereof or majority organizational control, it shall provide notice of its application in~~  
5 ~~the manner and to the entities described in this rule when it applies for any of the following:~~  
6 ~~section.~~

7 (a) An original certificate of authorization and initial rates and charges as provided in Rule 25-  
8 30.033, F.A.C.;

9 (b) An original certificate of authorization for existing utility currently charging for service as  
10 provided in Rule 25-30.034, F.A.C.;

11 (c) An extension of service area as provided in Rule 25-30.036(2) or (3), F.A.C.;

12 (d) A deletion of service area as provided in Rule 25-30.036(4), F.A.C.;

13 (e) A transfer of a regulated utility to another regulated utility as provided in Rule 25-  
14 30.037(2), F.A.C.;

15 (f) A transfer of an exempt entity to a regulated utility or transfer of a utility in a

16 nonjurisdictional county to a regulated utility as provided in Rule 25-30.037(3), F.A.C.;

17 (g) A transfer of majority organizational control of a regulated utility as provided in Rule 25-  
18 30.037(4), F.A.C.; or

19 (h) A transfer of a regulated utility to an exempt entity other than a governmental authority as  
20 provided in Rule 25-30.037(5), F.A.C.

21 (2) After filing an application as described in subsection (1) above, and b~~Before~~ providing  
22 notice in accordance with this section, a utility shall obtain from the Commission staff a list of  
23 the names and addresses of the governing body of the county(ies) or municipality(ies)

24 affected, municipalities, the county or counties, the appropriate regional planning council, the  
25 Office of Public Counsel, the Commission's Office of Commission Clerk, the appropriate

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1 regional office of the Department of Environmental Protection, the appropriate water  
2 management district, and privately-owned water and wastewater utilities that hold a certificate  
3 granted by the ~~Public Service~~ Commission and that are located within the county in which the  
4 utility or the territory proposed to be served is located. ~~In addition, If~~ any portion of the  
5 proposed territory is within one mile of a county boundary, the ~~utility shall obtain from the~~  
6 ~~Commission~~ a list shall include of the names and addresses of the privately-owned utilities  
7 located in the bordering county ~~counties~~ and holding a certificate granted by the Commission.  
8 ~~The utility's request for the list shall include a complete legal description of the territory to be~~  
9 ~~requested in the application that includes:~~

10 ~~(a) A reference to township(s), range(s), land section(s) and county; and~~

11 ~~(b) A complete and accurate description of the territory served or proposed to be served in one~~  
12 ~~of the following formats. The description may reference interstates, state roads, and major~~  
13 ~~bodies of water. The description shall not rely on references to government lots, local streets,~~  
14 ~~recorded plats or lots, tracts, or other recorded instruments.~~

15 ~~1. Sections: If the territory includes complete sections, the description shall only include the~~  
16 ~~township, range, and section reference. If the territory includes partial sections, the description~~  
17 ~~shall either identify the subsections included or excluded.~~

18 ~~2. Metes and bounds: A point of beginning which is referenced from either a section corner or~~  
19 ~~a subsection corner, such as a quarter corner. The perimeter shall be described by traversing~~  
20 ~~the proposed territory and closing at the point of beginning. The description shall include all~~  
21 ~~bearings and distances necessary to provide a continuous description.~~

22 (3) The notice shall be titled, as applicable ~~appropriately styled:~~

23 (a) Notice of Application for Original ~~an Initial~~ Certificate of Authorization and Initial Rates  
24 and Charges for Water, Wastewater, or Water and Wastewater Service Certificate;

25 (b) Notice of Application for Original Certificate of Authorization for Existing Utility

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- 1 Currently Charging for Water, Wastewater, or Water and Wastewater Service;  
2 ~~(c)(b)~~ Notice of Application for Amendment to Certificate of Authorization To Extend an  
3 ~~Extension of~~ Service Area;  
4 ~~(d)(e)~~ Notice of Application for Amendment to Certificate of Authorization To Delete  
5 ~~Deletion of~~ Service Area;  
6 ~~(e)(d)~~ Notice of Application for Authority to a Transfer of Water, Wastewater, or Water and  
7 Wastewater Certificate(s) of Authorization to Another Regulated Utility; ~~or~~  
8 (f) Notice of Application for Authority to Transfer an Exempt Entity to a Regulated Utility or  
9 Transfer of a Utility in a Non-jurisdictional County To a Regulated Utility That Results in a  
10 System Whose Service Transverses County Boundaries;  
11 ~~(g)(e)~~ Notice of Application for Authority to a Transfer of Majority Organizational Control  
12 of a Regulated Utility; or  
13 (h) Notice of Application for Authority to Transfer a Regulated Utility to an Exempt Entity  
14 Other than a Governmental Authority.  
15 (4) The Notice of Application notice shall be provided to the Office of Commission Clerk, for  
16 Commission staff approval prior to distribution and shall state include the following:  
17 (a) The date the notice is given;  
18 (b) The name, ~~and~~ address, telephone number, and, if available, e-mail address, and fax  
19 number of the applicant;  
20 (c) The common name of developments served by the utility;  
21 (d) The application docket number and title, if available;  
22 (e) The common reference of street names bordering the area served by the utility, if  
23 applicable;  
24 ~~(f)(e)~~ A description, ~~using township, range and section references,~~ of the service area territory  
25 proposed to be ~~either~~ served, extended, added, deleted, or transferred as provided by Rule 25-  
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1 30.029, F.A.C. An abbreviated description using section, township, and range of the subject  
2 service area may be provided so long as the notice contains a disclosure that the legal  
3 description has been simplified and that a complete legal description can be obtained from the  
4 applicant; and  
5 (g) If applicable, the notice shall include a statement that the utility is not requesting any  
6 changes to its rates, classifications, charges, rules, and regulations in the application; and  
7 (h)(d) A statement that any objections to the application must be filed with the Director,  
8 Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-  
9 0850, no later than 30 days after the last date that the notice was mailed or published;  
10 whichever is later.  
11 (5) Within 7 days of filing its application, the utility shall provide a copy of the notice of the  
12 service area proposed to be served, extended, deleted, or transferred as follows by regular mail  
13 to:  
14 (a) By regular mail to the governmental entities and utilities identified on the list described in  
15 subsection (2) above;  
16 (a) The governing body of the county in which the utility system or the territory proposed to  
17 be served is located;  
18 (b) The governing body of any municipality contained on the list obtained pursuant to  
19 subsection (2) above;  
20 (c) The regional planning council designated by the Clean Water Act, 33 U.S.C. 1288(2);  
21 (d) All water or wastewater utilities contained on the list(s) obtained pursuant to subsection (2)  
22 above;  
23 (e) The office of Public Counsel;  
24 (f) The Commission's Office of Commission Clerk;  
25 (g) The appropriate regional office of the Department of Environmental Protection; and  
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existing law.

1 ~~(h) The appropriate Water Management District.~~  
2 ~~(b)(6) No sooner than 21 days before the application is filed and no later than 7 days after the~~  
3 ~~application is filed, the utility shall also provide a copy of the Notice, Bby regular mail or~~  
4 ~~personal service, to each customer and owner of property located within the existing service~~  
5 ~~area and the service area to be served, extended, deleted or transferred; and, of the system to~~  
6 ~~be certificated, transferred, acquired, or deleted.~~  
7 ~~(c)(7) By publication The Notice shall be published once in a newspaper of general circulation~~  
8 ~~in the proposed service area. If the utility service area crosses county lines, notice shall be~~  
9 ~~published in a newspaper of general circulation in each county. territory proposed to be~~  
10 ~~served, added, deleted, or transferred. The publication shall be within 7 days of filing the~~  
11 ~~application.~~  
12 ~~(6) All applications requiring noticing shall be deemed deficient until affidavits of noticing~~  
13 ~~required by Sections 367.045(1)(e) and (2)(f), F.S., along with a copy of the notice, are filed~~  
14 ~~with the Office of Commission Clerk. The affidavits shall attest that the notices were given as~~  
15 ~~prescribed in paragraphs (5)(a), (b), and (c) above. The applicant shall obtain the affidavit of~~  
16 ~~notice publication, pursuant to paragraph (5)(c) above, from the newspaper(s).~~  
17 ~~(8) A copy of the notice(s) and list of the entities receiving notice pursuant to this rule shall~~  
18 ~~accompany the affidavit required by Sections 367.045(1)(e) and (2)(f), F.S. The affidavit shall~~  
19 ~~be filed no later than 15 days after filing the application.~~  
20 ~~(7) No less than 14 days and no more than 30 days prior to the date of a customer meeting~~  
21 ~~conducted by the Commission staff, the utility shall provide written notice of the date, time,~~  
22 ~~location, and purpose of the customer meeting to all customers within the affected service~~  
23 ~~areas. The notice shall be approved by the Commission staff prior to distribution. The notice~~  
24 ~~shall be mailed to the out-of-town address of all customers who have provided the utility with~~  
25 ~~an out-of-town address.~~

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1 ~~(8)(9)~~ This rule does not apply to applications for ~~grandfather~~ certificates following rescission  
2 of jurisdiction by counties filed under Section 367.171, F.S.; ~~or to applications for~~ transfers  
3 to governmental authorities filed under Section 367.071, F.S.; or abandonments filed under  
4 Section 367.165, F.S. ~~to name changes.~~

5 *Rulemaking Authority 350.127(2), 367.045(2), 367.121(1) FS. Law Implemented 367.031,*  
6 *367.045, 367.071, FS. History—New 4-5-81, Formerly 25-10.061, 25-10.0061, Amended 11-*  
7 *10-86, 1-27-91, 11-30-93, \_\_\_\_\_.*

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1 25-30.032 Combined Applications.

2 ~~(1) Each utility subject to regulation by the Commission shall apply for an initial certificate of~~  
3 ~~authorization, amendment to an existing certificate of authorization, transfer, or name change,~~  
4 ~~by filing a completed application and six copies, in accordance with either Rule 25-30.033,~~  
5 ~~25-30.034, 25-30.035, 25-30.036, subsection 25-30.037(1) or (2), or Rule 25-30.039, F.A.C.~~  
6 ~~However, a utility shall apply for a transfer to a governmental authority by filing a completed~~  
7 ~~application and two copies, in accordance with subsections 25-30.037 (3) and (4), F.A.C. The~~  
8 ~~application shall be filed with the Office of Commission Clerk, 2540 Shumard Oak Boulevard,~~  
9 ~~Tallahassee, Florida 32399-0850. Sample application forms may be obtained from the~~  
10 ~~Division of Engineering, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.~~

11 ~~(2) A utility may file a combined application ~~applications for multiple certificate actions~~ if it is~~  
12 ~~applying for certificates of authorization or any amendments thereto for both water and~~  
13 ~~wastewater systems; however, the utility shall remit a separate application fee for each action~~  
14 ~~and system service. The Commission will treat a combined application as if a separate~~  
15 ~~application had been filed for each action and system service.~~

16 ~~(3) The official filing date of an application for an original certificate, any amendment to an~~  
17 ~~existing certificate, or any transfer shall be the date a completed application is filed with the~~  
18 ~~Office of Commission Clerk, except that the noticing requirements set forth in Rule 25-~~  
19 ~~30.030, F.A.C., do not need to be completed at that time. If, however, the utility has not~~  
20 ~~completed the noticing within the time limits prescribed by Rule 25-30.030, F.A.C., the~~  
21 ~~official filing date shall be the date the noticing is complete.~~

22 *Rulemaking Authority 350.127(2), 367.121 FS. Law Implemented 367.031, 367.045, 367.071,*  
23 *~~367.083~~ FS. History—New 1-27-91, Amended 11-30-93, 5-29-08, \_\_\_\_\_.*

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1 25-30.033 Application for Original Certificate of Authorization and Initial Rates and Charges.

2 (1) Each applicant ~~application~~ for an original certificate of authorization and initial rates and  
3 charges shall file with the Commission Clerk ~~provide the following~~ information: set forth in  
4 paragraphs (a) through (q). Form PSC 1001 (12/15), entitled “Application for Original  
5 Certificate of Authorization for a Proposed or Existing System Requesting Initial Rates and  
6 Charges,” which is incorporated by reference in this rule and is available at [Dept. of State  
7 hyperlink], is an example application that may be completed by the applicant and filed with  
8 the Office of Commission Clerk to comply with this subsection. This form is also available on  
9 the Commission’s Web site, [www.floridapsc.com](http://www.floridapsc.com).

10 (a) A filing fee pursuant to Rule 25-30.020(2)(a), F.A.C.;

11 (b) Proof of noticing pursuant to Rule 25-30.030, F.A.C.;

12 (c)(a) The utility’s ~~applicant’s~~ name, and address, telephone number, Federal Employer  
13 Identification Number, authorized representative, and, if available, e-mail address and fax  
14 number.

15 (d)(b) The nature of the utility’s ~~applicant’s~~ business organization, i.e., corporation, limited  
16 liability company, partnership, limited partnership, sole proprietorship, or association, ~~etc.~~;

17 The applicant must provide documentation from the Florida Department of State, Division of  
18 Corporations, showing:

19 1. The utility’s business name and registration/document number for the business, unless  
20 operating as a sole proprietor, and

21 2. The utility’s fictitious name and registration number for the fictitious name, if operating  
22 under a fictitious name;

23 (e)(e) The name(s), and address(es), and percentage of ownership of each entity or person that  
24 owns or will own more than 5 percent interest in the utility of all corporate officers, directors,  
25 partners, or any other person(s) or entities owning an interest in the applicant’s business

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- 1 ~~organization;~~
- 2 ~~(f)(d) The election the business has made~~ Whether the applicant has made an election under  
3 the Internal Revenue Code for taxation purposes § 1362 to be an S corporation;
- 4 ~~(g) A statement indicating whether the application is for water, wastewater, or both. If the~~  
5 applicant is applying for water or wastewater only, the statement shall include how the other  
6 service is provided;
- 7 ~~(h)(e) To demonstrate~~ A statement showing the necessary financial and technical ability of  
8 the applicant to provide service to the proposed service area, the applicant shall provide: and  
9 the need for service in the proposed area. The statement shall identify any other utilities within  
10 the area proposed to be served that could potentially provide service, and the steps the  
11 applicant took to ascertain whether such other service is available;
- 12 1. A detailed financial statement (balance sheet and income statement), audited if available, of  
13 the financial condition of the applicant, which shows all assets and liabilities of every kind and  
14 character. The financial statements shall be for the preceding calendar or fiscal year. The  
15 financial statement shall be prepared in accordance with Rule 25-30.115, F.A.C. If available,  
16 a statement of the sources and uses of funds shall also be provided;
- 17 2. A list of all entities, including affiliates, upon which the applicant is relying to provide  
18 funding to the utility and an explanation of the manner and amount of such funding. The list  
19 need not include any person or entity holding less than 5 percent ownership interest in the  
20 utility. The applicant shall provide copies of any financial agreements between the listed  
21 entities and the utility and proof of the listed entities' ability to provide funding, such as  
22 financial statements;
- 23 ~~(i) To demonstrate the technical ability of the applicant to provide service, the applicant shall~~  
24 provide:
- 25 1. A statement of the applicant's experience in the water or wastewater industry;

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- 1 2. A copy of all current permits from the Department of Environmental Protection (DEP) and  
2 the water management district;
- 3 3. A copy of the most recent DEP and/or county health department sanitary survey,  
4 compliance inspection report, and secondary standards drinking water report; and
- 5 4. A copy of all correspondence with the DEP, county health department, and water  
6 management district, including consent orders and warning letters, and the utility's responses  
7 to the same, for the past five years;
- 8 (j) To describe the proposed service area, the applicant shall provide:
- 9 1. A legal description of the proposed service area in the format described in Rule 25-30.029,  
10 F.A.C.;
- 11 2. A detailed system map showing the existing and proposed lines and treatment facilities,  
12 with the territory proposed to be served plotted thereon, consistent with the legal description  
13 provided in subparagraph (j)1. above. The map shall be of sufficient scale and detail to enable  
14 correlation with the description of the territory proposed to be served;
- 15 3. An official county tax assessment map, or other map showing township, range, and section  
16 with a scale such as 1" = 200' or 1" = 400', with the proposed territory plotted thereon,  
17 consistent with the legal description provided in subparagraph (j)1. above;
- 18 (k) To demonstrate the need for service in the proposed area, the applicant shall provide:
- 19 1. The number of customers currently being served and proposed to be served, by customer  
20 class and meter size, including a description of the types of customers currently being served  
21 and anticipated to be served, i.e., single family homes, mobile homes, duplexes, golf course  
22 clubhouse, or commercial. If the development will be in phases, this information shall be  
23 separated by phase;
- 24 2. A copy of all requests for service from property owners or developers in areas not currently  
25 served;

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1 3. The current land use designation of the proposed service territory as described in the local  
2 comprehensive plan at the time the application is filed. If the proposed development will  
3 require a revision to the comprehensive plan, describe the steps taken and to be taken to  
4 facilitate those changes, including changes needed to address the proposed need for service;  
5 and  
6 ~~(f) A statement that to the best of the applicant's knowledge, the provision of service will be~~  
7 ~~consistent with the water and wastewater sections of the local comprehensive plan as approved~~  
8 ~~by the Department of Community Affairs at the time the application is filed, or, if not~~  
9 ~~consistent, a statement demonstrating why granting the certificate of authorization would be in~~  
10 ~~the public interest;~~  
11 4. Any known land use restrictions, such as environmental restrictions imposed by  
12 governmental authorities;  
13 ~~(l)(g) The date applicant began or plans to begin serving customers. If already serving~~  
14 ~~customers, a description of when and under what circumstances the applicant began serving;~~  
15 ~~(h) The number of equivalent residential connections (ERCs) proposed to be served, by meter~~  
16 ~~size and customer class. If development will be in phases, separate this information by phase;~~  
17 ~~(i) A description of the types of customers anticipated, i.e., single family homes, mobile~~  
18 ~~homes, duplexes, golf course clubhouse, commercial, etc.;~~  
19 ~~(m)(j) Documentation of the utility's right to access and continued use of Evidence, in the~~  
20 ~~form of a warranty deed, that the utility owns the land upon which the utility treatment~~  
21 ~~facilities are or will be located. Documentation of continued use shall be in the form of a~~  
22 ~~recorded warranty deed, recorded quit claim deed accompanied by title insurance, recorded~~  
23 ~~lease or a copy of an agreement which provides for the continued use of the land, such as a 99-~~  
24 ~~year lease, or recorded easement. The Commission may consider a written easement or other~~  
25 ~~cost effective alternative. The applicant may submit a contract for the purchase and sale of~~  
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existing law.

1 ~~land with an~~ unrecorded unexecuted copy of the instrument granting the utility's right to  
2 access and continued use of the land upon which the utility treatment facilities are or will be  
3 located ~~warranty deed~~, provided the applicant files a ~~an executed and~~ recorded copy of the  
4 ~~deed, or executed copy of the lease~~, within the time required in 30 days after the order  
5 granting the certificate;

6 ~~(k) One original and two copies of a sample tariff, containing all rates, classifications, charges,~~  
7 ~~rules, and regulations, which shall be consistent with Chapter 25-9, F.A.C. Model tariffs are~~  
8 ~~available from the Division of Economics, 2540 Shumard Oak Boulevard, Tallahassee,~~  
9 ~~Florida 32399-0850;~~

10 ~~(l) A description of the territory to be served, using township, range and section references as~~  
11 ~~specified in subsection 25-30.030(2), F.A.C.;~~

12 ~~(m) One copy of a detailed system map showing the proposed lines, treatment facilities and~~  
13 ~~the territory proposed to be served. The map shall be of sufficient scale and detail to enable~~  
14 ~~correlation with the description of the territory proposed to be served;~~

15 ~~(n) One copy of the official county tax assessment map, or other map showing township,~~  
16 ~~range, and section with a scale such as 1" = 200' or 1" = 400', with the proposed territory~~  
17 ~~plotted thereon by use of metes and bounds or quarter sections, and with a defined reference~~  
18 ~~point of beginning;~~

19 ~~(n)(o)~~ A description of statement regarding the separate capacities of the existing and  
20 proposed lines and treatment facilities in terms of equivalent residential connections (ERCs)  
21 and gallons per day estimated demand per ERC for water and wastewater and the basis for  
22 such estimate. If the development will be in phases, ~~separate~~ this information shall be  
23 separated by phase;

24 ~~(o)(p)~~ A written description of the type of water treatment, wastewater treatment, and method  
25 of effluent disposal;

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- 1 ~~(q) If subsection (p) above does not include effluent disposal by means of reuse, a statement~~  
2 ~~that describes with particularity the reasons for not using reuse;~~
- 3 ~~(r) A detailed financial statement (balance sheet and income statement), certified if available,~~  
4 ~~of the financial condition of the applicant, that shows all assets and liabilities of every kind~~  
5 ~~and character. The income statement shall be for the preceding calendar or fiscal year. If an~~  
6 ~~applicant has not operated for a full year, then the income statement shall be for the lesser~~  
7 ~~period. The financial statement shall be prepared in accordance with Rule 25-30.115, F.A.C. If~~  
8 ~~available, a statement of the source and application of funds shall also be provided;~~
- 9 ~~(s) A list of all entities, including affiliates, upon which the applicant is relying to provide~~  
10 ~~funding to the utility, and an explanation of the manner and amount of such funding, which~~  
11 ~~shall include their financial statements and copies of any financial agreements with the utility.~~  
12 ~~This requirement shall not apply to any person or entity holding less than 10 percent~~  
13 ~~ownership interest in the utility;~~
- 14 ~~(t) A cost study including customer growth projections supporting the proposed rates, charges~~  
15 ~~and service availability charges. A sample cost study, and assistance in preparing initial rates~~  
16 ~~and charges, are available from the Division of Economics;~~
- 17 (p) To support the proposed rates and charges, the applicant shall provide:
- 18 1. The existing and projected cost of the system(s) and associated depreciation by year until  
19 design capacity is reached using the National Association of Regulatory Utility  
20 Commissioners (NARUC) 1996 Uniform System of Accounts (USOA), which is incorporated  
21 by reference in Rule 25-30.115, F.A.C. The applicant shall identify the year that 80 percent of  
22 design capacity is anticipated. ~~(u) A schedule showing the projected cost of the proposed~~  
23 ~~system(s) by uniform system of accounts (USOA) account numbers pursuant to Rule 25-~~  
24 ~~30.115, F.A.C., and the related capacity of each system in ERCs and gallons per day. If the~~  
25 ~~utility will be built in phases, this shall apply only to the first phase;~~

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1 2. The existing and projected annual contributions-in-aid-of-construction (CIAC) and  
2 associated amortization by year including a description of assumptions regarding customer  
3 growth projections using the same projections used in subparagraph (1)(k)1. above for the  
4 proposed service area. The projected CIAC shall identify cash and property contributions and  
5 amortization at 100 percent of design capacity and identify the year when 80 percent of design  
6 capacity is anticipated. The projected CIAC shall be consistent with the service availability  
7 policy and charges in the proposed tariff provided in paragraph (q) below, the schedule  
8 provided in subparagraph (p)6. below, and the CIAC guidelines in 25-30.580, F.A.C. If the  
9 utility will be built in phases, this shall apply only to the first phase;

10 ~~(v) A schedule showing the projected operating expenses of the proposed system by USOA~~  
11 ~~account numbers, when 80 percent of the designed capacity of the system is being utilized. If~~  
12 ~~the utility will be built in phases, this shall apply to the first phase; and~~

13 3.(w) A schedule showing the projected capital structure including the methods of financing  
14 the construction and operation of the utility until the utility reaches 80 percent of the design  
15 capacity of the system. If the utility will be built in phases, this shall apply only to the first  
16 phase;

17 4. The current annual operating expenses and the projected annual operating expenses at 80  
18 percent of design capacity using the NARUC USOA. If the utility will be built in phases, this  
19 shall apply only to the first phase;

20 5. A schedule showing how the proposed rates were developed;

21 6. A schedule showing how the proposed service availability policy and charges were  
22 developed, including meter installation, main extension, and plant capacity charges, and  
23 proposed donated property; and

24 7. A schedule showing how the customer deposits and miscellaneous service charges were  
25 developed, including initial connection, normal reconnection, violation reconnection, and

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- 1 premises visit fees, consistent with Rules 25-30.311 and 25-30.460, F.A.C.
- 2 (q) A tariff containing all rates, classifications, charges, rules, and regulations which shall be  
3 consistent with Chapter 25-9, F.A.C. Form PSC 1010 (12/15), entitled “Water Tariff,” which  
4 is incorporated by reference in this rule and is available at [Department of State hyperlink] and  
5 Form PSC 1011 (12/15), entitled “Wastewater Tariff,” which is incorporated by reference in  
6 this rule and is available at [Department of State hyperlink], are example tariffs that may be  
7 completed by the applicant and included in the application. These forms may also be obtained  
8 from the Commission’s website, [www.floridapsc.com](http://www.floridapsc.com).
- 9 (2) The base facility and usage rate structure (as defined in subsection 25-30.437(6), F.A.C.)  
10 shall be utilized for metered service, unless an alternative rate structure is supported by the  
11 applicant and authorized by the Commission.
- 12 (3) A return on common equity shall be established using the current equity leverage formula  
13 established by order of this Commission pursuant to Section 367.081(4), F.S., unless there is  
14 competent substantial evidence supporting the use of a different return on common equity.
- 15 (4) Utilities obtaining original ~~initial~~ certificates of authorization pursuant to this rule are  
16 authorized to accrue allowance for funds used during construction (AFUDC) for projects  
17 found eligible pursuant to subsection 25-30.116(1), F.A.C.
- 18 (a) The applicable AFUDC rate shall be determined as the utility’s projected weighted cost of  
19 capital as demonstrated in its application for original certificate and initial rates and charges.
- 20 (b) A discounted monthly AFUDC rate calculated in accordance with subsection 25-  
21 30.116(3), F.A.C., shall be used to insure that the annual AFUDC charged does not exceed  
22 authorized levels.
- 23 (c) The date the utility shall begin to charge the AFUDC rate shall be the date the certificate of  
24 authorization is issued to the utility so that such rate can apply to the initial construction of the  
25 utility facilities.

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1 *Rulemaking Authority 350.127(2), 367.045(1), 367.121, 367.1213 FS. Law Implemented*  
2 *367.031, 367.045, 367.1213 FS. History—New 1-27-91, Amended 11-30-93, \_\_\_\_\_.*  
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1 25-30.034 Application for Original Certificate of Authorization for Existing Utility Currently  
2 Charging for Service.

3 (1) Each applicant for an original certificate of authorization for an existing utility currently  
4 charging for service, which is applying for an initial certificate of authorization, other than an  
5 application filed under Section 367.171, F.S., shall file with the Commission Clerk ~~provide~~ the  
6 ~~following~~ information: set forth in paragraphs (a) through (o) and, if applicable, paragraphs  
7 (2)(a) through (c). Form PSC 1002 (12/15), entitled “Application for Original Certificate of  
8 Authorization for Existing Utility Currently Charging for Service,” which is incorporated by  
9 reference in this rule and is available at [Department of State hyperlink], is an example  
10 application that may be completed by the applicant and filed with the Office of Commission  
11 Clerk to comply with this subsection. This form is also available on the Commission’s  
12 website, [www.floridapsc.com](http://www.floridapsc.com).

13 (a) A filing fee pursuant to Rule 25-30.020(2)(a), F.A.C.;

14 (b) Proof of noticing pursuant to Rule 25-30.030, F.A.C.;

15 ~~(c)(a)~~ The utility’s complete name, and address, telephone number, Federal Employer  
16 Identification Number, authorized representative, and if available, e-mail address and fax  
17 number;

18 ~~(d)(b)~~ The nature of the utility’s business organization, i.e., corporation, limited liability  
19 company, partnership, limited partnership, sole proprietorship, association, etc.; The  
20 applicant must provide documentation from the Florida Department of State, Division of  
21 Corporations, showing:

22 1. The utility’s business name and registration/document number for the business, unless  
23 operating as a sole proprietor, and

24 2. The utility’s fictitious name and registration number for the fictitious name, if operating  
25 under a fictitious name;

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- 1 (e)(e) The name(s), and address(es), and percentage of ownership of each entity or person  
2 which owns or will own more than a 5 percent of all corporate officers, directors, partners, or  
3 any other person(s) owning an interest in the utility;
- 4 (f) A statement indicating whether the application is for water, wastewater, or both. If the  
5 applicant is applying for water or wastewater only, the statement shall include how the other  
6 service is provided;
- 7 (g) A description of the types of customers served, i.e., single family homes, mobile homes,  
8 duplexes, golf course clubhouse, or commercial;
- 9 (h) A schedule showing the number of customers currently served, by class and meter size, as  
10 well as the number of customers projected to be served when the requested service territory is  
11 fully developed;
- 12 (i)(d) To demonstrate A statement regarding that the applicant has the necessary financial and  
13 technical ability of the applicant to continue to provide service to the proposed service area,  
14 the applicant shall provide:
- 15 1. A detailed financial statement (balance sheet and income statement), audited if available, of  
16 the financial condition of the applicant, which shows all assets and liabilities of every kind and  
17 character. The financial statements shall be for the preceding calendar or fiscal year. The  
18 financial statement shall be prepared in accordance with Rule 25-30.115, F.A.C. If available,  
19 a statement of the sources and uses of funds shall also be provided;
- 20 2. A list of all entities, including affiliates, upon which the applicant is relying to provide  
21 funding to the utility and an explanation of the manner and amount of such funding. The list  
22 need not include any person or entity holding less than 5 percent ownership interest in the  
23 utility. The applicant shall provide copies of any financial agreements between the listed  
24 entities and the utility and proof of the listed entities' ability to provide funding, such as  
25 financial statements;

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1 (j) To demonstrate the technical ability of the applicant to provide service, the applicant shall  
2 provide the following:

- 3 1. A statement of the applicant's experience in the water and wastewater industry;
- 4 2. A copy of all current permits from the Department of Environmental Protection (DEP) and  
5 the water management district;
- 6 3. A copy of the most recent DEP and/or county health department sanitary survey,  
7 compliance inspection report, and secondary standards drinking water report; and
- 8 4. A copy of all correspondence with the DEP, county health department, and water  
9 management district, including consent orders and warning letters, and the utility's responses  
10 to the same, for the past five years;

11 (k) To describe the proposed service area, the applicant shall provide:

- 12 1. A legal description of the proposed service area in the format prescribed in Rule 25-30.029,  
13 F.A.C.;
- 14 2. A detailed system map showing existing and proposed lines and treatment facilities with the  
15 territory proposed to be served plotted thereon, consistent with the legal description provided  
16 in subparagraph (1)(k)1. above. Any territory not served at the time of the application shall be  
17 specifically identified on the system map. The map shall be of sufficient scale and detail to  
18 enable correlation with the description of the territory proposed to be served; and
- 19 3. An official county tax assessment map, or other map showing township, range, and section  
20 with a scale such as 1"=200' or 1"=400', with the proposed territory plotted thereon, consistent  
21 with the legal description provided in subparagraph (k)1. above;

22 (l) A statement explaining when and under what circumstances the applicant began providing  
23 service prior to obtaining a certificate of authorization;

24 (m)(e) Documentation of the utility's right to access and continued term use of Evidence that  
25 the utility owns the land upon which the utility treatment facilities are located. Documentation

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1 of continued use shall be in the form of a recorded warranty deed, recorded quit claim deed  
2 accompanied by title insurance, recorded lease or a copy of an agreement which provides for  
3 the continued use of the land, such as a 99-year lease, or recorded easement. The applicant  
4 may submit an unrecorded copy of the instrument granting the utility's right to access and  
5 continued use of the land upon which the utility treatment facilities are or will be located,  
6 provided the applicant files a recorded copy within the time required in the order granting the  
7 certificate. The Commission may consider a written easement or other cost effective  
8 alternative;  
9 (n) Documentation specifying on what date and under what authority the current rates and  
10 charges were established; and  
11 (o)(f) A One original and two copies of a model tariff, containing all rates, classifications,  
12 charges, rules, and regulations, which shall be consistent with Chapter 25-9, F.A.C. Form  
13 PSC 1010 (12/15), entitled "Water Tariff" and Form PSC 1011 (12/15), entitled "Wastewater  
14 Tariff," which are incorporated by reference in Rule 25-30.033, F.A.C., are example tariffs  
15 that may be completed by the applicant and included in the application. These forms may also  
16 be obtained from the Commission's website, [www.floridapsc.com](http://www.floridapsc.com). Model tariffs are available  
17 from the Division of Economics, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-  
18 0850;  
19 (g) A statement specifying on what date and under what authority the current rates and charges  
20 were established;  
21 (h) A description of the territory to be served, using township, range and section references as  
22 specified in subsection 25-30.030(2), F.A.C.;  
23 (i) One copy of a detailed system map showing the lines, treatment facilities and the territory  
24 to be served. Any territory not served at the time of the application shall be specifically  
25 identified on the system map. The map shall be of sufficient scale and detail to enable  
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- 1 correlation with the description of the territory to be served;
- 2 ~~(j) One copy of the official county tax assessment map, or other map showing township,~~
- 3 ~~range, and section with a scale such as 1"=200' or 1"=400', with the proposed territory plotted~~
- 4 ~~thereon by use of metes and bounds or quarter sections, and with a defined reference point of~~
- 5 ~~beginning;~~
- 6 ~~(k) The numbers and dates of any permits issued for the systems by the Department of~~
- 7 ~~Environmental Protection;~~
- 8 ~~(l) The date the utility was established;~~
- 9 ~~(m) A statement explaining how and why applicant began providing service prior to obtaining~~
- 10 ~~a certificate of authorization; and~~
- 11 ~~(n) A schedule showing the number of customers currently served, by class and meter size, as~~
- 12 ~~well as the number of customers projected to be served when the requested service territory is~~
- 13 ~~fully occupied.~~
- 14 (2) If the applicant is requesting any territory not served at the time of application, provide the
- 15 following:
- 16 (a) To demonstrate A statement showing the need for service in the proposed area, the
- 17 applicant shall provide the following:
- 18 1. The number of customers proposed to be served, by customer class and meter size,
- 19 including a description of the types of customers anticipated to be served, i.e., single family
- 20 homes, mobile homes, duplexes, golf course clubhouse, or commercial. If the development
- 21 will be in phases, this information shall be separated by phase; and
- 22 2. A copy of all requests for service from property owners or developers in areas not currently
- 23 served;
- 24 (b) The current land use designation of the proposed service territory as described in A
- 25 statement that to the best of the applicant's knowledge, the provision of service in this territory

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1 ~~will be consistent with the water and wastewater sections of the local comprehensive plan as~~  
2 ~~approved by the Department of Community Affairs at the time the application is filed. If the~~  
3 ~~proposed development will require a revision to the comprehensive plan, describe the steps~~  
4 ~~taken and to be taken to facilitate those changes, including changes needed to address the~~  
5 ~~proposed need for service described in paragraph (2)(a) above; and, or, if not consistent, a~~  
6 ~~statement demonstrating why granting the territory would be in the public interest.~~

7 (c) Any known land use restrictions, such as environmental restrictions imposed by  
8 governmental authorities.

9 *Rulemaking Authority 350.127(2), 367.045, 367.121(1), 367.1213 FS. Law Implemented*  
10 *367.045, 367.1213 FS. History—New 1-27-91, Amended 11-30-93, \_\_\_\_\_.*

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1 25-30.035 Application for Original Grandfather Certificate of Authorization Following  
2 Rescission of Jurisdiction by a County.

3 (1) Each applicant for an original a certificate of authorization following rescission of  
4 jurisdiction by a county under the provisions of Section 367.171, F.S., (commonly known as  
5 the grandfather provision), shall file with the Commission Clerk one original of provide the  
6 following information: set forth in paragraphs (2) through (16) below. Form PSC 1003  
7 (12/15), entitled “Application for Original Certificate of Authorization Following Rescission  
8 of Jurisdiction by a County (Grandfather Certificate),” which is incorporated by reference in  
9 this rule and is available at [Department of State hyperlink], is an example application that  
10 may be completed by the applicant and filed with the Office of Commission Clerk to comply  
11 with this subsection. This form may also be obtained from the Commission’s website,  
12 [www.floridapsc.com](http://www.floridapsc.com);

13 (2) A filing fee pursuant to Rule 25-30.020(2)(d), F.A.C.

14 (3)(4) The utility’s complete name, and address, telephone number, Federal Employer  
15 Identification Number, authorized representative, and, if available, e-mail address and fax  
16 number;

17 (4)(2) The nature of the utility’s business organization, i.e., corporation, limited liability  
18 company, partnership, limited partnership, sole proprietorship, or association,,-etc. The  
19 applicant must provide documentation from the Florida Department of State, Division of  
20 Corporations, showing:

21 (a) The utility’s business name and registration/document number for the business, unless  
22 operating as a sole proprietor, and

23 (b) The utility’s fictitious name and registration number for the fictitious name, if operating  
24 under a fictitious name;

25 (5)(3) The name(s), and address(es), and percentage of ownership of each entity or person  
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existing law.



1 ~~which owns or will own~~ of all corporate officers, directors, partners, or any other person(s)  
2 ~~owning~~ more than a 5 percent an interest in the utility;

3 (6) A statement indicating whether the application is for water, wastewater, or both. If the  
4 applicant is applying for water or wastewater only, the statement shall include how the other  
5 service is provided;

6 (7)(4) The date the utility was established;

7 (8)(5) A description of the types of customers served, i.e., single family homes, mobile homes,  
8 duplexes, golf course clubhouse, or commercial, ~~etc.~~;

9 (9) A schedule showing the number of customers currently served, by class and meter size, as  
10 well as the number of customers projected to be served when the requested service territory is  
11 fully developed;

12 (10) A legal description of the proposed service area in the format prescribed in Rule 25-  
13 30.029, F.A.C. The utility must provide documentation of the territory the utility was serving,  
14 or was authorized to serve, from the county which had jurisdiction over the utility on the day  
15 Chapter 367, F.S., became applicable to the utility;

16 (11)(6) Documentation of the utility's right to access and continued use of ~~Evidence that the~~  
17 ~~utility owns~~ the land upon which the utility treatment facilities are located. Documentation of  
18 continued use shall be in the form of a recorded warranty deed, recorded quit claim deed  
19 accompanied by title insurance, recorded lease or a copy of an agreement which provides for  
20 ~~the continued use of the land,~~ such as a 99-year lease, or recorded easement. The applicant  
21 may submit an unrecorded copy of the instrument granting the utility's right to access and  
22 continued use of the land upon which the utility treatment facilities are or will be located,  
23 provided the applicant files a recorded copy within the time required in the order granting the  
24 certificate; The Commission may consider a written easement or other cost-effective  
25 alternative;

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1 (12) Documentation, or if no documentation exists, a statement, specifying on what date and  
2 under what authority the current rates and charges were established;  
3 ~~(13)(7) One original and two copies of A~~ a tariff, containing all rates, classifications, charges,  
4 rules, and regulations, which shall be consistent with Chapter 25-9, F.A.C. Form PSC 1010  
5 (12/15), entitled “Water Tariff” and Form PSC 1011 (12/15), entitled “Wastewater Tariff,”  
6 which are incorporated by reference in Rule 25-30.033, F.A.C., are example tariffs that may  
7 be completed by the applicant and included in the application. These forms may also be  
8 obtained from the Commission’s website, [www.floridapsc.com](http://www.floridapsc.com); Sample tariffs are available  
9 from the Division of Economic Regulation, 2540 Shumard Oak Boulevard, Tallahassee,  
10 Florida 32399-0850;  
11 ~~(8) A statement specifying on what date and under what authority the current rates and charges~~  
12 ~~were established;~~  
13 ~~(9) A description using township, range, and section references as specified in subsection 25-~~  
14 ~~30.030(2), F.A.C., of the territory the utility was serving, or was authorized to serve by the~~  
15 ~~county which had jurisdiction over the utility on the day Chapter 367, F.S., became applicable~~  
16 ~~to the utility;~~  
17 ~~(14)(10) One copy of A~~ a detailed system map showing the existing and proposed lines, and  
18 treatment facilities, with and the territory proposed to be served plotted thereon, consistent  
19 with the legal description provided in subsection (10) above. Any territory not served at the  
20 time of the application shall be specifically identified, and The map shall be of sufficient  
21 scale and detail to enable correlation with the description of the territory to be served;  
22 ~~(15)(11) An One copy of the official county tax assessment map, or other map showing~~  
23 ~~township, range, and section, with a scale such as 1” = 200’ or 1” = 400’, with the proposed~~  
24 ~~territory plotted thereon, consistent with the legal description provided in subsection (10)~~  
25 ~~above by use of metes and bounds or quarter sections, and with a defined reference point of~~  
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1 ~~beginning; and~~  
2 ~~(16)(12) The numbers and dates of any~~ A copy of all current permits issued for the systems by  
3 the Department of Environmental Protection and water management district. ; ~~and~~  
4 ~~(13) A schedule showing the number of customers currently served, by class and meter size, as~~  
5 ~~well as the number of customers projected to be served when the requested service territory is~~  
6 ~~fully occupied.~~  
7 *Rulemaking Authority 350.127(2), 367.121, 367.1213 FS. Law Implemented 367.1213,*  
8 *367.171 FS. History—Amended 7-21-65, 1-7-69, 2-3-70, 3-6-71, Revised 9-12-74, Amended 3-*  
9 *26-81, Formerly 25-10.02, 25-10.002, Amended 11-10-86, 1-27-91, 11-30-93, \_\_\_\_\_.*  
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1 25-30.036 Application for Amendment to Certificate of Authorization to Extend or Delete  
2 Service Area.

3 (1) This rule applies to any certificated water or wastewater utility that proposes to extend its  
4 service territory into an area in which there is no existing water or wastewater system or  
5 proposes to delete a portion of its service territory. Form PSC 1004 (12/15) entitled  
6 “Application for Amendment of Certificate (Extension, Quick Take Extension, or Deletion),”  
7 which is incorporated by reference in this rule and is available at [Department of State  
8 hyperlink], is an example application that may be completed by the applicant and filed with  
9 the Office of Commission Clerk to comply with subsection (2), (3), or (4) below. This form  
10 may also be obtained from the Commission’s website, [www.floridapsc.com](http://www.floridapsc.com).

11 ~~(2) A request for service territory expansion and amendment of an existing certificate or~~  
12 ~~issuance of a new certificate shall be considered approved under the following conditions if no~~  
13 ~~protest is timely filed to the notice of application:~~

14 ~~(a) The utility has provided a written statement of an officer of the utility that the proposed~~  
15 ~~new territory includes a maximum of 25 equivalent residential connections within such~~  
16 ~~territory at the time the territory is at buildout; and~~

17 ~~(b) The utility has provided the written statement of an officer of the utility that, upon~~  
18 ~~investigation, to the best of his or her knowledge:~~

19 ~~1. There is no other utility in the area of the proposed territory that is willing and capable of~~  
20 ~~providing reasonably adequate service to the new territory; and~~

21 ~~2. The person(s) or business(es) requesting water or wastewater service have demonstrated to~~  
22 ~~the utility that service is necessary because (1) a private well has been contaminated or gone~~  
23 ~~dry, (2) a septic tank has failed; or (3) service is otherwise not available.~~

24 ~~(c) The utility has filed a completed application in accordance with subsection (2) of this rule~~  
25 ~~within 45 days of the completion of the notice requirements.~~

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1 ~~(2)~~<sup>(3)</sup> Each utility proposing to extend its service area (except applications filed pursuant to  
2 subsection (3) below), shall file with the Commission Clerk one original of the information set  
3 forth in paragraphs (a) through (q). (2) above, which shall file only (a), (d), (e), (i), (m), (o),  
4 ~~(p), (q), and (r) listed below~~) shall provide the following:

5 (a) A filing fee pursuant to paragraph 25-30.020(2)(b), F.A.C.;  
6 (b) Proof of Noticing pursuant to Rule 25-30.030, F.A.C.;  
7 (c)(a) The utility's certificated complete name, and address, telephone number, Federal  
8 Employer Identification Number, authorized representative, and, if available, e-mail address  
9 and fax number;

10 ~~(b) A statement showing the financial and technical ability of the utility to provide service and~~  
11 ~~the need for service in the area requested;~~

12 (d) To demonstrate the need for service in the proposed area, the applicant must provide:

13 1. The number of customers currently being served and proposed to be served, by customer  
14 class and meter size, including a description of the types of customers anticipated to be served,  
15 i.e., single family homes, mobile homes, duplexes, golf course clubhouse, or commercial.

16 2. A copy of all requests for service from property owners or developers in areas not currently  
17 served;

18 3. The current land use designation of the proposed service territory as described in the local  
19 comprehensive plan at the time the application is filed. If the proposed development will  
20 require a revision to the comprehensive plan, describe the steps taken and to be taken to  
21 facilitate those changes, including changes needed to address the proposed need for service;  
22 and

23 ~~(e) A statement that to the best of the applicant's knowledge the provision of service will be~~  
24 ~~consistent with the water and wastewater sections of the local comprehensive plan at the time~~  
25 ~~the application is filed, as approved by the Department of Community Affairs, or, if not, a~~

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1 ~~statement demonstrating why granting the amendment would be in the public interest;~~  
2 4. Any known land use restrictions, such as environmental restrictions imposed by  
3 governmental authorities;  
4 ~~(e)(d)~~ If the utility is planning to build a new water or wastewater treatment plant to serve the  
5 proposed territory, provide documentation of the utility's right to access and continued use of  
6 ~~Evidence that the utility owns the land upon which the new utility treatment facilities that will~~  
7 ~~serve the proposed territory will be are located. Documentation of continued use shall be in~~  
8 the form of a recorded warranty deed, recorded quit claim deed accompanied by title  
9 insurance, recorded lease or a copy of an agreement, such as a 99-year lease, or recorded  
10 easement which provides for the continued use of the land. The applicant may submit an  
11 unrecorded copy of the instrument granting the utility's right to access and continued use of  
12 the land upon which the utility treatment facilities are or will be located, provided that the  
13 applicant files a recorded copy within the time required in the order granting the amendment  
14 to the certificate of authorization; The Commission may consider a written easement or other  
15 ~~cost effective alternative;~~  
16 ~~(f)(e)~~ A legal description of the territory proposed to be served, in the format prescribed in  
17 Rule 25-30.029, F.A.C. In addition, if the extension of territory is adjacent to existing  
18 territory, provide a legal description of the resulting territory including both existing and  
19 expanded portions in the format prescribed in Rule 25-30.029, F.A.C. using township, range  
20 ~~and section references as specified in subsection 25-30.030(2), F.A.C.;~~  
21 ~~(g)(f)~~ One copy of a detailed system map showing the proposed lines, and treatment  
22 facilities, with and the territory proposed to be served plotted thereon, consistent with the legal  
23 description provided in paragraph (2)(f) above. If the territory to be served is adjacent to the  
24 utility's existing territory, provide a complete map showing both existing and expanded  
25 territories. The map shall be of sufficient scale and detail to enable correlation with the

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- 1 description of the territory;
- 2 ~~(g) If the utility is planning to build a new wastewater treatment plant, or upgrade an existing~~  
3 ~~plant to serve the proposed territory, provide a written description of the proposed method(s)~~  
4 ~~of effluent disposal;~~
- 5 ~~(h) If (g) above does not include effluent disposal by means of reuse, a statement that~~  
6 ~~describes with particularity the reasons for not using reuse;~~
- 7 (h)(i) An ~~One copy of the~~ official county tax assessment map or other map showing township,  
8 range, and section, with a scale such as 1" = 200' or 1" = 400', with the proposed territory  
9 plotted thereon, consistent with the legal description provided in paragraph (2)(f) above;  
10 ~~by use of metes and bounds or quarter sections, and with a defined reference point of~~  
11 ~~beginning;~~
- 12 (i)(j) A statement describing the capacity of the existing lines, the capacity of the existing  
13 treatment facilities, and the design capacity of the proposed extension;
- 14 (j)(k) A copy of all current ~~The numbers and dates of any~~ permits issued for the proposed  
15 systems by the Department of Environmental Protection and by the water management  
16 district;
- 17 (k) A copy of the most recent DEP and/or county health department sanitary survey,  
18 compliance inspection report, and secondary standards drinking water report;
- 19 (l) A copy of all correspondence with the DEP, county health department and water  
20 management district, including consent orders and warning letters, and the utility's response to  
21 the same, for the past five years;
- 22 (m)(l) A detailed statement regarding the proposed method of financing the construction; and  
23 the projected impact on the utility's capital structure;
- 24 ~~(m) A description of the types of customers anticipated to be served by the extension, i.e.,~~  
25 ~~single family homes, mobile homes, duplexes, golf course clubhouse, commercial, etc.;~~

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- 1 (n) ~~A~~ a statement regarding the projected impact of the extension on the utility's monthly rates  
2 and service availability charges;
- 3 (o) All tariff pages that reflect the additional proposed service area, which shall be consistent  
4 with Chapter 25-9, F.A.C. Form PSC 1010 (12/15), entitled "Water Tariff" and Form PSC  
5 1011 (12/15), entitled "Wastewater Tariff," which are incorporated by reference in Rule 25-  
6 30.033, F.A.C., are example tariffs that may be completed by the applicant and included in the  
7 application. These forms may also be obtained from the Commission's website,  
8 [www.floridapsc.com](http://www.floridapsc.com); The original and two copies of sample tariff sheets reflecting the  
9 additional service area; and
- 10 ~~(p) The applicant's current certificate for possible amendment.~~
- 11 ~~(p)(q)~~ The number of the most recent order of the Commission establishing or changing the  
12 applicant's rates and charges; and -
- 13 ~~(q)(r)~~ An affidavit that the utility has tariffs and annual reports on file with the Commission.
- 14 (3) A request for service territory extension and amendment of an existing certificate  
15 (commonly known as a "quick take" amendment) shall be considered approved under the  
16 following conditions if no protest is timely filed to the notice of application:
- 17 (a) The utility has provided a written statement that the proposed new territory includes a  
18 maximum of 25 equivalent residential connections within such territory at the time the  
19 territory is at buildout. In addition, the statement must include a description of the types of  
20 customers anticipated to be served by the extension, i.e., single family homes, mobile homes,  
21 duplexes, golf course clubhouse, or commercial;
- 22 (b) The utility has provided a written statement that, upon investigation:
- 23 1. There is no other utility in the area of the proposed territory that is willing and capable of  
24 providing reasonably adequate service to the new territory; and
- 25 2. The person(s) or business(es) requesting water or wastewater service have demonstrated to

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1 the utility that service is necessary because (1) a private well has been contaminated or gone  
2 dry, (2) a septic tank has failed, or (3) service is otherwise not available; and  
3 (c) The utility has filed an application which meets the requirements of paragraphs (2)(a), (b),  
4 (c), (e), (f), (h), (j), (o), (p) and (q) above.  
5 (4) Each utility proposing to delete a portion of its service area shall file with the Commission  
6 Clerk one original of the information set forth in paragraphs (4)(a) through (k) below. submit  
7 the following:  
8 (a) A filing fee pursuant to paragraph 25-30.020(2)(b), F.A.C.;  
9 (b) Proof of noticing pursuant to Rule 25-30.030, F.A.C.;  
10 (c)(a) The utility's complete name, and address, telephone number, authorized representative,  
11 and, if available, e-mail address and fax number. The utility's name should reflect the  
12 business and/or fictitious name(s) registered with the Department of State's Division of  
13 Corporations;  
14 (d) A statement specifying the reasons for the proposed deletion of territory;  
15 (e)(b) A legal description of the territory proposed to be deleted and a legal description of the  
16 remaining territory in the format prescribed in Rule 25-30.029, F.A.C. -using township, range  
17 and section references;  
18 (f)(e) One copy of Aa detailed system map with the territory proposed to be deleted and  
19 retained plotted thereon, consistent with the legal description provided in paragraph (e) above.  
20 showing the existing lines, treatment facilities, and territory served. The map shall show  
21 existing lines and treatment facilities in the area retained and shall be of sufficient scale and  
22 detail to enable correlation with the legal description of the territory;  
23 ~~(d) The number of current active connections within the territory to be deleted;~~  
24 (g)(e) An One copy of the official county tax assessment map; or other map, showing  
25 township, range, and section with a scale such as 1" = 200' or 1" = 400', with the territory  
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- 1 proposed to be deleted plotted thereon, consistent with the legal description provided in  
2 paragraph (e) above by use of metes and bounds or quarter sections, and with a defined  
3 reference point of beginning;
- 4 ~~(f) A statement specifying the reasons for the proposed deletion of territory;~~
- 5 ~~(g) A statement indicating why the proposed deletion of territory is in the public interest;~~
- 6 ~~(h) The number of current active connections within the territory to be deleted, as well as the~~  
7 ~~number of connections retained. For each active connection in the area to be deleted, if any,~~  
8 ~~the A statement must detail as to the effect of the proposed deletion on the ability of those~~  
9 ~~customers any customer or potential customer to receive water and wastewater services~~  
10 ~~service, including alternative source(s) of service;~~
- 11 ~~(i) All The original and two copies of sample tariff pages sheets that reflect reflecting the~~  
12 ~~revised service area, which shall be consistent with Chapter 25-9, F.A.C. Form PSC 1010~~  
13 ~~(12/15), entitled “Water Tariff,” and Form PSC 1011 (12/15), entitled “Wastewater Tariff,”~~  
14 ~~which are incorporated by reference in Rule 25-30.033, F.A.C., are example tariffs that may~~  
15 ~~be completed by the applicant and included in the application. These forms may also be~~  
16 ~~obtained from the Commission’s website, [www.floridapsc.com](http://www.floridapsc.com);~~
- 17 ~~(j) The applicant’s current certificate for possible amendment;~~
- 18 ~~(j)(k) The number of the most recent order of the Commission establishing or changing the~~  
19 ~~applicant’s rates and charges; and~~
- 20 ~~(k)(4) An affidavit that the utility has tariffs and annual reports on file with the Commission.~~
- 21 *Rulemaking Authority 350.127(2), 367.045, 367.121, 367.1213 FS. Law Implemented 367.045,*  
22 *367.1213 FS. History–New 1-27-91, Amended 11-30-93, \_\_\_\_\_.*
- 23  
24  
25

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1 25-30.037 Application for Authority to Transfer.

2 (1) This rule applies to any application for the transfer of an existing water or wastewater  
3 utility system, regardless of whether service is currently being provided. ~~This rule does not~~  
4 ~~apply where the transfer is of an exempt or non-jurisdictional system and will result in the~~  
5 ~~system continuing to be exempt from or not subject to Commission jurisdiction.~~ The  
6 application for transfer may result in the transfer or cancellation of the seller's existing  
7 certificate, amendment of the buyer's existing certificate or granting of an original initial  
8 certificate to the buyer, or a transfer of majority organizational control of the utility.

9 (a) If a transfer occurs prior to Commission approval, the utility shall submit an application for  
10 authority to transfer no later than 90 days after the sale closing date.

11 (b) When a utility applies for any of the following transfer authorizations by the Commission,  
12 it shall provide its application as prescribed in the appropriate subsection below:

13 1. A transfer of a regulated utility to another regulated utility shall be pursuant to subsection  
14 (2) below;

15 2. A transfer of an exempt entity to a regulated utility shall be pursuant to subsection (3)  
16 below;

17 3. A transfer of a utility in a nonjurisdictional county to a regulated utility that results in a  
18 system whose service transverses county boundaries shall be pursuant to subsection (3) below;

19 4. A change of majority organizational control of a regulated utility shall be pursuant to  
20 subsection (4) below; or

21 5. A transfer of a regulated utility to an exempt entity other than a governmental authority  
22 shall be pursuant to subsection (5) below.

23 (c) Form PSC 1005 (12/15), entitled "Application for Transfer of Certificates or Facilities  
24 from a Regulated Utility to Another Regulated Utility," which is incorporated by reference in  
25 this rule and which is available at [Department of State hyperlink], Form PSC 1006 (12/15).

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1 entitled “Application for Transfer of an Exempt Entity to a Regulated Utility or Transfer of a  
2 Utility in a Non-jurisdictional County to a Regulated Utility That Results in a System Whose  
3 Service Transverses County Boundaries,” which is incorporated by reference in this rule and  
4 which is available at [Department of State hyperlink], Form PSC 1007 (12/15), entitled  
5 “Application for a Transfer of Majority Organizational Control of a Regulated Utility,” which  
6 is incorporated by reference in this rule and which is available at [Department of State  
7 hyperlink], and Form PSC 1008 (12/15), entitled “Application for Transfer of Facilities from a  
8 Regulated Utility to an Exempt Entity Other Than a Governmental Authority,” which is  
9 incorporated by reference in this rule and which is available at [Department of State  
10 hyperlink], are example applications that may be completed by the applicant and filed with the  
11 Office of Commission Clerk to comply with subsection (2), (3), (4), or (5) below, respectively.

12 These forms may also be obtained from the Commission’s website, [www.floridapsc.com](http://www.floridapsc.com).

13 (2) Transfer of a regulated utility to another regulated utility. Each applicant application for  
14 transfer of certificate of authorization, facilities, or any portion thereof; ~~from a regulated utility~~  
15 to another regulated utility to a non-governmental entity shall file with the Commission Clerk  
16 the information set forth in paragraphs (a) through (v) below. ~~include the following~~

17 information:

18 (a) A filing fee pursuant to Rule 25-30.020(2)(c), F.A.C.;

19 (b) Proof of noticing pursuant to Rule 25-30.030, F.A.C.;

20 (c)(a) The ~~certificated complete~~ name, and address, telephone number, certificate number(s),  
21 authorized representative, and, if available, e-mail address and fax number of the utility/seller;

22 (d)(b) The complete name and, address, telephone number, Federal Employer Identification  
23 Number, authorized representative and, if available, e-mail address and fax number of the  
24 buyer(s) ~~buyer~~ and the new name of the utility if the buyer plans to operate under a different  
25 name;

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- 1 (e) The name, address, telephone number, and if available, e-mail address and fax number of  
2 the person in possession of the books and records when the application is filed;
- 3 ~~(f)~~(e) The nature of the buyer's business organization, i.e., corporation, limited liability  
4 company, partnership, limited partnership, sole proprietorship, or association. The buyer must  
5 provide documentation from the Florida Department of State, Division of Corporations,  
6 showing:
- 7 1. The utility's/buyer's business name and registration/document number for the business,  
8 unless operating as a sole proprietor, and
- 9 2. The utility's/buyer's fictitious name and registration number for the fictitious name, if  
10 operating under a fictitious name;
- 11 ~~(g)~~(d) The name(s), ~~and~~ address(es) and percentage of ownership of each entity or person that  
12 owns or of all of the buyer's corporate officers, directors, partners or any other person(s) who  
13 will own more than a 5 percent ~~an~~ interest in the utility;
- 14 ~~(h)~~(e) The date and state of incorporation or organization of the buyer;
- 15 ~~(f) The names and locations of any other water or wastewater utilities owned by the buyer;~~
- 16 ~~(i)~~(g) A copy of the contract for sale and all auxiliary or supplemental agreements. If the sale,  
17 assignment, or transfer occurs prior to Commission approval, the contract shall include a  
18 provision stating that the contract is contingent upon Commission approval;  
19 ~~, which shall include, if applicable:~~
- 20 (j) The buyer must provide the following documentation of the terms of the transfer:
- 21 1. The date the closing occurred or will occur;
- 22 ~~2.1.~~ The purchase price and terms of payment;
- 23 ~~3.2.~~ A list of and the dollar amount of the assets purchased and liabilities assumed or not  
24 assumed, including those of nonregulated operations or entities; ~~and~~
- 25 ~~4.3.~~ A description of all consideration between the parties, including for example, promised  
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existing law.

- 1 salaries, retainer fees, stock, stock options, and assumption of obligations; -
- 2 ~~5.(h) Provisions~~ The contract for sale shall also provide for the disposition, where applicable,
- 3 of ~~the following:~~ 1. ~~C~~customer deposits and interest thereon, ; 2. ~~Any~~ guaranteed revenue
- 4 contracts, ; 3. ~~D~~developer agreements, ; 4. ~~C~~customer advances, ; 5. ~~D~~debt of the utility, ; and
- 5 ~~6. L~~leases;
- 6 6. A statement that the buyer will fulfill the commitments, obligations and representations of
- 7 the seller with regard to utility matters;
- 8 7. A statement that the buyer has or will obtain the books and records of the seller, including
- 9 all supporting documentation for rate base additions since the last time rate base was
- 10 established for the utility;
- 11 8. A statement that the utility's books and records will be maintained using the 1996 National
- 12 Association of Regulatory Utilities Commissioners (NARUC) Uniform System of Accounts
- 13 (USOA), incorporated by reference in Rule 25-30.115, F.A.C.; and
- 14 9. A statement that the utility's books and records will be maintained at the utility's office(s)
- 15 within Florida, or that the utility will comply with the requirements of paragraphs 25-
- 16 30.110(1)(b) and (c), F.A.C., regarding maintenance of utility records at another location or
- 17 out-of-state. If the records will be maintained at the utility's office(s), the statement should
- 18 include the location where the utility intends to maintain the books and records.
- 19 ~~(i) A statement describing the financing of the purchase;~~
- 20 ~~(k)(j) A statement explaining why~~ indicating how the transfer is in the public interest,
- 21 including a summary of the buyer's experience in water or wastewater utility operations, a
- 22 showing of the buyer's financial ability to provide service, and a statement that the buyer will
- 23 fulfill the commitments, obligations and representations of the seller with regard to utility
- 24 matters;
- 25 (l) To demonstrate the financial ability of the buyer to maintain and operate the acquired

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1 utility, the buyer shall provide:

2 1. A detailed financial statement (balance sheet and income statement), audited if available, of  
3 the financial condition of the applicant, that shows all assets and liabilities of every kind and  
4 character. The financial statements shall be for the preceding calendar or fiscal year. The  
5 financial statement shall be prepared in accordance with Rule 25-30.115, F.A.C. If available,  
6 a statement of the sources and uses of funds shall also be provided;

7 ~~2.(k)~~ A list of all entities, including affiliates, upon which the buyer applicant is relying to  
8 provide funding to the utility buyer, and an explanation of the manner and amount of such  
9 funding. The list need not include any person or entity holding less than 5 percent ownership  
10 interest in the utility. The applicant shall provide copies of any financial agreements between  
11 the listed entities and the utility and proof of the listed entities' ability to provide funding, such  
12 as financial statements; , which shall include their financial statements and copies of any  
13 financial agreements with the utility. This requirement shall not apply to any person or entity  
14 holding less than 10 percent ownership interest in the utility;

15 (m) To demonstrate the technical ability of the buyer to provide service, the buyer shall  
16 provide:

17 1. An explanation of the buyer's experience in the water or wastewater industry; and

18 2. The buyer's plans for ensuring continued operation of the utility, such as retaining the  
19 existing plant operator(s) and office personnel, or contracting with outside entities;

20 (n) A legal description of the proposed service area in the format prescribed in Rule 25-  
21 30.029, F.A.C.;

22 (o)~~(4)~~ The proposed net book value of the system as of the date of the proposed transfer, and a  
23 statement setting out the reasons for the inclusion of an acquisition adjustment, if one is  
24 requested. If rate base has been established by this Commission, provide the docket and state  
25 the order number, and date issued and identify all adjustments made to update this rate base to

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1 ~~the date of transfer;~~ In addition, provide a schedule of all subsequent changes to rate base;  
2 ~~(m) A statement setting out the reasons for the inclusion of an acquisition adjustment, if one is~~  
3 ~~requested;~~  
4 ~~(n) If the books and records of the seller are not available for inspection by the Commission or~~  
5 ~~are not adequate for purposes of establishing the net book value of the system, a statement by~~  
6 ~~the buyer that a good faith, extensive effort has been made to obtain such books and records~~  
7 ~~for inspection by the Commission and detailing the steps taken to obtain the books and~~  
8 ~~records;~~  
9 ~~(p)(e)~~ A statement from the buyer that it has obtained or will obtain copies of all of the federal  
10 income tax returns of the seller from the date the utility was first established, or the rate base  
11 was last established by the Commission, whichever is later. ~~or,~~ If the tax returns have not  
12 been obtained, provide a description of a statement from the buyer detailing the steps taken to  
13 obtain the tax returns;  
14 ~~(q)(p)~~ A statement from the buyer that after reasonable investigation, the system being  
15 acquired appears to be in satisfactory condition and in compliance with all applicable  
16 standards set by the Department of Environmental Protection (DEP) or, if the system is in  
17 need of repair or improvement, has any outstanding Notice of Violation of any standard set by  
18 the DEP or any outstanding consent orders with the DEP, the buyer shall provide a description  
19 of the repairs or improvements that have been identified, the governmental authority that  
20 required the repairs or improvements, if applicable, the approximate cost to complete the  
21 repairs or improvements, and any agreements between the seller and buyer regarding who will  
22 be responsible for any identified repairs or improvements; list of the improvements and repairs  
23 ~~needed and the approximate cost to make them, a list of the action taken by the utility with~~  
24 ~~regard to the violation, a copy of the Notice of Violation(s), a copy of the consent order and a~~  
25 ~~list of the improvements and repairs consented to and the approximate cost to make them;~~

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- 1 (r) The applicant shall provide the following documents:
- 2 1. A copy of the utility's current permits from the DEP and the water management district;
- 3 2. A copy of the most recent DEP and/or county health department sanitary survey,
- 4 compliance inspection report, and secondary standards drinking water report; and
- 5 3. A copy of all of the utility's correspondence with the DEP, county health department, and
- 6 water management district, including consent orders and warning letters, and the utility's
- 7 responses to the same, for the past five years; and
- 8 4. A copy of all customer complaints that the utility has received regarding DEP secondary
- 9 water quality standards during the past five years.
- 10 ~~(s)(q)~~ Documentation of the utility's right to access and continued use of ~~Evidence that the~~
- 11 ~~utility owns~~ the land upon which the utility treatment facilities are located. Documentation of
- 12 continued use shall be in the form of a recorded warranty deed, recorded quit claim deed
- 13 accompanied by title insurance, recorded lease, ~~or a copy of an agreement which provides for~~
- 14 ~~the continued use of the land,~~ such as a 99-year lease, recorded easement. The applicant
- 15 may submit an unrecorded copy of the instrument granting the utility's right to access and
- 16 continued use of the land upon which the utility treatment facilities are or will be located,
- 17 provided that the applicant files a recorded copy within the time required in the order granting
- 18 the transfer; The Commission may consider a written easement or other cost-effective
- 19 alternative;
- 20 ~~(t)(#)~~ A statement regarding the disposition of any outstanding regulatory assessment fees,
- 21 finances, or refunds owed and which entity will be responsible for paying regulatory assessment
- 22 fees and filing the annual report for the year of the transfer and subsequent years;
- 23 ~~(u)(s)~~ The original and two copies of sample Ttariff sheets reflecting any changes resulting
- 24 from the transfer, the change in ownership; Form PSC 1010 (12/15), entitled "Water Tariff"
- 25 and Form PSC 1011 (12/15), entitled "Wastewater Tariff," which are incorporated by

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1 reference in Rule 25-30.033, F.A.C., are example tariffs that may be completed by the  
2 applicant and included in the application. These forms are also available on the Commission's  
3 website, [www.floridapsc.com](http://www.floridapsc.com); and  
4 ~~(t) The utility's current certificate(s), or if not available, provide an explanation of the steps~~  
5 ~~the applicant took to obtain the certificate(s).~~  
6 (v) If the buyer owns other water or wastewater utilities that are regulated by the Commission,  
7 provide a schedule reflecting any economies of scale that are anticipated to be achieved within  
8 the next three years and the effect on rates for existing customers served by both the utility  
9 being purchased and the buyer's other utilities.  
10 (3) Transfer of an exempt entity to a regulated utility, or transfer of a utility in a  
11 nonjurisdictional county to a regulated utility that results in a system whose service  
12 transverses county boundaries. Each applicant shall file with the Commission the information  
13 set forth in paragraphs (a) through (f) below.  
14 (a) A combined filing fee pursuant to Rule 25-30.020(2)(b) and (c), F.A.C.;  
15 (b) Proof of noticing pursuant to Rule 25-30.030, F.A.C.;  
16 (c) The requirements of paragraphs (2)(c), (d), (e), (f), (g), (h), (i), (j), (k), (l), (m), (n), (o), (p),  
17 (q), (r), (s), (t), (u), and (v) above;  
18 (d) The requirements of Rule 25-30.036(2)(h) and (i), F.A.C.;  
19 (e) An explanation of when and under what authority the current rates and charges of the  
20 exempt entity or utility in a non-jurisdictional county were established, if applicable; and  
21 (f) An explanation of how the seller is either exempt pursuant to Section 367.022, F.S., or is a  
22 utility in a nonjurisdictional county.  
23 ~~(4)(3) In case of A transfer change of majority organizational control, of a regulated utility.~~  
24 Each applicant for a transfer of majority organizational control shall file with the Commission  
25 the information set forth in paragraphs (a) through (d) below. ~~the application shall include the~~  
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1 following information:

2 (a) A filing fee pursuant to Rule 25-30.020(2)(c), F.A.C.;

3 (b) Proof of noticing pursuant to Rule 25-30.030, F.A.C.;

4 (c) The requirements of paragraphs (2)(c), (d), (f), (i), (j), (k), (l), (m), (q), (t) and (u) above;

5 and

6 (d) A description of the ownership transfer, including the date the transfer occurred or will

7 occur and a description of the resulting ownership interests in the utility.

8 ~~(a) The complete name and address of the seller;~~

9 ~~(b) The complete name and address of the buyer;~~

10 ~~(c) The name(s) and address(es) of all of the buyer's corporate officers, directors, partners and~~  
11 ~~any other person(s) who will own an interest in the utility;~~

12 ~~(d) The names and locations of any other water or wastewater utilities owned by the buyer;~~

13 ~~(e) A statement describing the financing of the purchase;~~

14 ~~(f) A statement describing how the transfer is in the public interest, including a summary of~~  
15 ~~the buyer's experience in water or wastewater utility operations, a showing of the buyer's~~  
16 ~~financial ability to provide service, and a statement that the buyer will fulfill the commitments,~~  
17 ~~obligations and representations of the seller with regard to utility matters;~~

18 ~~(g) A list of all entities, including affiliates, that have provided, or will provide, funding to the~~  
19 ~~buyer, and an explanation of the manner and amount of such funding, which shall include their~~  
20 ~~financial statements and copies of any financial agreements with the utility. This requirement~~  
21 ~~shall not apply to any person or entity holding less than 10 percent ownership interest in the~~  
22 ~~utility;~~

23 ~~(h) A statement from the buyer that after reasonable investigation, the system being acquired~~  
24 ~~appears to be in satisfactory condition and in compliance with all applicable standards set by~~  
25 ~~the DEP or, if the system is in need of repair or improvement, has any outstanding Notice of~~

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1 ~~Violation(s) of any standard(s) set by the DEP or any outstanding consent orders with the~~  
2 ~~DEP, the buyer shall provide a list of the improvements and repairs needed and the~~  
3 ~~approximate cost to make them, a list of the action taken by the utility with regard to the~~  
4 ~~violations, a copy of the Notice of Violation(s), a copy of the consent order and a list of the~~  
5 ~~improvements and repairs consented to and the approximate cost;~~  
6 ~~(i) Evidence that the utility owns the land upon which the utility treatment facilities are~~  
7 ~~located, or a copy of an agreement which provides for the continued use of the land, such as a~~  
8 ~~99-year lease. The Commission may consider a written easement or other cost effective~~  
9 ~~alternative;~~  
10 ~~(j) The original and two copies of sample tariff sheets reflecting the change in ownership; and~~  
11 ~~(k) The utility's current certificate(s), or if not available, the applicant shall provide an~~  
12 ~~explanation of the steps the applicant took to obtain the certificate(s).~~  
13 (5) A transfer of a regulated utility to an exempt entity other than a governmental authority.  
14 Each applicant for a transfer of ownership of a regulated utility to an exempt entity other than  
15 a governmental authority shall file with the Commission Clerk the information set forth in  
16 paragraphs (a) through (e) below.  
17 (a) A filing fee pursuant to Rule 25-30.020(2)(c), F.A.C.;  
18 (b) Proof of noticing pursuant to Rule 25-30.030, F.A.C.;  
19 (c) The requirements of paragraphs (2)(c), (d), (k), (l), (m), and (r) above;  
20 (d) Documentation of the following terms of the transfer:  
21 1. A copy of the contract for sale and all auxiliary or supplemental agreements. If the sale,  
22 assignment, or transfer occurs prior to Commission approval, the contract shall include a  
23 provision stating that the contract is contingent upon Commission approval;  
24 2. The closing date;  
25 3. A statement regarding the disposition of customer deposits and interest thereon; and

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1 4. A statement regarding the disposition of any outstanding regulatory assessment fees, fines,  
2 refunds, or annual reports.

3 (e) An explanation of how the buyer is exempt pursuant to Section 367.022, F.S.

4 ~~(4) Each application for transfer of certificate of authorization, facilities, or any portion~~  
5 ~~thereof, or majority organizational control to a governmental authority shall contain the~~  
6 ~~following information:~~

7 ~~(a) The name and address of the utility and its authorized representative;~~

8 ~~(b) The name of the governmental authority and the name and address of its authorized~~  
9 ~~representative;~~

10 ~~(c) A copy of the contract or other document transferring the utility system to the governmental~~  
11 ~~authority;~~

12 ~~(d) A list of any utility assets not transferred to the governmental authority if such remaining~~  
13 ~~assets constitute a system providing or proposing to provide water or wastewater service to the~~  
14 ~~public for compensation;~~

15 ~~(e) A statement that the governmental authority obtained, from the utility or Commission, the~~  
16 ~~most recent available income and expense statement, balance sheet, statement of rate base for~~  
17 ~~regulatory purposes, and contributions in aid of construction;~~

18 ~~(f) The date on which the governmental authority proposes to take official action to acquire~~  
19 ~~the utility;~~

20 ~~(g) A statement describing the disposition of customer deposits and interest thereon; and~~

21 ~~(h) A statement regarding the disposition of any outstanding regulatory assessment fees, fines~~  
22 ~~or refunds owed.~~

23 ~~(5) If a utility is transferring a portion of its facilities to a governmental agency, it must~~  
24 ~~provide the following additional information:~~

25 ~~(a) A description of the remaining territory using township, range, and section references;~~

CODING: Words underlined are additions; words in ~~struck through~~ type are deletions from existing law.

1 ~~(b) One copy of the official county tax assessment map, or other map, showing township,~~  
2 ~~range, and section with a scale such as 1" = 200' or 1" = 400', with the remaining territory~~  
3 ~~plotted thereon by use of metes and bounds or quarter sections, and with a defined reference~~  
4 ~~point of beginning; and~~  
5 ~~(c) The original and two copies of sample tariff sheets reflecting the remaining territory.~~  
6 ~~(6) Upon its receipt of items required in paragraphs (4)(a), (b), (c), (d), (e) and (f), the~~  
7 ~~Commission will issue an order acknowledging that the facilities or any portion thereof have~~  
8 ~~been acquired by the governmental authority.~~  
9 ~~(7) Upon receipt of the items required in paragraphs (4)(g) and (h) and, if applicable,~~  
10 ~~paragraphs (5)(a), (b), and (c), and upon the completion of all pending proceedings before the~~  
11 ~~Commission, the utility's certificate will be amended or cancelled. Amendment or cancellation~~  
12 ~~of the certificate shall not affect the utility's obligation pursuant to Rule 25-30.120, F.A.C.,~~  
13 ~~Regulatory Assessment Fees.~~  
14 *Rulemaking Authority 367.121, 367.1213, 350.127(2) FS. Law Implemented 367.071,*  
15 *367.1213 FS. History—New 1-27-91, Amended 11-30-93, \_\_\_\_\_.*  
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CODING: Words underlined are additions; words in ~~struck through~~ type are deletions from existing law.

1 25-30.039 Notice of Application for Name Change

2 (1) This rule shall apply to a certificated utility that changes its name only, with no change in  
3 the ownership or control of the utility or its assets.

4 (2) Before notifying its customers of a utility name change, the utility shall provide  
5 Commission staff with the following: Each application for approval of a change in name of a  
6 certificated utility shall include the following information:

7 (a) The utility's certificated complete name, address, telephone number, certificate number(s),  
8 authorized representative, and, if available, e-mail address and fax number and type of  
9 business entity of the certificated utility;

10 (b) The ~~proposed~~ change in name and documentation from the Florida Department of State,  
11 Division of Corporations, showing:

12 1. The utility's business name and registration/document number for the business, unless  
13 operating as a sole proprietor, and

14 2. The utility's fictitious name and registration number for the fictitious name, if operating  
15 under a fictitious name the type of business entity under the new name;

16 ~~(e)~~ A statement setting out the reasons for the name change;

17 ~~(c)(d)~~ The effective date of the name change;

18 ~~(d)(e)~~ In the case of a corporation, limited partnership, or any other type of entity that is  
19 chartered by the State of Florida or any other state, a copy of the certificate, or other document  
20 issued by the state showing its acceptance of the entity's new name. In addition, an officer of  
21 the entity shall provide Aa statement that the ownership and control of the utility and its assets  
22 will not change under the new proposed name. In the case of a sole proprietorship, general  
23 partnership, or any other type of entity not chartered by the State of Florida or any other state,  
24 a statement, signed by a duly authorized representative, that the ownership and control of the  
25 utility and its assets will not change under the proposed name;

CODING: Words underlined are additions; words in ~~struck through~~ type are deletions from existing law.

1 ~~(e)(f)~~ A ~~draft proposed~~ notice to be sent to the customers of the utility informing them of the  
2 change in utility name; and  
3 ~~(f)(g)~~ A An original and two copies of a proposed tariff reflecting the name change, including  
4 all standard forms. Form PSC 1010 (12/15), entitled “Water Tariff,” and Form PSC 1011  
5 (12/15), entitled “Wastewater Tariff,” which are incorporated by reference in Rule 25-30.033,  
6 F.A.C., are example tariffs that may be completed by the applicant and included in the  
7 application. These forms may also be obtained from the Commission’s website,  
8 www.floridapsc.com. and;  
9 ~~(h)~~ The applicant’s current certificate.  
10 (3) After the Commission staff approves the customer notice, the utility shall send the  
11 approved customer notice to all existing customers with the next regular billing, advising them  
12 of the name change. The utility shall file with the Commission Clerk a statement verifying the  
13 date that the notice was actually sent to the customers.  
14 *Rulemaking Authority 350.127(2), 367.121, 367.1214 FS. Law Implemented 367.121,*  
15 *367.1214 FS. History–New 11-30-93, Amended \_\_\_\_\_.*  
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CODING: Words underlined are additions; words in ~~struck through~~ type are deletions from existing law.



1 25-30.090 Abandonments.

2 (1) This rule applies to any person, lessee, trustee, or receiver owning, operating, managing, or  
3 controlling a utility which intends to abandon the utility. The provisions of this rule are  
4 intended to prevent service interruptions to the utility customers.

5 (2) The notice of abandonment to be issued by the utility to the Commission and the county's  
6 administrator, pursuant to ~~required by~~ Section 367.165, F.S., shall identify ~~include~~ the  
7 following:

8 (a) The utility's name and address;

9 (b) The person to contact regarding this notice, including that person's ~~their~~ address, ~~and~~  
10 telephone number, and, if available, e-mail address and fax number;

11 ~~(c) The location of the utility's books and records;~~

12 ~~(c)(d)~~ The date of the notice;

13 ~~(d)(e)~~ The date the utility will be abandoned;

14 ~~(e)(f)~~ Whether the water system, wastewater system, or both are to be abandoned;

15 ~~(f)(g)~~ A statement of the reason the utility will ~~is to~~ be abandoned;

16 ~~(g)(h)~~ A statement of the status of the utility with the Department of Environmental Protection  
17 regarding outstanding citations or violations; and-

18 (h) The location of the utility's books and records.

19 (3) Within 10 days of ~~the~~ appointment of a receiver by the circuit court, the receiver shall  
20 provide the Commission with a copy of the order of appointment and shall request from the  
21 Commission a copy of the utility's tariff and most recent annual report.

22 (4) Within 90 days of ~~the~~ appointment, a of the receiver who is not a governmental authority  
23 ~~the receiver~~ shall file the utility's water and/or wastewater a proposed tariff that is revised to  
24 show revision amending the title page to reflect the name, address and telephone number of  
25 the receiver and identifies the receiver as the issuing officer. This revision shall not affect the  
certificated name of the utility. Form PSC 1010 (12/15), entitled "Water Tariff" and Form

1 PSC 1011 (12/15), entitled “Wastewater Tariff,” which are incorporated by reference in Rule  
2 25-30.033, F.A.C., are example tariffs that may be completed by the applicant and included in  
3 the application. These forms may also be obtained from the Commission’s website,  
4 [www.floridapsc.com](http://www.floridapsc.com).

5 ~~(5) During the pendency of the receivership, T~~the receiver shall fulfill be responsible for  
6 ~~fulfilling~~ the utility’s obligations pursuant to Chapter 367, F.S., and Chapter 25-30, F.A.C.,  
7 during the pendency of the receivership. However, In no event shall a receiver shall not be  
8 held responsible by the Commission for failure to provide safe, efficient and sufficient service  
9 where such failure is substantially caused by actions or omissions pre-dating appointment of  
10 the receiver, unless the receiver is given reasonable opportunity to rectify such failure.

11 ~~(6) If the receiver appointed by the circuit court is a governmental authority as defined by~~  
12 ~~Section 367.021(7), F.S., the governmental authority, upon request, shall be found exempt~~  
13 ~~pursuant to Section 367.022(2), F.S.~~

14 *Rulemaking Authority 350.127(2), 367.121 FS. Law Implemented 367.121, 367.165 FS.*  
15 *History—New 11-30-93, Amended \_\_\_\_\_.*

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**FLORIDA PUBLIC SERVICE COMMISSION**

**INSTRUCTIONS FOR COMPLETING EXAMPLE  
APPLICATION FOR ORIGINAL CERTIFICATE OF AUTHORIZATION  
FOR A PROPOSED OR EXISTING SYSTEM REQUESTING  
INITIAL RATES AND CHARGES**

**(Pursuant to Sections 367.031, 367.045, and 367.081, Florida Statutes, and  
Rule 25-30.033, Florida Administrative Code)**

**General Information**

The attached form is an example application that may be completed by the applicant and filed with the Office of Commission Clerk to comply with Rule 25-30.033, Florida Administrative Code (F.A.C.). Any questions regarding this form should be directed to the Division of Engineering at (850) 413-6910.

**Instructions**

1. Fill out the attached application form completely and accurately.
2. Complete all the items that apply to your utility. If an item is not applicable, mark it "N.A." Do not leave any items blank.
3. Remit the proper filing fee pursuant to Rule 25-30.020, F.A.C., with the application.
4. Provide proof of noticing pursuant to Rule 25-30.030, F.A.C. This may be provided as a late-filed exhibit.
5. The completed application, attached exhibits, and the proper filing fee should be mailed to:

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

PSC 1001 (XX/XX)  
Rule 25-30.033, F.A.C.

**APPLICATION FOR ORIGINAL CERTIFICATE OF AUTHORIZATION  
FOR A PROPOSED OR EXISTING SYSTEM REQUESTING  
INITIAL RATES AND CHARGES**

(Pursuant to Sections 367.031, 367.045, and 367.081, Florida Statutes, and  
Rule 25-30.033, Florida Administrative Code)

To: **Office of Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850**

The undersigned hereby makes application for original certificate(s) to operate a water   
and/or wastewater  utility in \_\_\_\_\_ County, Florida, and submits the following  
information:

**PART I APPLICANT INFORMATION**

- A) Contact Information for Utility. The utility's name, address, telephone number, Federal  
Employer Identification Number, and if applicable, fax number, e-mail address, and website  
address. The utility's name should reflect the business and/or fictitious name(s) registered  
with the Department of State's Division of Corporations:

\_\_\_\_\_  
Utility Name

\_\_\_\_\_  
Office Street Address

\_\_\_\_\_  
City State Zip Code

\_\_\_\_\_  
Mailing Address (if different from Street Address)

\_\_\_\_\_  
City State Zip Code

( ) - ( ) -  
Phone Number Fax Number

\_\_\_\_\_  
Federal Employer Identification Number

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E-Mail Address

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Website Address

- B) The contact information of the authorized representative to contact concerning this application:

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Name

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Mailing Address

---

City State Zip Code

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( ) -

Phone Number

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( ) -

Fax Number

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E-Mail Address

- C) Indicate the nature of the utility's business organization (check one). Provide documentation from the Florida Department of State, Division of Corporations showing the utility's business name and registration/document number for the business, unless operating as a sole proprietor.

Corporation \_\_\_\_\_  
Number

Limited Liability Company \_\_\_\_\_  
Number

Partnership \_\_\_\_\_  
Number

Limited Partnership \_\_\_\_\_  
Number

Limited Liability Partnership \_\_\_\_\_  
Number

Sole Proprietorship

- Association
- Other (Specify) \_\_\_\_\_

If the utility is doing business under a fictitious name, provide documentation from the Florida Department of State, Division of Corporations showing the utility's fictitious name and registration number for the fictitious name.

- Fictitious Name (d/b/a) \_\_\_\_\_  
Registration Number \_\_\_\_\_

- D) The name(s), address(es), and percentage of ownership of each entity which owns or will own more than 5 percent interest in the utility (use an additional sheet if necessary).

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- E) The election the business has made under the Internal Revenue Code for taxation purposes.

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**PART II ORIGINAL CERTIFICATE REQUESTING INITIAL RATES**

**A) DESCRIPTION OF SERVICE**

Exhibit \_\_\_\_\_ - Provide a statement indicating whether the application is for water, wastewater, or both. If the applicant is applying only for water or wastewater, the statement shall include how the other service is provided.

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**B) FINANCIAL ABILITY**

- 1) Exhibit \_\_\_\_ - Provide a detailed financial statement (balance sheet and income statement), audited if available, of the financial condition of the applicant, that shows all assets and liabilities of every kind and character. The financial statements shall be for the preceding calendar or fiscal year. The financial statement shall be prepared in accordance with Rule 25-30.115, F.A.C. If available, a statement of the sources and uses of funds shall also be provided.
  
- 2) Exhibit \_\_\_\_ - Provide a list of all entities, including affiliates, upon which the applicant is relying to provide funding to the utility and an explanation of the manner and amount of such funding. The list need not include any person or entity holding less than 5 percent ownership interest in the utility. The applicant shall provide copies of any financial agreements between the listed entities and the utility and proof of the listed entities' ability to provide funding, such as financial statements.

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**C) TECHNICAL ABILITY**

- 1) Exhibit \_\_\_\_ - Provide the applicant's experience in the water or wastewater industry;  
  

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- 2) Exhibit \_\_\_\_ - Provide the copy of all current permits from the Department of Environmental Protection (DEP) and the water management district;
  
- 3) Exhibit \_\_\_\_ - Provide a copy of the most recent DEP and/or county health department sanitary survey, compliance inspection report and secondary water quality standards report; and
  
- 4) Exhibit \_\_\_\_ - Provide a copy of all correspondence with the DEP, county health department, and water management district, including consent orders and warning letters, and the utility's responses to the same, for the past five years.

- 5) Exhibit \_\_\_\_\_ - Provide a copy of all customer complaints that the utility has received regarding DEP secondary water quality standards during the past five years.

**D) NEED FOR SERVICE**

- 1) Exhibit \_\_\_\_\_ - Provide the following documentation of the need for service in the proposed area:

- a) The number of customers currently being served and proposed to be served, by customer class and meter size, including a description of the types of customers anticipated to be served, i.e., single family homes, mobile homes, duplexes, golf course clubhouse, commercial. If the development will be in phases, this information shall be separated by phase;

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- b) A copy of all requests for service from property owners or developers in areas not currently served;
- c) The current land use designation of the proposed service territory as described in the local comprehensive plan at the time the application is filed. If the proposed development will require a revision to the comprehensive plan, describe the steps taken and to be taken to facilitate those changes, including changes needed to address the proposed need for service area;

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- d) Any known land use restrictions, such as environmental restrictions imposed by governmental authorities.

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- 2) Exhibit \_\_\_\_ - Provide the date the applicant began or plans to begin serving customers. If already serving customers, a description of when and under what circumstances applicant began serving.

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E) **TERRITORY DESCRIPTION, MAPS, AND FACILITIES**

- 1) Exhibit \_\_\_\_ - Provide a legal description of the proposed service area in the format prescribed in Rule 25-30.029, F.A.C.
- 2) Exhibit \_\_\_\_ - Provide documentation of the utility's right to access and continued use of the land upon which the utility treatment facilities are or will be located. This documentation shall be in the form of a recorded warranty deed, recorded quit claim deed accompanied by title insurance, recorded lease such as a 99-year lease, or recorded easement. The applicant may submit an unrecorded copy of the instrument granting the utility's right to access and continued use of the land upon which the utility treatment facilities are or will be located, provided the applicant files a recorded copy within the time prescribed in the order granting the certificate.
- 3) Exhibit \_\_\_\_ - Provide a detailed system map showing the existing and proposed lines and treatment facilities, with the territory proposed to be served plotted thereon, consistent with the legal description provided in E-1 above. The map shall be of sufficient scale and detail to enable correlation with the description of the territory proposed to be served.
- 4) Exhibit \_\_\_\_ - Provide an official county tax assessment map or other map showing township, range, and section, with a scale such as 1" = 200' or 1" = 400', with the proposed territory plotted thereon, consistent with the legal description provided in E-1 above.
- 5) Exhibit \_\_\_\_ - Provide a description of the separate capacities of the existing and proposed lines and treatment facilities in terms of equivalent residential connections (ERCs) and gallons per day estimated demand per ERC for water and wastewater and the basis for such estimate. If the development will be in phases, this information shall be separated by phase.
- 6) Exhibit \_\_\_\_ - Provide a description of the type of water treatment, wastewater treatment, and method of effluent disposal.

**F) PROPOSED TARIFF**

Exhibit \_\_\_\_ - Provide a tariff containing all rates, classifications, charges, rules, and regulations, which shall be consistent with Chapter 25-9, F.A.C. See Rule 25-30.033, F.A.C., for information about water and wastewater tariffs that are available and may be completed by the applicant and included in the application.

**G) ACCOUNTING AND RATE INFORMATION**

- 1) Exhibit \_\_\_\_ - Describe the existing and projected cost of the system(s) and associated depreciation by year until design capacity is reached using the 1996 National Association of Regulatory Utility Commissioners (NARUC) Uniform System of Accounts (USOA), which is incorporated by reference in Rule 25-30.115, F.A.C. The applicant shall identify the year that 80 percent of design capacity is anticipated.
- 2) Exhibit \_\_\_\_ - Provide the existing and projected annual contributions-in-aid-of-construction (CIAC) and associated amortization by year including a description of assumptions regarding customer growth projections using the same projections used in documented need for service for the proposed service area. The projected CIAC shall identify cash and property contributions and amortization at 100 percent of design capacity and identify the year when 80 percent of design capacity is anticipated. The projected CIAC shall be consistent with the service availability policy and charges in the proposed tariff provided in F-1 above, the schedule provided in G-6 below, and the CIAC guidelines set forth in Rule 25-30.580, F.A.C. If the utility will be built in phases, this shall apply only to the first phase.
- 3) Exhibit \_\_\_\_ - Provide the current annual operating expenses and the projected annual operating expenses at 80 percent of design capacity using the 1996 NARUC USOA. If the utility will be built in phases, this shall apply only to the first phase.
- 4) Exhibit \_\_\_\_ - Provide a schedule showing the projected capital structure including the methods of financing the construction and operation of the utility until the utility reaches 80 percent of the design capacity of the system. If the utility will be built in phases, this shall apply only to the first phase. A return on common equity shall be established using the current equity leverage formula established by order of this Commission pursuant to Section 367.081(4), Florida Statutes, unless there is competent substantial evidence supporting the use of a different return on common equity. Please reference subsection 25-30.033(4), F.A.C., for additional information regarding the accrual of allowance for funds used during construction (AFUDC).

- 5) Exhibit \_\_\_\_ - Provide a schedule showing how the proposed rates were developed. The base facility and usage rate structure (as defined in subsection 25-30.437(6), F.A.C.) shall be utilized for metered service, unless an alternative rate structure is supported by the applicant and authorized by the Commission.
- 6) Exhibit \_\_\_\_ - Provide a schedule showing how the proposed service availability policy and charges were developed, including meter installation, main extension, and plant capacity charges, and proposed donated property.
- 7) Exhibit \_\_\_\_ - Provide a schedule showing how the customer deposits and miscellaneous service charges were developed, including initial connection, normal reconnection, violation reconnection, and premises visit fees, consistent with Rules 25-30.311 and 25-30.460, F.A.C.

**H) NOTICING REQUIREMENTS**

Exhibit \_\_\_\_ - Provide proof of noticing pursuant to Rule 25-30.030, F.A.C. This may be provided as a late-filed exhibit.

**PART III SIGNATURE**

Please sign and date the utility's completed application.

APPLICATION SUBMITTED BY:

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Applicant's Name (Printed)

\_\_\_\_\_  
Applicant's Title

\_\_\_\_\_  
Date

**FLORIDA PUBLIC SERVICE COMMISSION**

**INSTRUCTIONS FOR COMPLETING EXAMPLE  
APPLICATION FOR ORIGINAL CERTIFICATE OF AUTHORIZATION FOR  
EXISTING UTILITY CURRENTLY CHARGING FOR SERVICE**

**(Pursuant to Sections 367.031, 367.045, and 367.081, Florida Statutes, and  
Rule 25-30.034, Florida Administrative Code)**

**General Information**

The attached form is an example application that may be completed by the applicant and filed with the Office of Commission Clerk to comply with Rule 25-30.034, Florida Administrative Code (F.A.C.). Any questions regarding this form should be directed to the Division of Engineering at (850) 413-6910.

**Instructions**

1. Fill out the attached application form completely and accurately.
2. Complete all the items that apply to your utility. If an item is not applicable, mark it "N.A." Do not leave any items blank.
3. Remit the proper filing fee pursuant to Rule 25-30.020, F.A.C., with the application.
4. Provide proof of noticing pursuant to Rule 25-30.030, F.A.C. This may be provided as a late-filed exhibit.
5. The completed application, attached exhibits, and the proper filing fee should be mailed to:

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

PSC 1002 (XX/XX)  
Rule 25-30.034, F.A.C.

**APPLICATION FOR ORIGINAL CERTIFICATE OF AUTHORIZATION FOR  
EXISTING UTILITY CURRENTLY CHARGING FOR SERVICE**

(Pursuant to Sections 367.031, 367.045, and 367.081, Florida Statutes, and  
Rule 25-30.034, Florida Administrative Code)

To: **Office of Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850**

The undersigned hereby makes application for original certificate(s) to operate a water   
and/or wastewater  utility in \_\_\_\_\_ County, Florida, and submits the following  
information:

**PART I APPLICANT INFORMATION**

- A) Contact Information for Utility. The utility's name, address, telephone number, Federal  
Employer Identification Number, and if applicable, fax number, e-mail address, and website  
address. The utility's name should reflect the business and/or fictitious name(s) registered  
with the Department of State's Division of Corporations:

\_\_\_\_\_  
Utility Name

\_\_\_\_\_  
Office Street Address

\_\_\_\_\_  
City State Zip Code

\_\_\_\_\_  
Mailing Address (if different from Street Address)

\_\_\_\_\_  
City State Zip Code

( ) - ( ) -  
Phone Number Fax Number

\_\_\_\_\_  
Federal Employer Identification Number

\_\_\_\_\_  
E-Mail Address

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Website Address

- B) The contact information of the authorized representative to contact concerning this application:

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Name

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Mailing Address

---

City State Zip Code

---

( ) -  
Phone Number

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( ) -  
Fax Number

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E-Mail Address

- C) Indicate the nature of the utility's business organization (check one). Provide documentation from the Florida Department of State, Division of Corporations showing the utility's business name and registration/document number for the business, unless operating as a sole proprietor.

Corporation \_\_\_\_\_  
Number

Limited Liability Company \_\_\_\_\_  
Number

Partnership \_\_\_\_\_  
Number

Limited Partnership \_\_\_\_\_  
Number

Limited Liability Partnership \_\_\_\_\_  
Number

Sole Proprietorship

Association

Other (Specify) \_\_\_\_\_

If the utility is doing business under a fictitious name, provide documentation from the Florida Department of State, Division of Corporations showing the utility's fictitious name and registration number for the fictitious name.

Fictitious Name (d/b/a) \_\_\_\_\_  
Registration Number \_\_\_\_\_

D) The name(s), address(es), and percentage of ownership of each entity which owns or will own more than 5 percent interest in the utility (use an additional sheet if necessary).

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**PART II ORIGINAL CERTIFICATE FOR EXISTING UTILITY**

**A) DESCRIPTION OF SERVICE**

1) Exhibit \_\_\_\_ - Provide a statement indicating whether the application is for water, wastewater, or both. If the applicant is applying only for water or wastewater, the statement shall include how the other service is provided.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2) Exhibit \_\_\_\_ - Provide a description of the types of customers served, i.e., single family homes, mobile homes, duplexes, golf course clubhouse, or commercial.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3) Exhibit \_\_\_\_ - Provide a schedule showing the number of customers currently served, by class and meter size, as well as the number of customers projected to be served when the requested service territory is fully developed.

**B) FINANCIAL ABILITY**

- 1) Exhibit \_\_\_\_ - Provide a detailed financial statement (balance sheet and income statement), audited if available, of the financial condition of the applicant, that shows all assets and liabilities of every kind and character. The financial statements shall be for the preceding calendar or fiscal year. The financial statement shall be prepared in accordance with Rule 25-30.115, F.A.C. If available, a statement of the sources and uses of funds shall also be provided.
  
- 2) Exhibit \_\_\_\_ - Provide a list of all entities, including affiliates, upon which the applicant is relying to provide funding to the utility and an explanation of the manner and amount of such funding. The list need not include any person or entity holding less than 5 percent ownership interest in the utility. The applicant shall provide copies of any financial agreements between the listed entities and the utility and proof of the listed entities' ability to provide funding, such as financial statements.

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**C) TECHNICAL ABILITY**

- 1) Exhibit \_\_\_\_ - Provide a statement of the applicant's experience in the water or wastewater industry;  
  

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- 2) Exhibit \_\_\_\_ - Provide a copy of all current permits from the Department of Environmental Protection (DEP) and the water management district;
  
- 3) Exhibit \_\_\_\_ - Provide a copy of the most recent sanitary survey, the compliance inspection report available from the DEP or county health department, and the most recent secondary water quality standards report; and
  
- 4) Exhibit \_\_\_\_ - Provide a copy of all correspondence with the DEP, county health department, and water management district, including consent orders and warning letters, and the utility's responses to the same, for the past five years.



**D) NEED FOR SERVICE**

- 1) Exhibit \_\_\_\_ - Provide a statement explaining when and under what circumstances the applicant began providing service prior to obtaining a certificate of authorization.

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- 2) Exhibit \_\_\_\_ - If the applicant is requesting any territory not served at the time of application, provide the following documentation of the need for service in the proposed area:

- a) The number of customers proposed to be served, by customer class and meter size, including a description of the types of customers anticipated to be served, i.e., single family homes, mobile homes, duplexes, golf course clubhouse, commercial. If the development will be in phases, this information shall be separated by phase.
- b) A copy of all requests for service from property owners or developers in areas not currently served.
- c) The current land use designation of the proposed service territory as described in the local comprehensive plan at the time the application is filed. If the proposed development will require a revision to the comprehensive plan, describe the steps taken and to be taken to facilitate those changes, including changes needed to address the proposed need for service described above.
- d) Any known land use restrictions, such as environmental restrictions imposed by governmental authorities.

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**E) TERRITORY DESCRIPTION AND MAPS**

- 1) Exhibit \_\_\_\_ - Provide a legal description of the proposed service area in the format prescribed in Rule 25-30.029, F.A.C.

- 2) Exhibit \_\_\_\_ - Provide documentation of the utility's right to access continued use of the land upon which the utility treatment facilities are located. This documentation shall be in the form of a recorded warranty deed, recorded quit claim deed accompanied by title insurance, recorded lease such as a 99-year lease, or recorded easement. The applicant may submit an unrecorded copy of the instrument granting the utility's right to access and continued use of the land upon which the utility treatment facilities are or will be located, provided the applicant files a recorded copy within the time prescribed in the order granting the certificate.
- 3) Exhibit \_\_\_\_ - Provide a detailed system map showing existing and proposed lines and treatment facilities with the territory proposed to be served plotted thereon, consistent with the legal description provided in E-1 above. Any territory not served at the time of the application shall be specifically identified on the system map. The map shall be of sufficient scale and detail to enable correlation with the description of the territory proposed to be served.
- 4) Exhibit \_\_\_\_ - Provide an official county tax assessment map or other map showing township, range, and section with a scale such as 1"=200' or 1"=400', with the proposed territory plotted thereon, consistent with the legal description provided in E-1 above.

**F) PROPOSED TARIFF AND RATE INFORMATION**

- 1) Exhibit \_\_\_\_ - Provide a tariff containing all rates, classifications, charges, rules, and regulations, which shall be consistent with Chapter 25-9, F.A.C. See Rule 25-30.034, F.A.C., for information about water and wastewater tariffs that are available and may be completed by the applicant and included in the application.
- 2) Exhibit \_\_\_\_ - Provide documentation specifying on what date and under what authority the current rates and charges were established.

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**G) NOTICING REQUIREMENTS**

Exhibit \_\_\_\_ - Provide proof of noticing pursuant to Rule 25-30.030, F.A.C. This may be provided as a late-filed exhibit.

**PART III**

**SIGNATURE**

Please sign and date the utility's completed application.

APPLICATION SUBMITTED BY:

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Applicant's Name (Printed)

\_\_\_\_\_  
Applicant's Title

\_\_\_\_\_  
Date

**FLORIDA PUBLIC SERVICE COMMISSION**

**INSTRUCTIONS FOR COMPLETING EXAMPLE  
APPLICATION FOR ORIGINAL CERTIFICATE OF AUTHORIZATION  
FOLLOWING RESCISSION OF JURISDICTION BY A COUNTY  
(GRANDFATHER CERTIFICATE)**

**(Pursuant to Section 367.171, Florida Statutes, and  
Rule 25-30.035, Florida Administrative Code)**

**General Information**

The attached form is an example application that may be completed by the applicant and filed with the Office of Commission Clerk to comply with Rule 25-30.035, Florida Administrative Code (F.A.C.). Any questions regarding this form should be directed to the Division of Engineering at (850) 413-6910.

**Instructions**

1. Fill out the attached application form completely and accurately.
2. Complete all the items that apply to your utility. If an item is not applicable, mark it "N.A." Do not leave any items blank.
3. Remit the proper filing fee pursuant to Rule 25-30.020, F.A.C., with the application.
4. The completed application and attached exhibits and the proper filing fee should be mailed to:

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

Form PSC 1003 (XX/XX)  
Rule 25-30.035, F.A.C.

**APPLICATION FOR ORIGINAL CERTIFICATE FOLLOWING RESCISSION  
OF JURISDICTION BY A COUNTY (GRANDFATHER CERTIFICATE)**

**(Pursuant to Section 367.171, Florida Statutes, and  
Rule 25-30.035, Florida Administrative Code)**

To: **Office of Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850**

The undersigned hereby makes application for original certificate(s) to operate a water   
and/or wastewater  utility in \_\_\_\_\_ County, Florida, and submits the following  
information:

**PART I APPLICANT INFORMATION**

A) Contact Information for Utility. The utility's name, address, telephone number, Federal  
Employer Identification Number, and if applicable, fax number, e-mail address, and website  
address. The utility's name should reflect the business and/or fictitious name(s) registered  
with the Department of State's Division of Corporations:

\_\_\_\_\_  
Utility Name

\_\_\_\_\_  
Office Street Address

\_\_\_\_\_  
City State Zip Code

\_\_\_\_\_  
Mailing Address (if different from Street Address)

\_\_\_\_\_  
City State Zip Code

( ) - ( ) -  
Phone Number Fax Number

\_\_\_\_\_  
Federal Employer Identification Number

\_\_\_\_\_  
E-Mail Address

\_\_\_\_\_  
Website Address

- B) The contact information of the authorized representative to contact concerning this application:

\_\_\_\_\_  
Name

\_\_\_\_\_  
Mailing Address

\_\_\_\_\_  
City State Zip Code

( ) -  
Phone Number

( ) -  
Fax Number

\_\_\_\_\_  
E-Mail Address

- C) Indicate the nature of the utility's business organization (check one). Provide documentation from the Florida Department of State, Division of Corporations, showing the utility's business name and registration/document number for the business, unless operating as a sole proprietor.

Corporation \_\_\_\_\_  
Number

Limited Liability Company \_\_\_\_\_  
Number

Partnership \_\_\_\_\_  
Number

Limited Partnership \_\_\_\_\_  
Number

Limited Liability Partnership \_\_\_\_\_  
Number

Sole Proprietorship

Association

Other (Specify) \_\_\_\_\_

If the utility is doing business under a fictitious name, provide documentation from the Florida Department of State, Division of Corporations showing the utility's fictitious name and registration number for the fictitious name.

Fictitious Name (d/b/a) \_\_\_\_\_  
Registration Number \_\_\_\_\_

D) The name(s), address(es), and percentage of ownership of each entity which owns or will own more than 5 percent interest in the utility (use an additional sheet if necessary).

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**PART II** **GRANDFATHER CERTIFICATE**

**A) DESCRIPTION OF SERVICE**

1) Exhibit \_\_\_\_ - Provide a statement indicating whether the application is for water, wastewater, or both. If the applicant is applying only for water or wastewater, the statement shall include how the other service is provided.

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2) Exhibit \_\_\_\_ - Provide the date the utility was established.

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3) Exhibit \_\_\_\_ - Provide a description of the types of customers served, i.e., single family homes, mobile homes, duplexes, golf course clubhouse, or commercial.

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4) Exhibit \_\_\_\_ - Provide a schedule showing the number of customers currently served, by class and meter size, as well as the number of customers projected to be served when the requested service territory is fully developed.

**B) TERRITORY DESCRIPTION, MAPS, AND FACILITIES**

- 1) Exhibit \_\_\_\_ - Provide a legal description of the proposed service area in the format prescribed in Rule 25-30.029, F.A.C. The utility must provide documentation of the territory the utility was serving, or was authorized to serve, from the county which had jurisdiction over the utility on the day Chapter 367, Florida Statutes, became applicable to the utility.
- 2) Exhibit \_\_\_\_ - Provide documentation of the utility's right to continued long-term use of the land upon which the utility treatment facilities are located. This documentation shall be in the form of a recorded warranty deed, recorded quit claim deed accompanied by title insurance, recorded long-term lease, such as a 99-year lease, or recorded easement. The applicant may submit an unrecorded copy of the instrument granting the utility's right to access and continued use of the land upon which the utility treatment facilities are or will be located, provided the applicant files a recorded copy within the time prescribed in the order granting the certificate.
- 3) Exhibit \_\_\_\_ - Provide a detailed system map showing existing and proposed lines and treatment facilities with the territory proposed to be served plotted thereon, consistent with the legal description provided in B-1 above. Any territory not served at the time of the application shall be specifically identified on the system map. The map shall be of sufficient scale and detail to enable correlation with the description of the territory proposed to be served.
- 4) Exhibit \_\_\_\_ - Provide an official county tax assessment map or other map showing township, range, and section with a scale such as 1"=200' or 1"=400', with the proposed territory plotted thereon, consistent with the legal description provided in B-1 above.
- 5) Exhibit \_\_\_\_ - Provide a copy of all current permits from the Department of Environmental Protection (DEP) and the water management district.

**C) PROPOSED TARIFF AND RATE INFORMATION**

- 1) Exhibit \_\_\_\_ - Provide a tariff containing all rates, classifications, charges, rules, and regulations, which shall be consistent with Chapter 25-9, F.A.C. See Rule 25-30.035, F.A.C., for information about water and wastewater tariffs that are available and may be completed by the applicant and included in the application.



- 2) Exhibit \_\_\_\_\_ - Provide documentation, or, if no documentation exists, a statement, specifying on what date and under what authority the current rates and charges were established.

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**PART III**

**SIGNATURE**

Please sign and date the utility's completed application.

APPLICATION SUBMITTED BY:

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Applicant's Name (Printed)

\_\_\_\_\_  
Applicant's Title

\_\_\_\_\_  
Date

**FLORIDA PUBLIC SERVICE COMMISSION**  
**INSTRUCTIONS FOR COMPLETING EXAMPLE**  
**APPLICATION FOR AMENDMENT OF CERTIFICATE**  
**(EXTENSION, QUICK TAKE EXTENSION, OR DELETION)**

**(Pursuant to Section 367.045, Florida Statutes, and  
Rule 25-30.036, Florida Administrative Code)**

**General Information**

The attached form is an example application that may be completed by the applicant and filed with the Office of Commission Clerk to comply with Rule 25-30.036, Florida Administrative Code (F.A.C.). Any questions regarding this form should be directed to the Division of Engineering (850) 413-6910.

**Instructions**

1. Fill out the attached application form completely and accurately.
2. Complete all the items that apply to your utility. If an item is not applicable, please mark it "N.A." Do not leave any items blank.
3. Remit the proper filing fee pursuant to Rule 25-30.020, F.A.C., with the application.
4. Provide proof of noticing pursuant to Rule 25-30.030, F.A.C. This may be provided as a late-filed exhibit.
5. The completed application, attached exhibits, and the proper filing fee should be mailed to:

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

PSC 1004 (XX/XX)  
Rule 25-30.036, F.A.C.

**APPLICATION FOR AMENDMENT OF CERTIFICATE  
(EXTENSION, QUICK TAKE EXTENSION, OR DELETION)**

**(Pursuant to Section 367.045, Florida Statutes, and  
Rule 25-30.036, Florida Administrative Code)**

To: **Office of Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, Florida 32399-0850**

The undersigned hereby makes application for amendment of Water Certificate No. \_\_\_\_\_ and/or Wastewater Certificate No. \_\_\_\_\_ to add  or delete  territory located in \_\_\_\_\_ County, Florida, and submits the following information:

Please check the type of amendment being requested. Based upon the type of amendment requested, please complete the following parts of the application. Where specific items are listed, only those items need to be completed under that part.

- Extension: Complete Parts I, II, V, and VI
- Quick Take: Complete Parts I, II (only items B-1, 2, 4, 6 and D-1, 2, 3), III, V, and VI
- Deletion: Complete Parts I, II (only items D-1, 2, 3), IV, V, and VI

**PART I APPLICANT INFORMATION**

- A) Contact Information for Utility. The utility's certificated name, address, telephone number, Federal Employer Identification Number, and if applicable, fax number, e-mail address, and website address. The utility's name should reflect the business and/or fictitious name(s) registered with the Department of State's Division of Corporations:

\_\_\_\_\_  
Utility Name

\_\_\_\_\_  
Office Street Address

\_\_\_\_\_  
City

\_\_\_\_\_  
State

\_\_\_\_\_  
Zip Code

\_\_\_\_\_  
Mailing Address (if different from Street Address)

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City	State	Zip Code
( ) -		( ) -

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Phone Number	Fax Number
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Federal Employer Identification Number

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E-Mail Address

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Website Address

B) The contact information of the authorized representative to contact concerning this application:

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Name

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Mailing Address

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City	State	Zip Code
( ) -		( ) -

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Phone Number	Fax Number
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E-Mail Address

**PART II** **TERRITORY AMENDMENT**

Part II should be completed as follows based upon the type of amendment requested.

Extension: Complete all items under Part II

Quick Take Extension: Only need to complete items B-1, 2, 4, 6 and D-1, 2, 3.

Deletion: Only need to complete items D-1, 2, 3.

**A) NEED FOR SERVICE IN THE PROPOSED AREA**

- 1) Exhibit \_\_\_\_ - The number of customers currently being served and proposed to be served, by customer class and meter size, including a description of the types of customers anticipated to be served, i.e., single family homes, mobile homes, duplexes, golf course clubhouse, commercial.

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- 2) Exhibit \_\_\_\_ - Provide a copy of all requests from service from property owners or developers in areas not currently served.

- 3) Exhibit \_\_\_\_ - Provide a copy of the current land use designation of the proposed service territory as described in the local comprehensive plan at the time the application is filed. If the proposed development will require a revision to the comprehensive plan, describe the steps taken and to be taken to facilitate those changes, including changes needed to address the proposed need for service.

- 4) Exhibit \_\_\_\_ - Provide a statement of any known land use restrictions, such as environmental restrictions imposed by governmental authorities.

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**B) TERRITORY DESCRIPTION, MAPS, FACILITIES, AND TECHNICAL ABILITY**

- 1) Exhibit \_\_\_\_ - If the utility is planning to build a new water or wastewater treatment plant to serve the proposed territory, provide documentation of the utility's right to access and continued use of the land upon which the new utility treatment facilities that will serve the proposed territory will be located. This documentation shall be in the form of a recorded warranty deed, recorded quit claim deed accompanied by title insurance, recorded lease such as a 99-year lease, or recorded easement. The applicant may submit an unrecorded copy of the instrument granting the utility's right to access and continued use of the land upon which the utility treatment facilities are or will be located, provided the applicant files a recorded copy within the time prescribed in the order granting the amendment to the certification of authorization.

- 2) Exhibit \_\_\_\_ - Provide a legal description of the territory proposed to be served in the format prescribed in Rule 25-30.029, F.A.C. In addition, if the extension of territory is adjacent to existing territory, provide one complete legal description of the resulting territory including both existing and expanded portions.
- 3) Exhibit \_\_\_\_ - Provide a detailed system map showing the proposed lines and treatment facilities, with the territory proposed to be served plotted thereon, consistent with the legal description provided in B-1 above. If the territory to be served is adjacent to the utility's existing territory, provide a complete map showing both existing and expanded territories. The map shall be of sufficient scale and detail to enable correlation with the description of the territory.
- 4) Exhibit \_\_\_\_ - Provide an official county tax assessment map or other map showing township, range, and section, with a scale such as 1" = 200' or 1" = 400', with the proposed territory plotted thereon, consistent with the legal description provided in B-1 above.
- 5) Exhibit \_\_\_\_ - Provide a statement describing the capacity of the existing lines, the capacity of the existing treatment facilities, and the design capacity of the proposed extension.

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- 6) Exhibit \_\_\_\_ - Provide a copy of all current permits issued by the Department of Environmental Protection (DEP) and by the water management district.
- 7) Exhibit \_\_\_\_ - Provide a copy of the most recent DEP and/or county health department sanitary survey, compliance inspection report, and secondary water quality standards report.
- 8) Exhibit \_\_\_\_ - Provide a copy of all correspondence with the DEP, county health department, and water management district, including consent orders and warning letters, and the utility's responses to the same, for the past five years.

**C) FINANCIAL ABILITY**

- 1) Exhibit \_\_\_\_ - Provide a detailed statement regarding the proposed method of financing the construction and the projected impact on the utility's capital structure.

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- 2) Exhibit \_\_\_\_ - Provide a statement regarding the projected impact of the extension on the utility's monthly rates and service availability charges.

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**D) PROPOSED TARIFF AND RATE INFORMATION**

- 1) Exhibit \_\_\_\_ - Provide a tariff containing all rates, classifications, charges, rules, and regulations, which shall be consistent with Chapter 25-9, F.A.C. See Rule 25-30.036, F.A.C., for information about water and wastewater tariffs that are available and may be completed by the applicant and included in the application.

- 2) Exhibit \_\_\_\_ - Provide the number of the most recent order of the Commission establishing or changing the applicant's rates and charges.

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- 3) Exhibit \_\_\_\_ - An affidavit that the utility has tariffs and annual reports on file with the Commission.

**PART III      QUICK TAKE EXTENSION ADDITIONAL INFORMATION**

- A) Exhibit \_\_\_\_ - Provide a written statement that the proposed new territory includes a maximum of 25 equivalent residential connections within such territory at the time the territory is at buildout. In addition, the statement should include a description of the types of customers anticipated to be served by the extension, i.e., single family homes, mobile homes, duplexes, golf course clubhouse, or commercial.

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- B) Exhibit \_\_\_\_ - Provide a written statement that upon investigation:

- 1) There is no other utility in the area of the proposed territory that is willing and capable of providing reasonably adequate service to the new territory.

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- 2) The person(s) or business(es) requesting water or wastewater service have demonstrated to the utility that service is necessary because: (Check all that apply)

- (a) a private well has been contaminated or gone dry ,  
(b) a septic tank has failed , or  
(c) service is otherwise not available .

**PART IV      TERRITORY DELETION ADDITIONAL INFORMATION**

- A) Exhibit \_\_\_\_ - Provide a statement specifying the reasons for the proposed deletion of territory.

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- B) Exhibit \_\_\_\_ - Provide a legal description of the territory proposed to be deleted in the format prescribed in Rule 25-30.029, F.A.C., along with a complete legal description of the remaining territory.



- C) Exhibit \_\_\_\_ - Provide a detailed system map with the territory proposed to be deleted and retained plotted thereon, consistent with the legal description provided in B above. The map shall show the existing lines and treatment facilities in the area retained and shall be of sufficient scale and detail to enable correlation with the description of the territory.
- D) Exhibit \_\_\_\_ - Provide an official county tax assessment map or other map, showing township, range, and section with a scale such as 1" = 200' or 1" = 400', with the territory proposed to be deleted plotted thereon, consistent with the legal description provided in B above.
- E) Exhibit \_\_\_\_ - Provide a description of the number of current active connections within the territory to be deleted, as well as the number of connections retained. For each active connection in the area to be deleted, if any, the statement must detail the effect of the proposed deletion on the ability of those customers to receive water and wastewater services, including alternative source(s) of service.

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**PART V NOTICING REQUIREMENTS**

Exhibit \_\_\_\_ - Provide proof of noticing pursuant to Rule 25-30.030, F.A.C. This may be provided as a late-filed exhibit.

**PART VI SIGNATURE**

Please sign and date the utility's completed application.

APPLICATION SUBMITTED BY: \_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_

Applicant's Name (Printed)

\_\_\_\_\_

Applicant's Title

\_\_\_\_\_

Date

**FLORIDA PUBLIC SERVICE COMMISSION**  
**INSTRUCTIONS FOR COMPLETING EXAMPLE**  
**APPLICATION FOR TRANSFER OF CERTIFICATES OR FACILITIES**  
**FROM A REGULATED UTILITY TO ANOTHER REGULATED UTILITY**

**(Pursuant to Section 367.071, Florida Statutes, and  
Rule 25-30.037(2), Florida Administrative Code)**

**General Information**

The attached form is an example application that may be completed by the applicant and filed with the Office of Commission Clerk to comply with Rule 25-30.037(2), Florida Administrative Code (F.A.C.). Any questions regarding this form should be directed to the Division of Engineering at (850) 413-6910.

**Instructions**

1. Pursuant to Rule 25-30.037(1)(a), F.A.C., if a transfer occurs prior to Commission approval, the utility shall submit an application for authority to transfer no later than 90 days after the sale closing date.
2. Fill out the attached application form completely and accurately.
3. Complete all the items that apply to your utility. If an item is not applicable, mark it "N.A." Do not leave any items blank.
4. Remit the proper filing fee pursuant to Rule 25-30.020, F.A.C., with the application.
5. Provide proof of noticing pursuant to Rule 25-30.030, F.A.C. This may be provided as a late-filed exhibit.
6. The completed application, attached exhibits, and the proper filing fee should be mailed to:

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

Form PSC 1005 (XX/XX)  
Rule 25-30.037(2), F.A.C.

**APPLICATION FOR TRANSFER OF CERTIFICATES OR FACILITIES  
FROM A REGULATED UTILITY TO ANOTHER REGULATED UTILITY**

**(Pursuant to Section 367.071, Florida Statutes, and  
Rule 25-30.037(2), Florida Administrative Code)**

Pursuant to Rule 25-30.037(1)(a), F.A.C., if a transfer occurs prior to Commission approval, the utility shall submit an application for authority to transfer no later than 90 days after the sale closing date.

To: **Office of Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850**

The undersigned hereby makes application for the transfer of facilities and transfer  or cancellation  of Water Certificate No. \_\_\_\_\_ and/or Wastewater Certificate No. \_\_\_\_\_ and amendment of Water Certificate No. \_\_\_\_\_ and/or Wastewater Certificate No. \_\_\_\_\_ in \_\_\_\_\_ County, Florida, and submits the following information:

**PART I APPLICANT INFORMATION**

A) **Contact Information for Utility/Seller.** The utility/seller's certificated name, address, telephone number, and if applicable, fax number, e-mail address, and website address. The utility's name should reflect the business and/or fictitious name(s) registered with the Department of State's Division of Corporations:

\_\_\_\_\_  
Utility Name

\_\_\_\_\_  
Office Street Address

\_\_\_\_\_  
City State Zip Code

\_\_\_\_\_  
Mailing Address (if different from Street Address)

\_\_\_\_\_  
City State Zip Code

( ) - ( ) -  
\_\_\_\_\_

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Phone Number Fax Number

---

Federal Employer Identification Number

---

E-Mail Address

---

Website Address

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Water Certificate No. Wastewater Certificate No.

- B) The contact information of the seller's authorized representative to contact concerning this application:

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Name

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Mailing Address

---

City State Zip Code

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( ) - ( ) -

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Phone Number Fax Number

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E-Mail Address

- C) Contact Information for Buyer. The buyer's name, address, telephone number, Federal Employer Identification Number, and, if applicable, fax number, e-mail address, website address, and new name of the utility if the buyer plans to operate under a different name. The buyer's business name, and if applicable, new utility name, should reflect the business and/or fictitious name(s) registered with the Department of State's Division of Corporations.

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Buyer's Name

---

Office Street Address

---

City State Zip Code

---

Mailing Address (if different from Street Address)

---

City State Zip Code

---

( ) - ( ) -  
Phone Number Fax Number

---

Federal Employer Identification Number

---

E-Mail Address

---

New Utility Name

- D) The contact information of the buyer's authorized representative to contact concerning this application:

---

Name

---

Mailing Address

---

City State Zip Code

---

( ) - ( ) -  
Phone Number Fax Number

---

E-Mail Address

- E) The name, address, telephone number, and if available, e-mail address and fax number of the person in possession of the books and records when the application is filed.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Mailing Address

\_\_\_\_\_  
City State Zip Code

( ) - ( ) -  
Phone Number Fax Number

\_\_\_\_\_  
E-Mail Address

- F) Indicate the nature of the utility's/buyer's business organization (check one). Provide documentation from the Florida Department of State, Division of Corporations, showing the utility's/buyer's business name and registration/document number for the business, unless operating as a sole proprietor.

Corporation \_\_\_\_\_  
Number

Limited Liability Company \_\_\_\_\_  
Number

Partnership \_\_\_\_\_  
Number

Limited Partnership \_\_\_\_\_  
Number

Limited Liability Partnership \_\_\_\_\_  
Number

Sole Proprietorship

Association

Other (Specify) \_\_\_\_\_

If the utility is doing business under a fictitious name, provide documentation from the Florida Department of State, Division of Corporations showing the utility's fictitious name and registration number for the fictitious name.

Fictitious Name (d/b/a) \_\_\_\_\_  
Registration Number \_\_\_\_\_

G) The name(s), address(es), and percentage of ownership of each entity which owns or will own more than 5 percent interest in the utility (Use additional sheet if necessary).

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

H) Provide the date and state of incorporation or organization of the buyer.

\_\_\_\_\_  
\_\_\_\_\_

I) Indicate the nature of the buyer's business organization (check one):

- Corporation \_\_\_\_\_  
Number \_\_\_\_\_
- Limited Liability Company \_\_\_\_\_  
Number \_\_\_\_\_
- Partnership \_\_\_\_\_  
Number \_\_\_\_\_
- Limited Partnership \_\_\_\_\_  
Number \_\_\_\_\_
- Limited Liability Partnership \_\_\_\_\_  
Number \_\_\_\_\_
- Sole Proprietorship \_\_\_\_\_
- Association \_\_\_\_\_
- Other (Specify) \_\_\_\_\_

**PART II**

**TRANSFER OF CERTIFICATE**

**A) DESCRIPTION OF SALE AGREEMENT**

1) Exhibit \_\_\_\_ - Provide a copy of the contract for sale and all auxiliary or supplemental agreements. If the sale, assignment, or transfer occurs prior to Commission approval, the contract shall include provision stating that the contract is contingent upon Commission approval.

2) Exhibit \_\_\_\_ - Provide the following documentation of the terms of the transfer:  
a) The date the closing occurred or will occur.

\_\_\_\_\_

b) The purchase price and terms of payment.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

c) A list of and the dollar amount of the assets purchased and liabilities assumed or not assumed, including those of non-regulated operations or entities.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

d) A description of all consideration between the parties, including promised salaries, retainer fees, stock, stock options, and assumption of obligations.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

e) Provisions regarding the disposition, where applicable, of customer deposits and interest thereon, guaranteed revenue contracts, developer agreements, customer advances, debt of the utility, and leases.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



- f) A statement that the buyer will fulfill the commitments, obligations, and representations of the seller with regard to utility matters.

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- g) A provision that the buyer has or will obtain the books and records of the seller, including all supporting documentation for rate base additions since the last time rate base was established for the utility.

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- h) A statement that the utility's books and records will be maintained using the National Association of Regulatory Utility Commissioners (NARUC) Uniform System of Accounts (USOA).

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- i) A statement that the utility's books and records will be maintained at the utility's office(s) within Florida, or that the utility will comply with the requirements of Rule 25-30.110(1)(b) and (c), F.A.C., regarding maintenance of utility records at another location or out-of-state. If the records will not be maintained at the utility's office(s), the statement should include the location where the utility intends to maintain the books and records.

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**B) FINANCIAL ABILITY**

- 1) Exhibit \_\_\_\_ - Provide a detailed financial statement (balance sheet and income statement), audited if available, of the financial condition of the applicant, that shows all assets and liabilities of every kind and character. The financial statements shall be for the preceding calendar or fiscal year. The financial statement shall be prepared in accordance with Rule 25-30.115, F.A.C. If available, a statement of the sources and uses of funds shall also be provided.

- 2) Exhibit \_\_\_\_ - Provide a list of all entities, including affiliates, upon which the buyer is relying to provide funding to the utility and an explanation of the manner and amount of such funding. The list need not include any person or entity holding less than 5 percent ownership interest in the utility. The applicant shall provide copies of any financial agreements between the listed entities and the utility and proof of the listed entities' ability to provide funding, such as financial statements.

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C) **TECHNICAL ABILITY**

- 1) Exhibit \_\_\_\_ - Provide the buyer's experience in the water or wastewater industry.

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- 2) Exhibit \_\_\_\_ - Provide the buyer's plans for ensuring continued operation of the utility, such as retaining the existing plant operator(s) and office personnel, or contracting with outside entities.

D) **TERRITORY DESCRIPTION, PUBLIC INTEREST, AND FACILITIES**

- 1) Exhibit \_\_\_\_ - Provide a legal description of the proposed service area in the format prescribed in Rule 25-30.029, F.A.C.

- 2) Exhibit \_\_\_\_ - Provide a statement explaining why the transfer is in the public interest.

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- 3) Exhibit \_\_\_\_ - Provide a statement from the buyer that after reasonable investigation, the system being acquired appears to be in satisfactory condition and compliance with all applicable standards set by the DEP, or, if the system is in need of repair or improvement, has any outstanding Notice of Violation of any standard set by the DEP or any outstanding consent orders with the DEP, the buyer shall provide a description of the repairs or improvements that have been identified, the governmental entity that required the repairs or improvements, if applicable, the

approximate cost to complete the repairs or improvements, and any agreements between the seller and buyer regarding who will be responsible for any identified repairs or improvements.

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- 4) Exhibit \_\_\_\_ - Provide documentation of the utility's right to continued long-term use of the land upon which the utility treatment facilities are located. This documentation shall be in the form of a recorded warranty deed, recorded quit claim deed accompanied by title insurance, recorded long-term lease, such as a 99-year lease, or recorded easement. The applicant may submit an unrecorded copy of the instrument granting the utility's right to access and continued use of the land upon which the utility treatment facilities are or will be located, provided the applicant files a recorded copy within the time prescribed in the order granting the transfer.
- 5) Exhibit \_\_\_\_ - Provide a copy of all of the utility's current permits from the Department of Environmental Protection (DEP) and the water management district.
- 6) Exhibit \_\_\_\_ - Provide a copy of the most recent DEP and/or county health department sanitary survey, compliance inspection report, and secondary water quality standards report.
- 7) Exhibit \_\_\_\_ - Provide a copy of all of the utility's correspondence with the DEP, county health department, and water management district, including consent orders and warning letters, and the utility's responses to the same, for the past five years.
- 8) Exhibit \_\_\_\_ - Provide a copy of all customer complaints that the utility has received regarding DEP secondary water quality standards during the past five years.

**E) PROPOSED TARIFF**

Exhibit \_\_\_\_ - Provide a tariff containing all rates, classifications, charges, rules, and regulations, which shall be consistent with Chapter 25-9, F.A.C. See Rule 25-30.037, F.A.C., for information about water and wastewater tariffs that are available and may be completed by the applicant and included in the application.

**F) ACCOUNTING INFORMATION**

- 1) Exhibit \_\_\_\_ - Provide the proposed net book value of the system as of the date of the proposed transfer, and a statement setting out the reasons for the inclusion of an acquisition adjustment, if one is requested. If rate base has been established by this Commission, provide the docket and the order number. In addition, provide a schedule of all subsequent changes to rate base.

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- 2) Exhibit \_\_\_\_ - Provide a statement from the buyer that it has obtained or will obtain copies of all of the federal income tax returns of the seller from the date the utility was first established or the rate base was last established by the Commission, whichever is later. If the tax returns have not been obtained, provide a description of the steps taken to obtain the tax returns.

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- 3) Exhibit \_\_\_\_ - Provide a statement regarding the disposition of outstanding regulatory assessment fees, fines, or refunds owed and which entity will be responsible for paying regulatory assessment fees and filing the annual report for the year of the transfer and subsequent years.

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- 4) Exhibit \_\_\_\_ - If the buyer currently owns other water or wastewater utilities that are regulated by this Commission, provide a schedule reflecting any economies of scale that are anticipated to be achieved within the next three years and the effect on rates for existing customers served by both the utility being purchased and the buyer's other utilities.

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**G) NOTICING REQUIREMENTS**

Exhibit - \_\_\_\_\_ - Provide proof of noticing pursuant to Rule 25-30.030, F.A.C. This may be provided as a late-filed exhibit.

**PART III SIGNATURE**

Please sign and date the utility's completed application.

APPLICATION SUBMITTED BY:

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Applicant's Name (Printed)

\_\_\_\_\_  
Applicant's Title

\_\_\_\_\_  
Date

**FLORIDA PUBLIC SERVICE COMMISSION**

**INSTRUCTIONS FOR COMPLETING EXAMPLE  
APPLICATION FOR TRANSFER OF AN EXEMPT ENTITY TO A REGULATED  
UTILITY, OR TRANSFER OF A UTILITY IN A NON-JURISDICTIONAL COUNTY  
TO A REGULATED UTILITY THAT RESULTS IN A SYSTEM WHOSE SERVICE  
TRANSVERSES COUNTY BOUNDARIES**

**(Pursuant to Section 367.071, Florida Statutes, and  
Rule 25-30.037(3), Florida Administrative Code)**

**General Information**

The attached form is an example application that may be completed by the applicant and filed with the Office of Commission Clerk to comply with Rule 25-30.037(3), Florida Administrative Code (F.A.C.). Any questions regarding this form should be directed to the Division of Engineering at (850) 413-6910.

**Instructions**

1. Pursuant to Rule 25-30.037(1)(a), F.A.C., if a transfer occurs prior to Commission approval, the utility shall submit an application for authority to transfer no later than 90 days after the sale closing date.
2. Fill out the attached application form completely and accurately.
3. Complete all the items that apply to your utility. If an item is not applicable, mark it "N.A." Do not leave any items blank.
4. Remit the proper filing fee pursuant to Rule 25-30.020, F.A.C., with the application.
5. Provide proof of noticing pursuant to Rule 25-30.030, F.A.C. This may be provided as a late-filed exhibit.
6. The completed application, attached exhibits, and the proper filing fee should be mailed to:

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

PSC 1006 (XX/XX)  
Rule 25-30.037(3), F.A.C.

**APPLICATION FOR TRANSFER OF AN EXEMPT ENTITY TO A REGULATED UTILITY, OR TRANSFER OF A UTILITY IN A NON-JURISDICTIONAL COUNTY TO A REGULATED UTILITY THAT RESULTS IN A SYSTEM WHOSE SERVICE TRANSVERSES COUNTY BOUNDARIES**

**(Pursuant to Section 367.071, Florida Statutes, and Rule 25-30.037(3), Florida Administrative Code)**

Pursuant to Rule 25-30.037(1)(a), F.A.C., if a transfer occurs prior to Commission approval, the utility shall submit an application for authority to transfer no later than 90 days after the sale closing date.

To: **Office of Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850**

The undersigned hereby makes application for the transfer of facilities of a water  and/or wastewater  utility in \_\_\_\_\_ County, Florida, and amendment of the buyer's Water Certificate No. \_\_\_\_\_ and/or Wastewater Certificate No. \_\_\_\_\_ or granting of a new water certificate \_\_\_\_\_ and/or wastewater certificate \_\_\_\_\_, and submits the following information:

**PART I APPLICANT INFORMATION**

- A) Contact Information for Utility/Seller. The utility/seller's certificated name, address, telephone number, and if applicable, fax number, e-mail address, and website address. The utility's name should reflect the business and/or fictitious name(s) registered with the Department of State's Division of Corporations:

\_\_\_\_\_  
Utility Name

\_\_\_\_\_  
Office Street Address

\_\_\_\_\_  
City State Zip Code

\_\_\_\_\_  
Mailing Address (if different from Street Address)

\_\_\_\_\_  
City State Zip Code

( ) - ( ) -  
Phone Number Fax Number

Federal Employer Identification Number

E-Mail Address

Website Address

- B) The contact information of the seller's authorized representative to contact concerning this application:

Name

Mailing Address

City State Zip Code

( ) - ( ) -  
Phone Number Fax Number

E-Mail Address

- C) Contact Information for Buyer. The buyer's certificated name, address, telephone number, Federal Employer Identification Number, and if applicable, fax number, e-mail address, website address, and new name of the utility if the buyer plans to operate under a different name. The buyer's business name, and if applicable, new utility name, should reflect the business and/or fictitious name(s) registered with the Department of State's Division of Corporations.

Buyer's Name

Office Street Address



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City State Zip Code

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Mailing Address (if different from Street Address)

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City State Zip Code

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( ) - ( ) -  
Phone Number Fax Number

---

Federal Employer Identification Number

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E-Mail Address

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New Utility Name

- D) The contact information of the buyer's authorized representative to contact concerning this application:

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Name

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Mailing Address

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City State Zip Code

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( ) - ( ) -  
Phone Number Fax Number

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E-Mail Address

- E) The name, address, telephone number, and if available, e-mail address and fax number of the person in possession of the books and records when the application is filed.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Mailing Address

\_\_\_\_\_  
City State Zip Code

( ) - ( ) -  
Phone Number Fax Number

\_\_\_\_\_  
E-Mail Address

- F) Indicate the nature of the buyer's business organization (check one): Provide documentation from the Florida Department of State, Division of Corporations, showing the utility's/buyer's business name and registration/document number for the business, unless operating as a sole proprietor.

Corporation \_\_\_\_\_  
Number

Limited Liability Company \_\_\_\_\_  
Number

Partnership \_\_\_\_\_  
Number

Limited Partnership \_\_\_\_\_  
Number

Limited Liability Partnership \_\_\_\_\_  
Number

Sole Proprietorship

Association

Other (Specify) \_\_\_\_\_

If the utility is doing business under a fictitious name, provide documentation from the Florida Department of State, Division of Corporations showing the utility's fictitious name and registration number for the fictitious name.

Fictitious Name (d/b/a) \_\_\_\_\_  
Registration Number \_\_\_\_\_

G) The name(s), address(es), and percentage of ownership of each entity which owns or will own more than 5 percent interest in the utility (Use additional sheet if necessary).  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

H) Provide the date and state of incorporation or organization of the buyer.  
\_\_\_\_\_  
\_\_\_\_\_

**PART II** **TRANSFER OF CERTIFICATE**

**A) DESCRIPTION OF SALE AGREEMENT**

1) Exhibit \_\_\_\_ - Provide a copy of the contract for sale and all auxiliary or supplemental agreements. If the sale, assignment, or transfer occurs before Commission approval, the contract shall include a provision that the contract is contingent upon Commission approval.

2) Exhibit \_\_\_\_ - Provide documentation of the terms of the transfer, including:

a) The date the closing occurred or will occur.

\_\_\_\_\_

b) The purchase price and terms of payment.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- c) A list of and the dollar amount of the assets purchased and liabilities assumed or not assumed, including those of non-regulated operations or entities.

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- d) A description of all consideration between the parties, including promised salaries, retainer fees, stock, stock options, and assumption of obligations.

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- e) Provisions regarding the disposition, where applicable, of customer deposits and interest thereon, guaranteed revenue contracts, developer agreements, customer advances, debt of the utility, and leases.

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- f) A statement that the buyer will fulfill the commitments, obligations, and representations of the seller with regard to utility matters.

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- g) A provision that the buyer has or will obtain the books and records of the seller, including all supporting documentation for rate base additions since the last time rate base was established for the utility;

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- h) A statement that the utility's books and records will be maintained using the National Association of Regulatory Utilities Commissioners (NARUC) Uniform System of Accounts (USOA).

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- i) A statement that the utility's books and records will be maintained at the utility's office(s) within Florida, or that the utility will comply with the requirements of Rule 25-30.110(1)(b) and (c), F.A.C., regarding maintenance of utility records at another location or out-of-state. If the records will not be maintained at the utility's office(s), the statement should include the location where the utility intends to maintain the books and records.

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**B) FINANCIAL ABILITY**

- 1) Exhibit \_\_\_\_ - Provide a detailed financial statement (balance sheet and income statement), audited if available, of the financial condition of the applicant, that shows all assets and liabilities of every kind and character. The financial statements shall be for the preceding calendar or fiscal year. The financial statement shall be prepared in accordance with Rule 25-30.115, F.A.C. If available, a statement of the sources and uses of funds shall also be provided.
- 2) Exhibit \_\_\_\_ - Provide a list of all entities, including affiliates, upon which the buyer is relying to provide funding to the utility and an explanation of the manner and amount of such funding. The list need not include any person or entity holding less than 5 percent ownership interest in the utility. The applicant shall provide copies of any financial agreements between the listed entities and the utility and proof of the listed entities' ability to provide funding, such as financial statements.

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**C) TECHNICAL ABILITY**

- 1) Exhibit \_\_\_\_ - Provide the buyer's experience in the water or wastewater industry.
- 2) Exhibit \_\_\_\_ - Provide the buyer's plans for ensuring continued operation of the utility, such as retaining the existing plant operator(s) and office personnel, or contracting with outside entities.

**D) TERRITORY DESCRIPTION, PUBLIC INTEREST, MAPS AND FACILITIES**

- 1) Exhibit \_\_\_\_ - Provide a legal description of the proposed service area in the format prescribed in Rule 25-30.029, F.A.C.

- 2) Exhibit \_\_\_\_ - Provide a statement explaining why the transfer is in the public interest.

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- 3) Exhibit \_\_\_\_ - Provide a statement from the buyer that after reasonable investigation, the system being acquired appears to be in satisfactory condition and compliance with all applicable standards set by the DEP, or, if the system is in need of repair or improvement, has any outstanding Notice of Violation of any standard set by the DEP or any outstanding consent orders with the DEP, the buyer shall provide a description of the repairs or improvements that have been identified, the governmental entity that required the repairs or improvements, if applicable, the approximate cost to complete the repairs or improvements, and any agreements between the seller and buyer regarding who will be responsible for any identified repairs or improvements.

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- 4) Exhibit \_\_\_\_ - Provide documentation of the utility's right to continued long-term use of the land upon which the utility treatment facilities are located. This documentation shall be in the form of a recorded warranty deed, recorded quit claim deed accompanied by title insurance, recorded long-term lease, such as a 99-year lease, or recorded easement. The applicant may submit an unrecorded copy of the instrument granting the utility's right to access and continued use of the land upon which the utility treatment facilities are or will be located, provided the applicant files a recorded copy within the time prescribed in the order granting the transfer.

- 5) Exhibit \_\_\_\_ - Provide an official county tax assessment map or other map showing township, range, and section, with a scale such as 1" = 200' or 1" = 400', with the proposed territory plotted thereon, consistent with the legal description provided in D-1 above.

- 6) Exhibit \_\_\_\_ - Provide a statement describing the capacity of the existing lines, the capacity of the existing treatment facilities, and the design capacity of the proposed extension.  
  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- 7) Exhibit \_\_\_\_ - Provide a copy of all of the utility's current permits from the Department of Environmental Protection (DEP) and the water management district.
- 8) Exhibit \_\_\_\_ - Provide a copy of the most recent DEP and/or county health department sanitary survey, compliance inspection report, and secondary standards drinking water report.
- 9) Exhibit \_\_\_\_ - Provide a copy of all of the utility's correspondence with the DEP, county health department, and water management district, including consent orders and warning letters, and the utility's responses to the same, for the past five years.
- 10) Exhibit \_\_\_\_ - Provide a copy of all customer complaints that the utility has received regarding DEP secondary water quality standards during the past five years.

E) **PROPOSED TARIFF AND RATE INFORMATION**

- 1) Exhibit \_\_\_\_ - Provide a tariff containing all rates, classifications, charges, rules, and regulations, which shall be consistent with Chapter 25-9, F.A.C. See Rule 25-30.037, F.A.C., for information about water and wastewater tariffs that are available and may be completed by the applicant and included in the application.
- 2) Exhibit \_\_\_\_ - Provide documentation of when and under what authority the current rates and charges of the exempt entity were established, if applicable. If the entity provides water or wastewater service without compensation, please describe when and under what authority it was determined that the non-jurisdictional entity would provide service without compensation.
- 3) Exhibit \_\_\_\_ - Provide an explanation of how the seller is either exempt pursuant to Section 367.022, F.S., or is a utility in a nonjurisdictional county.

**F) ACCOUNTING INFORMATION**

- 1) Exhibit \_\_\_\_ - Provide the proposed net book value of the system as of the date of the proposed transfer, and a statement setting out the reasons for the inclusion of an acquisition adjustment, if one is requested. If rate base has been established by this Commission, provide the docket and the order number. In addition, provide a schedule of all subsequent changes to rate base.

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- 2) Exhibit \_\_\_\_ - Provide a statement from the buyer that it has obtained or will obtain copies of all of the federal income tax returns of the seller from the date the utility was first established or the rate base was last established by the Commission, whichever is later. If the tax returns have not been obtained, provide a description of the steps taken to obtain the tax returns.

- 3) Exhibit \_\_\_\_ - Provide a statement regarding the disposition of outstanding regulatory assessment fees, fines, or refunds owed and which entity will be responsible for paying regulatory assessment fees and filing the annual report for the year of the transfer and subsequent years.

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- 4) Exhibit \_\_\_\_ - If the buyer currently owns other water or wastewater utilities that are regulated by this Commission, provide a schedule reflecting any economies of scale that are anticipated to be achieved within the next three years and the effect on rates for existing customers served by both the utility being purchased and the buyer's other utilities.

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**G) NOTICING REQUIREMENTS**

Exhibit \_\_\_\_ - Provide proof of noticing pursuant to Rule 25-30.030, F.A.C. This may be provided as a late-filed exhibit.



**PART III**

**SIGNATURE**

Please sign and date the utility's completed application.

APPLICATION SUBMITTED BY:

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Applicant's Name (Printed)

\_\_\_\_\_  
Applicant's Title

\_\_\_\_\_  
Date

**FLORIDA PUBLIC SERVICE COMMISSION**

**INSTRUCTIONS FOR COMPLETING  
APPLICATION FOR A TRANSFER OF MAJORITY ORGANIZATION CONTROL  
OF A REGULATED UTILITY**

**(Pursuant to Section 367.071, Florida Statutes, and  
Rule 25-30.037(4), Florida Administrative Code)**

**General Information**

The attached form is an example application that may be completed by the applicant and filed with the Office of Commission Clerk to comply with Rule 25-30.037(4), Florida Administrative Code (F.A.C.). Any questions regarding this form should be directed to the Division of Engineering at (850) 413-6910.

**Instructions**

1. Pursuant to Rule 25-30.037(1)(a), F.A.C., if a transfer occurs prior to Commission approval, the utility shall submit an application for authority to transfer no later than 90 days after the sale closing date.
2. Fill out the attached application form completely and accurately.
3. Complete all the items that apply to your utility. If an item is not applicable, mark it "N.A." Do not leave any items blank.
4. Remit the proper filing fee pursuant to Rule 25-30.020, Florida Administrative Code, with the application.
5. Provide proof of noticing pursuant to Rule 25-30.030, F.A.C. This may be provided as a late-filed exhibit.
6. The completed application, attached exhibits, and the proper filing fee should be mailed to:

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

PSC 1007 (XX/XX)  
Rule 25-30.037(4), F.A.C.

**APPLICATION FOR A TRANSFER OF MAJORITY ORGANIZATION CONTROL  
OF A REGULATED UTILITY**

**(Pursuant to Section 367.071, Florida Statutes, and  
Rule 25-30.037(4), Florida Administrative Code)**

Pursuant to Rule 25-30.037(1)(a), F.A.C., if a transfer occurs prior to Commission approval, the utility shall submit an application for authority to transfer no later than 90 days after the sale closing date.

To: **Office of Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850**

The undersigned hereby makes application for the approval of a transfer of majority ownership of the regulated utility. The change is for all  or part  of the facilities operated under Water Certificate No. \_\_\_\_\_ and/or Wastewater Certificate No. \_\_\_\_\_ located in \_\_\_\_\_ County, Florida, and submits the following:

**PART I APPLICANT INFORMATION**

- A) **Contact Information for Utility/Seller.** The utility/seller's certificated name, address, telephone number, and, if applicable, fax number, e-mail address, and website address. The utility's name should reflect the business and/or fictitious name(s) registered with the Department of State's Division of Corporations:

\_\_\_\_\_  
Utility Name

\_\_\_\_\_  
Office Street Address

\_\_\_\_\_  
City State Zip Code

\_\_\_\_\_  
Mailing Address (if different from Street Address)

\_\_\_\_\_  
City State Zip Code

( ) - ( ) -  
\_\_\_\_\_  
Area Code - Area Code

\_\_\_\_\_  
Phone Number Fax Number

\_\_\_\_\_  
Federal Employer Identification Number

\_\_\_\_\_  
E-Mail Address

\_\_\_\_\_  
Website Address

\_\_\_\_\_  
Water Certificate No. Wastewater Certificate No.

- B) The contact information of the seller's authorized representative to contact concerning this application:

\_\_\_\_\_  
Name

\_\_\_\_\_  
Mailing Address

\_\_\_\_\_  
City State Zip Code

( ) - ( ) -

\_\_\_\_\_  
Phone Number Fax Number

\_\_\_\_\_  
E-Mail Address

- C) Indicate the nature of the buyer's business organization (check one). Provide documentation from the Florida Department of State, Division of Corporations showing the utility's business name and registration/document number for the business, unless operating as a sole proprietor.

Corporation \_\_\_\_\_  
Number

Limited Liability Company \_\_\_\_\_  
Number

- Partnership \_\_\_\_\_  
Number
- Limited Partnership \_\_\_\_\_  
Number
- Limited Liability Partnership \_\_\_\_\_  
Number
- Sole Proprietorship
- Association
- Other (Specify) \_\_\_\_\_

If the utility is doing business under a fictitious name, provide documentation from the Florida Department of State, Division of Corporations showing the utility's fictitious name and registration number for the fictitious name.

- Fictitious Name (d/b/a) \_\_\_\_\_  
Registration Number

D) Contact Information for Buyer. The buyer's certificated name, address, telephone number, Federal Employer Identification Number, and if applicable, fax number, e-mail address, website address, and new name of the utility if the buyer plans to operate under a different name. The buyer's business name, and if applicable, new utility name, should reflect the business and/or fictitious name(s) registered with the Department of State's Division of Corporations.

\_\_\_\_\_  
Buyer's Name

\_\_\_\_\_  
Office Street Address

\_\_\_\_\_  
City State Zip Code

\_\_\_\_\_  
Mailing Address (if different from Street Address)

\_\_\_\_\_  
City State Zip Code

\_\_\_\_\_  
( ) - ( ) -

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Phone Number Fax Number

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Federal Employer Identification Number

---

E-Mail Address

---

New Utility Name

E) The contact information of the buyer's authorized representative to contact concerning this application:

---

Name

---

Mailing Address

---

City State Zip Code

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( ) - ( ) -  
Phone Number Fax Number

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E-Mail Address

**PART II TRANSFER OF MAJORITY OWNERSHIP**

**A) DESCRIPTION OF SALE AGREEMENT**

- 1) Exhibit \_\_\_\_ - Provide a copy of the contract for sale and all auxiliary or supplemental agreements. If the sale, assignment, or transfer occurs before Commission approval, the contract shall include a provision that the contract is contingent upon Commission approval.

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2) Exhibit \_\_\_\_ - Provide a statement that the buyer will fulfill the commitments, obligations, and representations of the seller with regard to utility matters.

3) Exhibit \_\_\_\_ - Provide a description of the ownership transfer, including the date the transfer occurred or will occur and a description of the resulting ownership interests in the utility.

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4) Exhibit \_\_\_\_ - Provide either a statement that, following the transfer, all existing management and operating personnel of the utility will be retained or, if changes in the utility's management or operating personnel are anticipated, a description of the changes and the impact the changes will have on the management and operations of the utility.

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**B) FINANCIAL ABILITY**

1) Exhibit \_\_\_\_ - Provide a detailed financial statement (balance sheet and income statement), audited if available, of the financial condition of the applicant, that shows all assets and liabilities of every kind and character. The financial statements shall be for the preceding calendar or fiscal year. The financial statement shall be prepared in accordance with Rule 25-30.115, F.A.C. If available, a statement of the sources and uses of funds shall also be provided.

2) Exhibit \_\_\_\_ - Provide a list of all entities, including affiliates, upon which the buyer is relying to provide funding to the utility and an explanation of the manner and amount of such funding. The list need not include any person or entity holding less than 5 percent ownership interest in the utility. The applicant shall provide copies of any financial agreements between the listed entities and the utility and proof of the listed entities' ability to provide funding, such as financial statements.

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**C) TECHNICAL ABILITY; FACILITIES**

- 1) Exhibit \_\_\_\_ - The buyer's experience in the water or wastewater industry.  

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- 2) Exhibit \_\_\_\_ - Provide the buyer's plans for ensuring continued operation of the utility, such as retaining the existing plant operator(s) and office personnel, or contracting with outside entities.
- 3) Exhibit \_\_\_\_ - Provide a copy of all of the utility's current permits from the Department of Environmental Protection (DEP) and the water management district.
- 4) Exhibit \_\_\_\_ - Provide a copy of the most recent DEP and/or county health department sanitary survey, compliance inspection report, and secondary water quality standards report.
- 5) Exhibit \_\_\_\_ - Provide a copy of all of the utility's correspondence with the DEP, county health department, and water management district, including consent orders and warning letters, and the utility's responses to the same, for the past five years.
- 6) Exhibit \_\_\_\_ - Provide a copy of all customer complaints that the utility has received regarding DEP secondary water quality standards during the past five years.

**D) PUBLIC INTEREST, PROPOSED TARIFF, AND ACCOUNTING INFORMATION**

- 1) Exhibit \_\_\_\_ - Provide a statement explaining why the transfer is in the public interest.  

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- 2) Exhibit \_\_\_\_ - Provide a tariff containing all rates, classifications, charges, rules, and regulations, which shall be consistent with Chapter 25-9, F.A.C. See Rule 25-30.037, F.A.C., for information about water and wastewater tariffs that are available and may be completed by the applicant and included in the application.



- 3) Exhibit \_\_\_\_\_ - Provide a statement regarding the disposition of outstanding regulatory assessment fees, fines, or refunds owed and which entity will be responsible for paying regulatory assessment fees and filing the annual report for the year of the transfer and subsequent years.

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**E) NOTICING REQUIREMENTS**

- 1) Exhibit \_\_\_\_\_ - Provide proof of noticing pursuant to Rule 25-30.030, F.A.C. This may be provided as a late-filed exhibit.

**PART III**

**SIGNATURE**

Please sign and date the utility's completed application.

APPLICATION SUBMITTED BY:

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Applicant's Name (Printed)

\_\_\_\_\_  
Applicant's Title

\_\_\_\_\_  
Date

**FLORIDA PUBLIC SERVICE COMMISSION**  
**INSTRUCTIONS FOR COMPLETING EXAMPLE**  
**APPLICATION FOR TRANSFER OF FACILITIES**  
**FROM A REGULATED UTILITY TO AN EXEMPT ENTITY**  
**OTHER THAN A GOVERNMENTAL AUTHORITY**

**(Pursuant to Section 367.071, Florida Statutes, and  
Rule 25-30.037(5), Florida Administrative Code)**

**General Information**

The attached form is an example application that may be completed by the applicant and filed with the Office of Commission Clerk to comply with Rule 25-30.037(5), Florida Administrative Code (F.A.C.). Any questions regarding this form should be directed to the Division of Engineering at (850) 413-6910.

**Instructions**

1. Pursuant to Rule 25-30.037(1)(a), F.A.C., if a transfer occurs prior to Commission approval, the utility shall submit an application for authority to transfer no later than 90 days after the sale closing date.
2. Fill out the attached application form completely and accurately.
3. Complete all the items that apply to your utility. If an item is not applicable, mark it "N.A." Do not leave any items blank.
4. Remit the proper filing fee pursuant to Rule 25-30.020, F.A.C., with the application.
5. Provide proof of noticing pursuant to Rule 25-30.030, F.A.C. This may be provided as a late-filed exhibit.
6. The completed application, attached exhibits, and the proper filing fee should be mailed to:

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

PSC 1008 (XX/XX)  
Rule 25-30.037(5), F.A.C.

**APPLICATION FOR TRANSFER OF FACILITIES  
FROM A REGULATED UTILITY TO AN EXEMPT ENTITY  
OTHER THAN A GOVERNMENTAL AUTHORITY**

**(Pursuant to Section 367.071, Florida Statutes, and  
Rule 25-30.037(5), Florida Administrative Code)**

To: **Office of Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850**

The undersigned hereby makes application for the approval of the transfer of all  or part  of the facilities operated under Water Certificate No. \_\_\_\_\_ and/or Wastewater Certificate No. \_\_\_\_\_ and amendment  or cancellation  of Water Certificate No. \_\_\_\_\_ and/or Wastewater Certificate No. \_\_\_\_\_ located in \_\_\_\_\_ County, Florida, and submits the following:

**PART I APPLICANT INFORMATION**

- A) Contact Information for Utility/Seller. The utility/seller's certificated name, address, telephone number, and, if applicable, fax number, e-mail address, and website address. The utility's name should reflect the business and/or fictitious name(s) registered with the Department of State's Division of Corporations:

\_\_\_\_\_  
Utility Name

\_\_\_\_\_  
Office Street Address

\_\_\_\_\_  
City State Zip Code

\_\_\_\_\_  
Mailing Address (if different from Street Address)

\_\_\_\_\_  
City State Zip Code

( ) - ( ) -  
Phone Number Fax Number

\_\_\_\_\_  
Federal Employer Identification Number

\_\_\_\_\_  
E-Mail Address

\_\_\_\_\_  
Website Address

\_\_\_\_\_  
Water Certificate No.

\_\_\_\_\_  
Wastewater Certificate No.

- B) The contact information of the seller's authorized representative to contact concerning this application:

\_\_\_\_\_  
Name

\_\_\_\_\_  
Mailing Address

\_\_\_\_\_  
City

\_\_\_\_\_  
State

\_\_\_\_\_  
Zip Code

\_\_\_\_\_  
( ) -

Phone Number

\_\_\_\_\_  
( ) -

Fax Number

\_\_\_\_\_  
E-Mail Address

- C) Indicate the nature of the utility's business organization (check one). Provide documentation from the Florida Department of State, Division of Corporations, showing the utility's business name and registration/document number for the business, unless operating as a sole proprietor.

Corporation \_\_\_\_\_  
Number

Limited Liability Company \_\_\_\_\_  
Number

Partnership \_\_\_\_\_  
Number

Limited Partnership \_\_\_\_\_  
Number

Limited Liability Partnership \_\_\_\_\_  
Number

Sole Proprietorship

Association

Other (Specify) \_\_\_\_\_

If the utility is doing business under a fictitious name, provide documentation from the Florida Department of State, Division of Corporations showing the utility's fictitious name and registration number for the fictitious name.

Fictitious Name (d/b/a) \_\_\_\_\_  
Registration Number \_\_\_\_\_

- D) Contact Information for Buyer. The buyer's certificated name, address, telephone number, Federal Employer Identification Number, and if applicable, fax number, e-mail address, website address, and new name of the utility if the buyer plans to operate under a different name. The buyer's business name, and if applicable, new utility name, should reflect the business and/or fictitious name(s) registered with the Department of State's Division of Corporations.

\_\_\_\_\_  
Buyer's Name

\_\_\_\_\_  
Office Street Address

\_\_\_\_\_  
City State Zip Code

\_\_\_\_\_  
Mailing Address (if different from Street Address)

\_\_\_\_\_  
City State Zip Code

( ) - ( ) -  
Phone Number Fax Number

\_\_\_\_\_  
Federal Employer Identification Number

\_\_\_\_\_  
E-Mail Address

\_\_\_\_\_  
New Utility Name

- E) The contact information of the buyer's authorized representative to contact concerning this application:

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Name

---

Mailing Address

---

City

State

Zip Code

---

( ) -

( ) -

Phone Number

Fax Number

---

E-Mail Address

**PART II**

**TRANSFER OF FACILITIES**

**A) DESCRIPTION OF SALE AGREEMENT**

- 1) Exhibit \_\_\_\_ - Provide a copy of the contract for sale and all auxiliary or supplemental agreements. If the sale, assignment, or transfer occurs prior to Commission approval, the contract shall include a provision stating that the contract is contingent upon Commission approval.

- 2) Exhibit \_\_\_\_ - The buyer must provide the following documentation of the terms of the transfer:

- a) The closing date.

- b) A statement regarding the disposition of customer deposits and interest thereon.

- c) A statement regarding the disposition of any outstanding regulatory assessment fees, fines, refunds, or annual reports.

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**B) FINANCIAL ABILITY**

- 1) Exhibit \_\_\_\_ - Provide a detailed financial statement (balance sheet and income statement), audited if available, of the financial condition of the applicant, that shows all assets and liabilities of every kind and character. The financial statements shall be for the preceding calendar or fiscal year. The financial statement shall be prepared in accordance with Rule 25-30.115, F.A.C. If available, a statement of the sources and uses of funds shall also be provided.
- 2) Exhibit \_\_\_\_ - Provide a list of all entities, including affiliates, upon which the buyer is relying to provide funding to the utility and an explanation of the manner and amount of such funding. The list need not include any person or entity holding less than 5 percent ownership interest in the utility. The applicant shall provide copies of any financial agreements between the listed entities and the utility and proof of the listed entities' ability to provide funding, such as financial statements.

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**C) TECHNICAL ABILITY; FACILITIES**

- 1) Exhibit \_\_\_\_ - Provide a description of the buyer's experience in the water or wastewater industry.
- 2) Exhibit \_\_\_\_ - Provide an explanation of the buyer's plans for ensuring continued operation of the utility, such as retaining the existing plant operator(s) and office personnel, or contracting with outside entities.

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- 3) Exhibit \_\_\_\_ - Provide a copy of all of the utility's current permits from the Department of Environmental Protection (DEP) and the water management district.
- 4) Exhibit \_\_\_\_ - Provide a copy of the most recent DEP and/or county health department sanitary survey, compliance inspection report, and secondary water quality standards report.
- 5) Exhibit \_\_\_\_ - Provide a copy of all of the utility's correspondence with the DEP, county health department, and water management district, including consent orders and warning letters, and the utility's responses to the same, for the past five years.
- 6) Exhibit \_\_\_\_ - Provide a copy of all customer complaints that the utility has received regarding DEP secondary water quality standards during the past five years.

**D) PUBLIC INTEREST AND EXEMPT STATUS**

- 1) Exhibit \_\_\_\_ - Provide a statement explaining why the transfer is in the public interest.

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- 2) Exhibit \_\_\_\_ - Provide an explanation of how the buyer is exempt pursuant to Section 367.022, F.S.

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**E) NOTICING REQUIREMENTS**

Exhibit \_\_\_\_ - Provide proof of noticing pursuant to Rule 25-30.030, F.A.C. This may be provided as a late-filed exhibit.



**PART III**

**SIGNATURE**

Please sign and date the utility's completed application.

APPLICATION SUBMITTED BY:

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Applicant's Name (Printed)

\_\_\_\_\_  
Applicant's Title

\_\_\_\_\_  
Date

**FLORIDA PUBLIC SERVICE COMMISSION**

**INSTRUCTIONS FOR COMPLETING EXAMPLE  
APPLICATION FOR TRANSFER TO A GOVERNMENTAL AUTHORITY**

**(Pursuant to Section 367.071, Florida Statutes, and  
Rule 25-30.038, Florida Administrative Code)**

**General Information**

The attached form is an example application that may be completed by the applicant and filed with the Office of Commission Clerk to comply with Rule 25-30.038, Florida Administrative Code (F.A.C.). Any questions regarding this form should be directed to the Division of Engineering at (850) 413-6910.

**Instructions**

1. Fill out the attached application form completely and accurately.
2. Complete all the items that apply to your utility. If an item is not applicable, mark it "N.A." Do not leave any items blank.
3. The completed application and attached exhibits should be mailed to:

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

PSC 1009 (XX/XX)  
Rule 25-30.038, F.A.C.

**APPLICATION FOR TRANSFER TO A GOVERNMENTAL AUTHORITY**

**(Pursuant to Section 367.071, Florida Statutes, and  
Rule 25-30.038, Florida Administrative Code)**

To: **Office of Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850**

The undersigned hereby makes application for acknowledgement of the transfer of all  or part  of the utility's water  and/or wastewater  facilities in \_\_\_\_\_ County, Florida, and cancellation  or amendment  of Water Certificate No. \_\_\_\_\_ and/or Wastewater Certificate No. \_\_\_\_\_ and submits the following information:

**PART I APPLICANT INFORMATION**

- A) Contact Information for Utility/Seller. The utility/seller's certificated name, address, telephone number, and if applicable, fax number, e-mail address, and website address. The utility's name should reflect the business and/or fictitious name(s) registered with the Department of State's Division of Corporations:

\_\_\_\_\_  
Utility Name

\_\_\_\_\_  
Office Street Address

\_\_\_\_\_  
City State Zip Code

\_\_\_\_\_  
Mailing Address (if different from Street Address)

\_\_\_\_\_  
City State Zip Code

( ) - ( ) -  
Phone Number Fax Number

\_\_\_\_\_  
Federal Employer Identification Number

\_\_\_\_\_  
E-Mail Address

---

Website Address

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Water Certificate No.

Wastewater Certificate No.

- B) The contact information of the seller's authorized representative to contact concerning this application:

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Name

---

Mailing Address

---

City

State

Zip Code

---

( ) -

( ) -

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Phone Number

Fax Number

---

E-Mail Address

- C) Contact Information for Governmental Authority. The name, address, telephone number, and if applicable, fax number, and e-mail address of the governmental authority.

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Governmental Authority's Name

---

Office Street Address

---

City

State

Zip Code

---

( ) -

( ) -

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Phone Number

Fax Number

---

E-Mail Address

- D) The contact information of the governmental authority's authorized representative to contact concerning this application:

---

Name

---

Mailing Address

---

City

State

Zip Code

---

( ) -

Phone Number

---

( ) -

Fax Number

---

E-Mail Address

**PART II TRANSFER OF FACILITIES**

**A) DESCRIPTION OF SALE/TRANSFER AGREEMENT**

- 1) Exhibit \_\_\_\_ - Provide the date on which the governmental authority assumed ownership or proposes to assume ownership, operation, management, or control of the utility. The transfer of facilities, or any portion thereof, from a regulated utility to a governmental authority shall be effective as of the date the governmental authority assumes ownership, operation, management, or control.
- 

- 2) Exhibit \_\_\_\_ - Provide a copy of the contract or other document transferring the utility system to the governmental authority.

- 3) Exhibit \_\_\_\_ - Provide a statement that the governmental authority obtained from the utility or Commission the most recent available annual report.

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- 4) Exhibit \_\_\_\_\_ - Provide a statement describing the disposition of customer deposits and interest thereon.

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- 5) Exhibit \_\_\_\_\_ - Provide a statement regarding the disposition of outstanding regulatory assessment fees, fines or refunds owed. The transfer of a regulated utility to a governmental authority shall not affect the utility's obligation to complete payment of regulatory assessment fees pursuant to Rule 25-30.120, F.A.C.

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**B) DESCRIPTION OF FACILITIES NOT TRANSFERRED**

If a utility is transferring only a portion of its facilities to a governmental authority, it must provide the following additional information:

- 1) Exhibit \_\_\_\_\_ - A list of any utility assets not transferred to the governmental authority, if such remaining assets constitute a system providing or proposing to provide water or wastewater service to the public for compensation.
- 2) Exhibit \_\_\_\_\_ - A legal description of the territory not transferred to the governmental authority in the format prescribed in Rule 25-30.029, F.A.C.
- 3) Exhibit \_\_\_\_\_ - An official county tax assessment map or other map showing township, range, and section with a scale such as 1" = 200' or 1" = 400', with the remaining territory plotted thereon, consistent with the legal description provided in II.B.1.b. above.
- 4) Exhibit \_\_\_\_\_ - A tariff containing all rates, classifications, charges, rules, and regulations, which shall be consistent with Chapter 25-9, F.A.C. See Rule 25-30.038, F.A.C., for information about water and wastewater tariffs that are available and may be completed by the applicant and included in the application.

**PART III    SIGNATURE**

Please sign and date the utility's completed application.

APPLICATION SUBMITTED BY: \_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_

Applicant's Name (Printed)

\_\_\_\_\_

Applicant's Title

\_\_\_\_\_

Date

WATER TARIFF

---

NAME OF COMPANY

FILED WITH  
FLORIDA PUBLIC SERVICE COMMISSION

Form PSC 1010 (xx/xx)  
Rules 25-30.033, 25-30.034, 25-30.035, 25-30.036, 25-30.037, 25-30.038, 25-30.039, and 25-30.090, F.A.C.



ORIGINAL SHEET NO. 1.0

WATER TARIFF

\_\_\_\_\_  
NAME OF COMPANY

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
(ADDRESS OF COMPANY)

\_\_\_\_\_  
(Business & Emergency Telephone Numbers)

\_\_\_\_\_  
ISSUING OFFICER

\_\_\_\_\_  
TITLE

FILED WITH  
FLORIDA PUBLIC SERVICE COMMISSION

ORIGINAL SHEET NO. 2.0

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WATER TARIFF

TABLE OF CONTENTS

	Sheet Number
Communities Served Listing .....	4.0
Description of Territory Served .....	3.1
Index of	
Rates and Charges Schedules .....	11.0
Rules and Regulations .....	6.0
Service Availability Policy and Charges .....	17.0
Standard Forms .....	20.0
Technical Terms and Abbreviations .....	5.0
Territory Authority .....	3.0

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ISSUING OFFICER

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TITLE

ORIGINAL SHEET NO. 3.0

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WATER TARIFF

TERRITORY AUTHORITY

CERTIFICATE NUMBER -

COUNTY -

COMMISSION ORDER(s) APPROVING TERRITORY SERVED -

Order Number

Date Issued

Docket Number

Filing Type

---

ISSUING OFFICER

---

TITLE

ORIGINAL SHEET NO. 3.1

---

WATER TARIFF

DESCRIPTION OF TERRITORY SERVED

---

ISSUING OFFICER

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TITLE

ORIGINAL SHEET NO. 4.0

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WATER TARIFF

COMMUNITIES SERVED LISTING

County Name	Development Name	Rate Schedule(s) Available	Sheet No.
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ISSUING OFFICER

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TITLE

ORIGINAL SHEET NO. 5.0

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WATER TARIFF

TECHNICAL TERMS AND ABBREVIATIONS

- 1.0 "BFC" - The abbreviation for "Base Facility Charge" which is the minimum amount the Company may charge its Customers and is separate from the amount the Company bills its Customers for water consumption.
- 2.0 "CERTIFICATE" - A document issued by the Commission authorizing the Company to provide water service in a specific territory.
- 3.0 "COMMISSION" - The shortened name for the Florida Public Service Commission.
- 4.0 "COMMUNITIES SERVED" - The group of Customers who receive water service from the Company and whose service location is within a specific area or locality that is uniquely separate from another.
- 5.0 "COMPANY" - The shortened name for the full name of the utility which is \_\_\_\_\_.
- 6.0 "CUSTOMER" - Any person, firm or corporation who has entered into an agreement to receive water service from the Company and who is liable for the payment of that water service.
- 7.0 "CUSTOMER'S INSTALLATION" - All pipes, shut-offs, valves, fixtures and appliances or apparatus of every kind and nature used in connection with or forming a part of the installation for rendering water service to the Customer's side of the Service Connection whether such installation is owned by the Customer or used by the Customer under lease or other agreement.
- 8.0 "MAIN" - A pipe, conduit, or other facility used to convey water service to individual service lines or through other mains.
- 9.0 "RATE" - Amount which the Company may charge for water service which is applied to the Customer's actual consumption.
- 10.0 "RATE SCHEDULE" - The rate(s) or charge(s) for a particular classification of service plus the several provisions necessary for billing, including all special terms and conditions under which service shall be furnished at such rate or charge.
- 11.0 "SERVICE" - As mentioned in this tariff and in agreement with Customers, "Service" shall be construed to include, in addition to all water service required by the Customer, the readiness and ability on the part of the Company to furnish water service to the Customer. Service shall conform to the standards set forth in Section 367.111 of the Florida Statutes.

(Continued to Sheet No.5.1)

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ISSUING OFFICER

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TITLE

ORIGINAL SHEET NO. 5.1

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WATER TARIFF

(Continued from Sheet No. 5.0)

- 12.0 "SERVICE CONNECTION" - The point where the Company's pipes or meters are connected with the pipes of the Customer.
- 13.0 "SERVICE LINES" - The pipes between the Company's Mains and the Service Connection and which includes all of the pipes, fittings and valves necessary to make the connection to the Customer's premises, excluding the meter.
- 14.0 "TERRITORY" - The geographical area described, if necessary, by metes and bounds but, in all cases, with township, range and section in a Certificate, which may be within or without the boundaries of an incorporated municipality and may include areas in more than one county.

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ISSUING OFFICER

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TITLE

ORIGINAL SHEET NO. 6.0

WATER TARIFF

INDEX OF RULES AND REGULATIONS

	<u>Sheet Number:</u>	<u>Rule Number:</u>
Access to Premises.....	9.0	14.0
Adjustment of Bills.....	10.0	22.0
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Application.....	7.0	3.0
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Customer Billing.....	9.0	16.0
Delinquent Bills.....	7.0	8.0
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(Continued to Sheet No. 6.1)

ISSUING OFFICER

TITLE



ORIGINAL SHEET NO. 6.1

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WATER TARIFF

(Continued from Sheet No. 6.0)

	<u>Sheet Number:</u>	<u>Rule Number:</u>
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Protection of Company's Property .....	8.0	12.0
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ISSUING OFFICER

---

TITLE

ORIGINAL SHEET NO. 7.0

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WATER TARIFF

RULES AND REGULATIONS

- 1.0 GENERAL INFORMATION - These Rules and Regulations are a part of the rate schedules and applications and contracts of the Company and, in the absence of specific written agreement to the contrary, apply without modifications or change to each and every Customer to whom the Company renders water service.
- The Company shall provide water service to all Customers requiring such service within its Certificated territory pursuant to Chapter 25-30, Florida Administrative Code and Chapter 367, Florida Statutes.
- 2.0 TARIFF DISPUTE - Any dispute between the Company and the Customer or prospective Customer regarding the meaning or application of any provision of this tariff shall be resolved pursuant to Rule 25-22.032, Florida Administrative Code.
- 3.0 APPLICATION - In accordance with Rule 25-30.310, Florida Administrative Code, a signed application is required prior to the initiation of service. The Company shall provide each Applicant with a copy of the brochure entitled "Your Water and Wastewater Service," prepared by the Florida Public Service Commission.
- 4.0 APPLICATIONS BY AGENTS - Applications for water service requested by firms, partnerships, associations, corporations, and others shall be rendered only by duly authorized parties or agents.
- 5.0 REFUSAL OR DISCONTINUANCE OF SERVICE - The Company may refuse or discontinue water service rendered under application made by any member or agent of a household, organization, or business in accordance with Rule 25-30.320, Florida Administrative Code.
- 6.0 EXTENSIONS - Extensions will be made to the Company's facilities in compliance with Commission Rules and Orders and the Company's tariff.
- 7.0 TYPE AND MAINTENANCE - In accordance with Rule 25-30.545, Florida Administrative Code, the Customer's pipes, apparatus and equipment shall be selected, installed, used and maintained in accordance with standard practice and shall conform with the Rules and Regulations of the Company and shall comply with all laws and governmental regulations applicable to same. The Company shall not be responsible for the maintenance and operation of the Customer's pipes and facilities. The Customer expressly agrees not to utilize any appliance or device which is not properly constructed, controlled and protected or which may adversely affect the water service. The Company reserves the right to discontinue or withhold water service to such apparatus or device.
- 8.0 DELINQUENT BILLS - When it has been determined that a Customer is delinquent in paying any bill, water service may be discontinued after the Company has mailed or presented a written notice to the Customer in accordance with Rule 25-30.320, Florida Administrative Code.

(Continued on Sheet No. 8.0)

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ISSUING OFFICER

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TITLE

ORIGINAL SHEET NO. 8.0

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WATER TARIFF

(Continued from Sheet No. 7.0)

9.0 CONTINUITY OF SERVICE - In accordance with Rule 25-30.250, Florida Administrative Code, the Company will at all times use reasonable diligence to provide continuous water service and, having used reasonable diligence, shall not be liable to the Customer for failure or interruption of continuous water service.

If at any time the Company shall interrupt or discontinue its service, all Customers affected by said interruption or discontinuance shall be given not less than 24 hours written notice.

10.0 LIMITATION OF USE - Water service purchased from the Company shall be used by the Customer only for the purposes specified in the application for water service. Water service shall be rendered to the Customer for the Customer's own use and the Customer shall not sell or otherwise dispose of such water service supplied by the Company.

In no case shall a Customer, except with the written consent of the Company, extend his lines across a street, alley, lane, court, property line, avenue, or other way in order to furnish water service to the adjacent property through one meter even though such adjacent property may be owned by him. In case of such unauthorized extension, sale, or disposition of service, the Customer's water service will be subject to discontinuance until such unauthorized extension, remetering, sale or disposition of service is discontinued and full payment is made to the Company for water service rendered by the Company (calculated on proper classification and rate schedules) and until reimbursement is made in full to the Company for all extra expenses incurred for clerical work, testing, and inspections. (This shall not be construed as prohibiting a Customer from remetering.)

11.0 CHANGE OF CUSTOMER'S INSTALLATION - No changes or increases in the Customer's installation, which will materially affect the proper operation of the pipes, mains, or stations of the Company, shall be made without written consent of the Company. The Customer shall be liable for any charge resulting from a violation of this Rule.

12.0 PROTECTION OF COMPANY'S PROPERTY - The Customer shall exercise reasonable diligence to protect the Company's property. If the Customer is found to have tampered with any Company property or refuses to correct any problems reported by the Company, service may be discontinued in accordance with Rule 25-30.320, Florida Administrative Code.

In the event of any loss or damage to property of the Company caused by or arising out of carelessness, neglect, or misuse by the Customer, the cost of making good such loss or repairing such damage shall be paid by the Customer.

(Continued on Sheet No. 9.0)

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ISSUING OFFICER

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TITLE

ORIGINAL SHEET NO. 9.0

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WATER TARIFF

(Continued from Sheet No. 8.0)

- 13.0 INSPECTION OF CUSTOMER'S INSTALLATION - All Customer's water service installations or changes shall be inspected upon completion by a competent authority to ensure that the Customer's piping, equipment, and devices have been installed in accordance with accepted standard practice and local laws and governmental regulations. Where municipal or other governmental inspection is required by local rules and ordinances, the Company cannot render water service until such inspection has been made and a formal notice of approval from the inspecting authority has been received by the Company.

Notwithstanding the above, the Company reserves the right to inspect the Customer's installation prior to rendering water service, and from time to time thereafter, but assumes no responsibility whatsoever for any portion thereof.

- 14.0 ACCESS TO PREMISES - In accordance with Rule 25-30.320(2)(f), Florida Administrative Code, the Customer shall provide the duly authorized agents of the Company access at all reasonable hours to its property. If reasonable access is not provided, service may be discontinued pursuant to the above rule.

- 15.0 RIGHT-OF-WAY OR EASEMENTS - The Customer shall grant or cause to be granted to the Company, and without cost to the Company, all rights, easements, permits, and privileges which are necessary for the rendering of water service.

- 16.0 CUSTOMER BILLING - Bills for water service will be rendered  Monthly,  Bimonthly, or  Quarterly as stated in the rate schedule.

In accordance with Rule 25-30.335, Florida Administrative Code, the Company may not consider a Customer delinquent in paying his or her bill until the twenty-first day after the Company has mailed or presented the bill for payment.

A municipal or county franchise tax levied upon a water or wastewater public Company shall not be incorporated into the rate for water or wastewater service but shall be shown as a separate item on the Company's bills to its Customers in such municipality or county.

If a Company utilizes the base facility and usage charge rate structure and does not have a Commission authorized vacation rate, the Company shall bill the Customer the base facility charge regardless of whether there is any usage.

- 17.0 TERMINATION OF SERVICE - When a Customer wishes to terminate service on any premises where water service is supplied by the Company, the Company may require reasonable notice to the Company in accordance with Rule 25-30.325, Florida Administrative Code.

(Continued on Sheet No. 10.0)

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ISSUING OFFICER

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TITLE

ORIGINAL SHEET NO. 10.0

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WATER TARIFF

(Continued from Sheet No. 9.0)

- 18.0 PAYMENT OF WATER AND WASTEWATER SERVICE BILLS CONCURRENTLY - In accordance with Rule 25-30.320(2)(g), Florida Administrative Code, when both water and wastewater service are provided by the Company, payment of any water service bill rendered by the Company to a Customer shall not be accepted by the Company without the simultaneous or concurrent payment of any wastewater service bill rendered by the Company.
- 19.0 UNAUTHORIZED CONNECTIONS - WATER - Any unauthorized connections to the Customer's water service shall be subject to immediate discontinuance without notice, in accordance with Rule 25-30.320, Florida Administrative Code.
- 20.0 METERS - All water meters shall be furnished by and remain the property of the Company and shall be accessible and subject to its control, in accordance with Rule 25-30.230, Florida Administrative Code.
- 21.0 ALL WATER THROUGH METER - That portion of the Customer's installation for water service shall be so arranged to ensure that all water service shall pass through the meter. No temporary pipes, nipples or spaces are permitted and under no circumstances are connections allowed which may permit water to by-pass the meter or metering equipment.
- 22.0 ADJUSTMENT OF BILLS - When a Customer has been undercharged as a result of incorrect application of the rate schedule, incorrect reading of the meter, incorrect connection of the meter, or other similar reasons, the amount may be refunded or billed to the Customer as the case may be pursuant to Rules 25-30.340 and 25-30.350, Florida Administrative Code.
- 23.0 ADJUSTMENT OF BILLS FOR METER ERROR - When meter tests are made by the Commission or by the Company, the accuracy of registration of the meter and its performance shall conform with Rule 25-30.262, Florida Administrative Code and any adjustment of a bill due to a meter found to be in error as a result of any meter test performed whether for unauthorized use or for a meter found to be fast, slow, non-registering, or partially registering, shall conform with Rule 25-30.340, Florida Administrative Code.
- 24.0 METER ACCURACY REQUIREMENTS - All meters used by the Company should conform to the provisions of Rule 25-30.262, Florida Administrative Code.
- 25.0 FILING OF CONTRACTS - Whenever a Developer Agreement or Contract, Guaranteed Revenue Contract, or Special Contract or Agreement is entered into by the Company for the sale of its product or services in a manner not specifically covered by its Rules and Regulations or approved Rate Schedules, a copy of such contracts or agreements shall be filed with the Commission prior to its execution in accordance with Rule 25-9.034 and Rule 25-30.550, Florida Administrative Code. If such contracts or agreements are approved by the Commission, a conformed copy shall be placed on file with the Commission within 30 days of execution.

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ISSUING OFFICER

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TITLE

ORIGINAL SHEET NO. 11.0

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WATER TARIFF

INDEX OF RATES AND CHARGES SCHEDULES

	<u>Sheet Number</u>
Customer Deposits.....	14.0
General Service, GS .....	12.0
Meter Test Deposit.....	15.0
Miscellaneous Service Charges.....	16.0
Residential Service, RS.....	13.0

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ISSUING OFFICER

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TITLE

ORIGINAL SHEET NO. 12.0

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WATER TARIFF

GENERAL SERVICE

RATE SCHEDULE GS

- AVAILABILITY - Available throughout the area served by the Company.
- APPLICABILITY - For water service to all Customers for which no other schedule applies.
- LIMITATIONS - Subject to all of the Rules and Regulations of this tariff and General Rules and Regulations of the Commission.
- BILLING PERIOD -
- RATE -

<u>Meter Sizes</u>	<u>Base Facility Charge</u>
5/8" x 3/4"	\$
3/4"	\$
1"	\$
1 1/2"	\$
2"	\$
3"	\$
4"	\$
6"	\$
8"	\$
10"	\$
Charge per 1,000 gallons	\$

- MINIMUM CHARGE - Base Facility Charge
- TERMS OF PAYMENT - Bills are due and payable when rendered. In accordance with Rule 25-30.320, Florida Administrative Code, if a Customer is delinquent in paying the bill for water service, service may then be discontinued.
- EFFECTIVE DATE -
- TYPE OF FILING -

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ISSUING OFFICER

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TITLE

ORIGINAL SHEET NO. 13.0

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WATER TARIFF

RESIDENTIAL SERVICE

RATE SCHEDULE RS

- AVAILABILITY - Available throughout the area served by the Company.
- APPLICABILITY - For water service for all purposes in private residences and individually metered apartment units.
- LIMITATIONS - Subject to all of the Rules and Regulations of this Tariff and General Rules and Regulations of the Commission.
- BILLING PERIOD -
- RATE -

Base Facility Charge

All Meter Sizes	\$
Charge per 1,000 gallons 10,000 cap	\$

- MINIMUM CHARGE - Base Facility Charge
- TERMS OF PAYMENT - Bills are due and payable when rendered. In accordance with Rule 25-30.320, Florida Administrative Code, if a Customer is delinquent in paying the bill for water service, service may then be discontinued.
- EFFECTIVE DATE -
- TYPE OF FILING -

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ISSUING OFFICER

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TITLE



ORIGINAL SHEET NO. 14.0

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WATER TARIFF

CUSTOMER DEPOSITS

ESTABLISHMENT OF CREDIT - Before rendering water service, the Company may require an Applicant for service to satisfactorily establish credit, but such establishment of credit shall not relieve the Customer from complying with the Company's rules for prompt payment. Credit will be deemed so established if the Customer complies with the requirements of Rule 25-30.311, Florida Administrative Code.

AMOUNT OF DEPOSIT - The amount of initial deposit shall be the following according to meter size:

	<u>Residential</u>	<u>General Service</u>
5/8" x 3/4"	_____	_____
1"	_____	_____
1 1/2"	_____	_____
Over 2"	_____	_____

ADDITIONAL DEPOSIT - Under Rule 25-30.311(7), Florida Administrative Code, the Company may require a new deposit, where previously waived or returned, or an additional deposit in order to secure payment of current bills provided.

INTEREST ON DEPOSIT - The Company shall pay interest on Customer deposits pursuant to Rules 25-30.311(4) and (4a).

REFUND OF DEPOSIT - After a residential Customer has established a satisfactory payment record and has had continuous service for a period of 23 months, the Company shall refund the Customer's deposit provided the Customer has met the requirements of Rule 25-30.311(5), Florida Administrative Code. The Company may hold the deposit of a non-residential Customer after a continuous service period of 23 months and shall pay interest on the non-residential Customer's deposit pursuant to Rules 25-30.311(4) and (5), Florida Administrative Code.

Nothing in this rule shall prohibit the Company from refunding a Customer's deposit in less than 23 months.

EFFECTIVE DATE -

TYPE OF FILING -

\_\_\_\_\_  
ISSUING OFFICER

\_\_\_\_\_  
TITLE

ORIGINAL SHEET NO. 15.0

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WATER TARIFF

METER TEST DEPOSIT

METER BENCH TEST REQUEST - If any Customer requests a bench test of his or her water meter, in accordance with Rule 25-30.266, Florida Administrative Code, the Company may require a deposit to defray the cost of testing; such deposit shall not exceed the schedule of fees found in Rule 25-30.266, Florida Administrative Code.

<u>METER SIZE</u>	<u>FEE</u>
5/8" x 3/4"	\$20.00
1" and 1 1/2"	\$25.00
2" and over	Actual Cost

REFUND OF METER BENCH TEST DEPOSIT - The Company may refund the meter bench test deposit in accordance with Rule 25-30.266, Florida Administrative Code.

METER FIELD TEST REQUEST - A Customer may request a no-charge field test of the accuracy of a meter in accordance with Rule 25-30.266, Florida Administrative Code.

EFFECTIVE DATE -

TYPE OF FILING -

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ISSUING OFFICER

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TITLE

ORIGINAL SHEET NO. 16.0

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WATER TARIFF

MISCELLANEOUS SERVICE CHARGES

The Company may charge the following miscellaneous service charges in accordance with the terms stated herein. If both water and wastewater services are provided, only a single charge is appropriate unless circumstances beyond the control of the Company require multiple actions.

INITIAL CONNECTION - This charge may be levied for service initiation at a location where service did not exist previously.

NORMAL RECONNECTION - This charge may be levied for transfer of service to a new Customer account at a previously served location or reconnection of service subsequent to a Customer requested disconnection.

VIOLATION RECONNECTION - This charge may be levied prior to reconnection of an existing Customer after disconnection of service for cause according to Rule 25-30.320(2), Florida Administrative Code, including a delinquency in bill payment.

PREMISES VISIT CHARGE (IN LIEU OF DISCONNECTION) - This charge may be levied when a service representative visits a premises for the purpose of discontinuing service for nonpayment of a due and collectible bill and does not discontinue service because the Customer pays the service representative or otherwise makes satisfactory arrangements to pay the bill.

Schedule of Miscellaneous Service Charges

Initial Connection Charge	\$ _____
Normal Reconnection Charge	\$ _____
Violation Reconnection Charge	\$Actual Cost (1)
Premises Visit Charge (in lieu of disconnection)	\$ _____

EFFECTIVE DATE -

TYPE OF FILING -

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ISSUING OFFICER

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TITLE

ORIGINAL SHEET NO. 17.0

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WATER TARIFF

INDEX OF SERVICE AVAILABILITY POLICY AND CHARGES

<u>Description</u>	<u>Sheet Number</u>
Schedule of Charges.....	19.0
Service Availability Policy.....	18.0

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ISSUING OFFICER

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TITLE

ORIGINAL SHEET NO. 18.0

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WATER TARIFF

SERVICE AVAILABILITY POLICY

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ISSUING OFFICER

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TITLE

ORIGINAL SHEET NO. 19.0

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WATER TARIFF

SERVICE AVAILABILITY CHARGES

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ISSUING OFFICER

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TITLE

ORIGINAL SHEET NO. 20.0

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WATER TARIFF

INDEX OF STANDARD FORMS

<u>Description</u>	<u>Sheet No.</u>
APPLICATION FOR WATER SERVICE.....	21.0
COPY OF CUSTOMER'S BILL.....	22.0

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ISSUING OFFICER

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TITLE

ORIGINAL SHEET NO. 21.0

\_\_\_\_\_  
WATER TARIFF

APPLICATION FOR WATER SERVICE

\_\_\_\_\_  
ISSUING OFFICER

\_\_\_\_\_  
TITLE



ORIGINAL SHEET NO. 22.0

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WATER TARIFF

COPY OF CUSTOMER'S BILL

---

ISSUING OFFICER

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TITLE

WASTEWATER TARIFF

---

NAME OF COMPANY

FILED WITH  
FLORIDA PUBLIC SERVICE COMMISSION

Form PSC 1011 (xx/xx)  
Rules 25-30.033, 25-30.034, 25-30.035, 25-30.036, 25-30.037, 25-30.038, 25-30.039, and 25-30.090,  
F.A.C.

ORIGINAL SHEET NO. 1.0

WASTEWATER TARIFF

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NAME OF COMPANY

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(ADDRESS OF COMPANY)

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(Business & Emergency Telephone Numbers)

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ISSUING OFFICER

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TITLE

FILED WITH  
FLORIDA PUBLIC SERVICE COMMISSION

ORIGINAL SHEET NO. 2.0

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WASTEWATER TARIFF

TABLE OF CONTENTS

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Communities Served Listing .....	4.0
Description of Territory Served .....	3.1
Index of	
Rates and Charges Schedules .....	11.0
Rules and Regulations .....	7.0
Service Availability Policy and Charges .....	17.0
Standard Forms .....	19.0
Technical Terms and Abbreviations .....	5.0
Territory Authority .....	3.1

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ISSUING OFFICER

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TITLE

ORIGINAL SHEET NO. 3.0

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WASTEWATER TARIFF

TERRITORY AUTHORITY

CERTIFICATE NUMBER: \_\_\_\_\_

COUNTY: \_\_\_\_\_

COMMISSION ORDER(s) APPROVING TERRITORY SERVED -

Order Number

Date Issued

Docket Number

Filing Type

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ISSUING OFFICER

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TITLE

ORIGINAL SHEET NO. 3.1

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WASTEWATER TARIFF

DESCRIPTION OF TERRITORY SERVED

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ISSUING OFFICER

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TITLE

ORIGINAL SHEET NO. 4.0

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WASTEWATER TARIFF

COMMUNITIES SERVED LISTING

County Name	Development Name	Rate Schedule(s) Available	Sheet No.
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ISSUING OFFICER

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TITLE

ORIGINAL SHEET NO. 5.0

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WASTEWATER TARIFF

TECHNICAL TERMS AND ABBREVIATIONS

- 1.0 "BFC" - The abbreviation for "Base Facility Charge" which is the minimum amount the Company may charge its Customers and is separate from the amount the Company bills its Customers for wastewater consumption.
- 2.0 "CERTIFICATE" - A document issued by the Commission authorizing the Company to provide wastewater service in a specific territory.
- 3.0 "COMMISSION" - The shortened name for the Florida Public Service Commission.
- 4.0 "COMMUNITIES SERVED" - The group of Customers who receive wastewater service from the Company and whose service location is within a specific area or locality that is uniquely separate from another.
- 5.0 "COMPANY" - The shortened name for the full name of the utility which is .
- 6.0 "CUSTOMER" - Any person, firm or corporation who has entered into an agreement to receive wastewater service from the Company and who is liable for the payment of that wastewater service.
- 7.0 "CUSTOMER'S INSTALLATION" - All pipes, shut-offs, valves, fixtures and appliances or apparatus of every kind and nature used in connection with or forming a part of the installation for disposing of wastewater located on the Customer's side of the Service Connection whether such installation is owned by the Customer or used by the Customer under lease or other agreement.
- 8.0 "MAIN" - A pipe, conduit, or other facility used to convey wastewater service from individual service lines or through other mains.
- 9.0 "RATE" - Amount which the Company may charge for wastewater service which is applied to the Customer's water consumption.
- 10.0 "RATE SCHEDULE" - The rate(s) or charge(s) for a particular classification of service plus the several provisions necessary for billing, including all special terms and conditions under which service shall be furnished at such rate or charge.
- 11.0 "SERVICE" - As mentioned in this tariff and in agreement with Customers, "Service" shall be construed to include, in addition to all wastewater service required by the Customer, the readiness and ability on the part of the Company to furnish wastewater service to the Customer. Service shall conform to the standards set forth in Section 367.111 of the Florida Statutes.

(Continued to Sheet No. 5.1)

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ISSUING OFFICER

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TITLE



ORIGINAL SHEET NO. 5.1

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WASTEWATER TARIFF

(Continued from Sheet No. 5.0)

- 12.0    "SERVICE CONNECTION" - The point where the Company's pipes or meters are connected with the pipes of the Customer.
- 13.0    "SERVICE LINES" - The pipes between the Company's Mains and the Service Connection and which includes all of the pipes, fittings and valves necessary to make the connection to the Customer's premises, excluding the meter.
- 14.0    "TERRITORY" - The geographical area described, if necessary, by metes and bounds but, in all cases, with township, range and section in a Certificate, which may be within or without the boundaries of an incorporated municipality and may include areas in more than one county.

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ISSUING OFFICER

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TITLE

ORIGINAL SHEET NO. 6.0

WASTEWATER TARIFF

INDEX OF RULES AND REGULATIONS

	<u>Sheet Number:</u>	<u>Rule Number:</u>
Access to Premises.....	9.0	12.0
Adjustment of Bills.....	10.0	20.0
Application.....	7.0	3.0
Applications by Agents.....	7.0	4.0
Change of Customer's Installation.....	8.0	10.0
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Evidence of Consumption.....	10.0	22.0
Extensions.....	7.0	6.0
Filing of Contracts.....	10.0	21.0
General Information.....	7.0	1.0
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(Continued to Sheet No. 6.1)

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 ISSUING OFFICER

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 TITLE

ORIGINAL SHEET NO. 6.1

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WASTEWATER TARIFF

(Continued from Sheet No. 6.0)

	<u>Sheet Number:</u>	<u>Rule Number:</u>
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Type and Maintenance .....	7.0	7.0
Unauthorized Connections - Wastewater .....	10.0	19.0

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ISSUING OFFICER

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TITLE

ORIGINAL SHEET NO. 7.0

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WASTEWATER TARIFF

RULES AND REGULATIONS

- 1.0 GENERAL INFORMATION - These Rules and Regulations are a part of the rate schedules and applications and contracts of the Company and, in the absence of specific written agreement to the contrary, apply without modifications or change to each and every Customer to whom the Company renders wastewater service.
- The Company shall provide wastewater service to all Customers requiring such service within its Certificated territory pursuant to Chapter 25-30, Florida Administrative Code and Chapter 367, Florida Statutes.
- 2.0 TARIFF DISPUTE - Any dispute between the Company and the Customer or prospective Customer regarding the meaning or application of any provision of this tariff shall be resolved pursuant to Rule 25-22.032, Florida Administrative Code.
- 3.0 APPLICATION - In accordance with Rule 25-30.310, Florida Administrative Code, a signed application is required prior to the initiation of service. The Company shall provide each Applicant with a copy of the brochure entitled "Your Water and Wastewater Service," prepared by the Florida Public Service Commission.
- 4.0 APPLICATIONS BY AGENTS - Applications for wastewater service requested by firms, partnerships, associations, corporations, and others shall be rendered only by duly authorized parties or agents.
- 5.0 REFUSAL OR DISCONTINUANCE OF SERVICE - The Company may refuse or discontinue wastewater service rendered under application made by any member or agent of a household, organization, or business in accordance with Rule 25-30.320, Florida Administrative Code.
- 6.0 EXTENSIONS - Extensions will be made to the Company's facilities in compliance with Commission Rules and Orders and the Company's tariff.
- 7.0 TYPE AND MAINTENANCE - In accordance with Rule 25-30.545, Florida Administrative Code, the Customer's pipes, apparatus and equipment shall be selected, installed, used and maintained in accordance with standard practice and shall conform with the Rules and Regulations of the Company and shall comply with all laws and governmental regulations applicable to same. The Company shall not be responsible for the maintenance and operation of the Customer's pipes and facilities. The Customer expressly agrees not to utilize any appliance or device which is not properly constructed, controlled and protected or which may adversely affect the wastewater service. The Company reserves the right to discontinue or withhold wastewater service to such apparatus or device.

(Continued on Sheet No. 8.0)

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ISSUING OFFICER

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TITLE

ORIGINAL SHEET NO. 8.0

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WASTEWATER TARIFF

(Continued from Sheet No. 7.0)

- 8.0 CONTINUITY OF SERVICE - In accordance with Rule 25-30.250, Florida Administrative Code, the Company will at all times use reasonable diligence to provide continuous wastewater service and, having used reasonable diligence, shall not be liable to the Customer for failure or interruption of continuous wastewater service.

If at any time the Company shall interrupt or discontinue its service, all Customers affected by said interruption or discontinuance shall be given not less than 24 hours written notice.

- 9.0 LIMITATION OF USE - Wastewater service purchased from the Company shall be used by the Customer only for the purposes specified in the application for wastewater service. Wastewater service shall be rendered to the Customer for the Customer's own use and shall be collected directly into the Company's main wastewater lines.

In no case shall a Customer, except with the written consent of the Company, extend his lines across a street, alley, lane, court, property line, avenue, or other way in order to furnish wastewater service to the adjacent property even though such adjacent property may be owned by him. In case of such unauthorized extension, sale, or disposition of service, the Customer's wastewater service will be subject to discontinuance until such unauthorized extension, remetering, sale or disposition of service is discontinued and full payment is made to the Company for wastewater service rendered by the Company (calculated on proper classification and rate schedules) and until reimbursement is made in full to the Company for all extra expenses incurred for clerical work, testing, and inspections. (This shall not be construed as prohibiting a Customer from remetering.)

- 10.0 CHANGE OF CUSTOMER'S INSTALLATION - No changes or increases in the Customer's installation, which will materially affect the proper operation of the pipes, mains, or stations of the Company, shall be made without written consent of the Company. The Customer shall be liable for any change resulting from a violation of this Rule.

- 11.0 INSPECTION OF CUSTOMER'S INSTALLATION - All Customer's wastewater service installations or changes shall be inspected upon completion by a competent authority to ensure that the Customer's piping, equipment, and devices have been installed in accordance with accepted standard practice and local laws and governmental regulations. Where municipal or other governmental inspection is required by local rules and ordinances, the Company cannot render wastewater service until such inspection has been made and a formal notice of approval from the inspecting authority has been received by the Company.

Notwithstanding the above, the Company reserves the right to inspect the Customer's installation prior to rendering wastewater service, and from time to time thereafter, but assumes no responsibility whatsoever for any portion thereof.

(Continued on Sheet No. 9.0)

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ISSUING OFFICER

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TITLE

ORIGINAL SHEET NO. 9.0

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WASTEWATER TARIFF

(Continued from Sheet No. 8.0)

- 12.0 ACCESS TO PREMISES - In accordance with Rule 25-30.320(2)(f), Florida Administrative Code, the Customer shall provide the duly authorized agents of the Company access at all reasonable hours to its property. If reasonable access is not provided, service may be discontinued pursuant to the above rule.
- 13.0 PROTECTION OF COMPANY'S PROPERTY - The Customer shall exercise reasonable diligence to protect the Company's property. If the Customer is found to have tampered with any Company property or refuses to correct any problems reported by the Company, service may be discontinued in accordance with Rule 25-30.320, Florida Administrative Code. In the event of any loss or damage to property of the Company caused by or arising out of carelessness, neglect, or misuse by the Customer, the cost of making good such loss or repairing such damage shall be paid by the Customer.
- 14.0 RIGHT-OF-WAY OR EASEMENTS - The Customer shall grant or cause to be granted to the Company, and without cost to the Company, all rights, easements, permits, and privileges which are necessary for the rendering of wastewater service.
- 15.0 CUSTOMER BILLING - Bills for wastewater service will be rendered - Monthly, Bimonthly, or Quarterly - as stated in the rate schedule.
- In accordance with Rule 25-30.335, Florida Administrative Code, the Company may not consider a Customer delinquent in paying his or her bill until the twenty-first day after the Company has mailed or presented the bill for payment.
- A municipal or county franchise tax levied upon a water or wastewater public utility shall not be incorporated into the rate for water or wastewater service but shall be shown as a separate item on the Company's bills to its Customers in such municipality or county.
- If a utility utilizes the base facility and usage charge rate structure and does not have a Commission authorized vacation rate, the Company shall bill the Customer the base facility charge regardless of whether there is any usage.
- 16.0 PAYMENT OF WATER AND WASTEWATER SERVICE BILLS CONCURRENTLY - In accordance with Rule 25-30.320(2)(g), Florida Administrative Code, when both water and wastewater service are provided by the Company, payment of any wastewater service bill rendered by the Company to a Customer shall not be accepted by the Company without the simultaneous or concurrent payment of any water service bill rendered by the Company.

(Continued on Sheet No. 10.0)

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ISSUING OFFICER

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TITLE

ORIGINAL SHEET NO. 10.0

---

WASTEWATER TARIFF

(Continued from Sheet No. 9.0)

- 17.0 DELINQUENT BILLS - When it has been determined that a Customer is delinquent in paying any bill, wastewater service may be discontinued after the Company has mailed or presented a written notice to the Customer in accordance with Rule 25-30.320, Florida Administrative Code.
- 18.0 TERMINATION OF SERVICE - When a Customer wishes to terminate service on any premises where wastewater service is supplied by the Company, the Company may require reasonable notice to the Company in accordance with Rule 25-30.325, Florida Administrative Code.
- 19.0 UNAUTHORIZED CONNECTIONS - WASTEWATER - Any unauthorized connections to the Customer's wastewater service shall be subject to immediate discontinuance without notice, in accordance with Rule 25-30.320, Florida Administrative Code.
- 20.0 ADJUSTMENT OF BILLS - When a Customer has been undercharged as a result of incorrect application of the rate schedule or, if wastewater service is measured by water consumption and a meter error is determined, the amount may be credited or billed to the Customer as the case may be, pursuant to Rules 25-30.340 and 25-30.350, Florida Administrative Code.
- 21.0 FILING OF CONTRACTS - Whenever a Developer Agreement or Contract, Guaranteed Revenue Contract, or Special Contract or Agreement is entered into by the Company for the sale of its product or services in a manner not specifically covered by its Rules and Regulations or approved Rate Schedules, a copy of such contracts or agreements shall be filed with the Commission prior to its execution in accordance with Rule 25-9.034 and Rule 25-30.550, Florida Administrative Code. If such contracts or agreements are approved by the Commission, a conformed copy shall be placed on file with the Commission within 30 days of execution.
- 22.0 EVIDENCE OF CONSUMPTION - The initiation or continuation or resumption of water service to the Customer's premises shall constitute the initiation or continuation or resumption of wastewater service to the Customer's premises regardless of occupancy.

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ISSUING OFFICER

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TITLE

ORIGINAL SHEET NO. 11.0

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WASTEWATER TARIFF

INDEX OF RATES AND CHARGES SCHEDULES

	<u>Sheet Number</u>
Customer Deposits.....	14.0
General Service, GS .....	12.0
Miscellaneous Service Charges.....	15.0
Residential Service, RS.....	13.0

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ISSUING OFFICER

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TITLE



ORIGINAL SHEET NO. 12.0

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WASTEWATER TARIFF

GENERAL SERVICE

RATE SCHEDULE GS

AVAILABILITY - Available throughout the area served by the Company.

APPLICABILITY - For wastewater service to all Customers for which no other schedule applies.

LIMITATIONS - Subject to all of the Rules and Regulations of this Tariff and General Rules and Regulations of the Commission.

BILLING PERIOD -

RATE -

<u>Meter Sizes</u>	<u>Base Facility Charge</u>
5/8" x 3/4"	\$
3/4"	\$
1"	\$
1 1/2"	\$
2"	\$
3"	\$
4"	\$
6"	\$
8"	\$
10"	\$
Charge per 1,000 gallons	\$

MINIMUM CHARGE - Base Facility Charge

TERMS OF PAYMENT - Bills are due and payable when rendered. In accordance with Rule 25-30.320, Florida Administrative Code, if a Customer is delinquent in paying the bill for wastewater service, service may then be discontinued.

EFFECTIVE DATE -

TYPE OF FILING -

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ISSUING OFFICER

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TITLE

ORIGINAL SHEET NO. 13.0

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WASTEWATER TARIFF

RESIDENTIAL SERVICE

RATE SCHEDULE RS

- AVAILABILITY - Available throughout the area served by the Company.
- APPLICABILITY - For wastewater service for all purposes in private residences and individually metered apartment units.
- LIMITATIONS - Subject to all of the Rules and Regulations of this Tariff and General Rules and Regulations of the Commission.
- BILLING PERIOD -
- RATE -

Base Facility Charge

All Meter Sizes	\$
Charge per 1,000 gallons 10,000 cap	\$

- MINIMUM CHARGE - Base Facility Charge
- TERMS OF PAYMENT - Bills are due and payable when rendered. In accordance with Rule 25-30.320, Florida Administrative Code, if a Customer is delinquent in paying the bill for wastewater service, service may then be discontinued.
- EFFECTIVE DATE -
- TYPE OF FILING -

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ISSUING OFFICER

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TITLE

ORIGINAL SHEET NO. 14.0

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WASTEWATER TARIFF

CUSTOMER DEPOSITS

ESTABLISHMENT OF CREDIT - Before rendering wastewater service, the Company may require an Applicant for service to satisfactorily establish credit, but such establishment of credit shall not relieve the Customer from complying with the Company's rules for prompt payment. Credit will be deemed so established if the Customer complies with the requirements of Rule 25-30.311, Florida Administrative Code.

AMOUNT OF DEPOSIT - The amount of initial deposit shall be the following according to meter size:

	<u>Residential</u>	<u>General Service</u>
5/8" x 3/4"	_____	_____
1"	_____	_____
1 1/2"	_____	_____
Over 2"	_____	_____

ADDITIONAL DEPOSIT - Under Rule 25-30.311(7), Florida Administrative Code, the Company may require a new deposit, where previously waived or returned, or an additional deposit in order to secure payment of current bills provided.

INTEREST ON DEPOSIT - The Company shall pay interest on Customer deposits pursuant to Rule 25-30.311(4) and (4a).

REFUND OF DEPOSIT - After a residential Customer has established a satisfactory payment record and has had continuous service for a period of 23 months, the Company shall refund the Customer's deposit provided the Customer has met the requirements of Rule 25-30.311(5), Florida Administrative Code. The Company may hold the deposit of a non-residential Customer after a continuous service period of 23 months and shall pay interest on the non-residential Customer's deposit pursuant to Rule 25-30.311(4) and (5), Florida Administrative Code.

Nothing in this rule shall prohibit the Company from refunding a Customer's deposit in less than 23 months.

EFFECTIVE DATE -

TYPE OF FILING -

\_\_\_\_\_  
ISSUING OFFICER

\_\_\_\_\_  
TITLE

ORIGINAL SHEET NO. 15.0

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WASTEWATER TARIFF

MISCELLANEOUS SERVICE CHARGES

The Company may charge the following miscellaneous service charges in accordance with the terms state herein. If both water and wastewater services are provided, only a single charge is appropriate unless circumstances beyond the control of the Company require multiple actions.

INITIAL CONNECTION - This charge may be levied for service initiation at a location where service did not exist previously.

NORMAL RECONNECTION - This charge may be levied for transfer of service to a new Customer account at a previously served location or reconnection of service subsequent to a Customer requested disconnection.

VIOLATION RECONNECTION - This charge may be levied prior to reconnection of an existing Customer after disconnection of service for cause according to Rule 25-30.320(2), Florida Administrative Code, including a delinquency in bill payment.

PREMISES VISIT CHARGE (IN LIEU OF DISCONNECTION) - This charge may be levied when a service representative visits a premises for the purpose of discontinuing service for nonpayment of a due and collectible bill and does not discontinue service because the Customer pays the service representative or otherwise makes satisfactory arrangements to pay the bill.

<u>Schedule of Miscellaneous Service Charges</u>	
Initial Connection Charge	\$ _____
Normal Reconnection Charge	\$ _____
Violation Reconnection Charge	\$Actual Cost (1)
Premises Visit Charge (in lieu of disconnection)	\$ _____

(1) Actual Cost is equal to the total cost incurred for services.

EFFECTIVE DATE -

TYPE OF FILING -

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ISSUING OFFICER

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TITLE

ORIGINAL SHEET NO. 16.0

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WASTEWATER TARIFF

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ISSUING OFFICER

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TITLE

ORIGINAL SHEET NO. 17.0

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WASTEWATER TARIFF

SERVICE AVAILABILITY POLICY

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ISSUING OFFICER

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TITLE

ORIGINAL SHEET NO. 18.0

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WASTEWATER TARIFF

SERVICE AVAILABILITY CHARGES

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ISSUING OFFICER

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WASTEWATER TARIFF

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ISSUING OFFICER

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TITLE



ORIGINAL SHEET NO. 20.0

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WASTEWATER TARIFF

APPLICATION FOR WASTEWATER SERVICE

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ISSUING OFFICER

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TITLE

ORIGINAL SHEET NO. 21.0

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WASTEWATER TARIFF

COPY OF CUSTOMER'S BILL

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ISSUING OFFICER

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TITLE

State of Florida



## Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD  
TALLAHASSEE, FLORIDA 32399-0850

-M-E-M-O-R-A-N-D-U-M-

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**DATE:** October 15, 2015  
**TO:** Kathryn Gale Winter Cowdery, Senior Attorney, Office of the General Counsel  
**FROM:** Clyde D. Rome, Public Utility Analyst II, Division of Economics  
**RE:** Statement of Estimated Regulatory Costs for Recommended Revisions to Chapter 25-30, Florida Administrative Code (F.A.C.), Water and Wastewater Utility Rules

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The purpose of this rulemaking initiative is to update, clarify, and streamline certain Commission rules pertaining to the certification of water and wastewater utilities. Specifically, staff is recommending adoption of Rules 25-30.029 (Legal Description of Service Area) and 25-30.038 (Application for Transfer to a Governmental Authority) F.A.C., and the amendment of Rules 25-30.030 (Notice of Application), 25-30.032 (Applications), 25-30.033 (Application for Original Certificate of Authorization and Initial Rates and Charges), 25-30.034 (Application for Certificate of Authorization for Existing Utility Currently Charging for Service), 25-30.035 (Application for Grandfather Certificate), 25-30.036 (Application for Amendment to Certificate of Authorization to Extend or Delete Service), 25-30.037 (Application for Authority to Transfer), 25-30.039 (Application for Name Change), and 25-30.090 (Abandonments), F.A.C.

The attached Statement of Estimated Regulatory Costs (SERC) addresses the considerations required pursuant to Section 120.541, Florida Statutes (F.S.). The SERC contains an appendix which is divided into three sections. Section 1 of the SERC Appendix includes a summary of the key rule changes. Section 2 contains a discussion of the prospective rule amendments that potentially may result in additional transactional costs. It is anticipated that for most of the recommended rule changes, additional transactional costs, if any, would be de minimis. Benefits of the recommended rule changes are discussed in Section 3 of the SERC Appendix.

A workshop to solicit input on the recommended rules was conducted by Commission staff on October 21, 2014. Several comments that either were received during the workshop or were filed subsequently were incorporated into the draft rules to provide additional clarification. No regulatory alternatives were submitted pursuant to Paragraph 120.541(1)(a), F.S. None of the impact/cost criteria established in Paragraph 120.541(2)(a), F.S., will be exceeded as a result of the recommended revisions.

cc: (Draper, Daniel, Shafer, Golden, King, Vickery, Cibula, SERC file)

**Florida Public Service Commission  
Statement of Estimated Regulatory Costs  
Chapter 25-30, F.A.C.**

1. Will the proposed rule have an adverse impact on small business?  
[120.541(1)(b), F.S.] (See Section E., below, for definition of small business.)

Yes  No

*For clarification, please see comments in Sections A(3) and E(1), below.*

2. Is the proposed rule likely to directly or indirectly increase regulatory costs in excess of \$200,000 in the aggregate in this state within 1 year after implementation of the rule? [120.541(1)(b), F.S.]

Yes  No

If the answer to either question above is "yes", a Statement of Estimated Regulatory Costs (SERC) must be prepared. The SERC shall include an economic analysis showing:

A. Whether the rule directly or indirectly:

(1) Is likely to have an adverse impact on any of the following in excess of \$1 million in the aggregate within 5 years after implementation of the rule?  
[120.541(2)(a)1, F.S.]

Economic growth Yes  No

Private-sector job creation or employment Yes  No

Private-sector investment Yes  No

(2) Is likely to have an adverse impact on any of the following in excess of \$1 million in the aggregate within 5 years after implementation of the rule?  
[120.541(2)(a)2, F.S.]

Business competitiveness (including the ability of persons doing business in the state to compete with persons doing business in other states or domestic markets) Yes  No

Productivity Yes  No

Innovation Yes  No

(3) Is likely to increase regulatory costs, including any transactional costs, in excess of \$1 million in the aggregate within 5 years after the implementation of the rule? [120.541(2)(a)3, F.S.]

Yes

No

Economic Analysis:

A summary of the key rule changes is included in Section 1 of the SERC Appendix. Specific elements of the associated economic analysis are identified below in Sections B through F of this SERC. Staff believes that none of the impact/cost criteria established in paragraph 120.541(2)(a), F.S., will be exceeded as a result of the recommended rule revisions.

B. A good faith estimate of: [120.541(2)(b), F.S.]

(1) The number of individuals and entities likely to be required to comply with the rule.

Potentially affected entities include 145 investor-owned water and wastewater utilities that serve approximately 175,000 Florida customers. Utilities which come under the jurisdiction of the Commission in the future also would be required to comply. The 145 investor-owned water and wastewater utilities are located in 37 counties.

(2) A general description of the types of individuals likely to be affected by the rule.

Staff data retrievals from the Florida Public Service Commission's internal Case Management System indicate that the Commission receives approximately 20 certification applications in a typical year. A general description of the types of applications that potentially may be received is included in Section 2 of the SERC Appendix.

C. A good faith estimate of: [120.541(2)(c), F.S.]

(1) The cost to the Commission to implement and enforce the rule.

None. To be done with the current workload and existing staff.

Minimal. Provide a brief explanation.

Other. Provide an explanation for estimate and methodology used.

(2) The cost to any other state and local government entity to implement and enforce the rule.

- None. The rule will only affect the Commission.
- Minimal. Provide a brief explanation.
- Other. Provide an explanation for estimate and methodology used.

(3) Any anticipated effect on state or local revenues.

- None.
- Minimal. Provide a brief explanation.
- Other. Provide an explanation for estimate and methodology used.

D. A good faith estimate of the transactional costs likely to be incurred by individuals and entities (including local government entities) required to comply with the requirements of the rule. "Transactional costs" include filing fees, the cost of obtaining a license, the cost of equipment required to be installed or used, procedures required to be employed in complying with the rule, additional operating costs incurred, the cost of monitoring or reporting, and any other costs necessary to comply with the rule. [120.541(2)(d), F.S.]

- None. The rule will only affect the Commission.
- Minimal. Provide a brief explanation.
- Other. Provide an explanation for estimate and methodology used.

Please refer to Section 2 of the SERC Appendix for a discussion of potential transactional costs that may be associated with the recommended rule revisions. Please refer to Section 3 of the SERC Appendix for a discussion of potential benefits of the prospective rule changes.

E. An analysis of the impact on small businesses, and small counties and small cities:  
[120.541(2)(e), F.S.]

(1) "Small business" is defined by Section 288.703, F.S., as an independently owned and operated business concern that employs 200 or fewer permanent full-time employees and that, together with its affiliates, has a net worth of not more than \$5 million or any firm based in this state which has a Small Business Administration 8(a) certification. As to sole proprietorships, the \$5 million net worth requirement shall include both personal and business investments.

- No adverse impact on small business.
- Minimal. Provide a brief explanation.
- Other. Provide an explanation for estimate and methodology used.

While it is difficult to estimate the number of affected entities that would meet the definition of "Small Business" as defined in Section 288.703, F.S., it is reasonable to assume that many of the affected entities would meet the statutory definition and, therefore, potentially could incur additional transactional costs as defined in Section D, above. However, as discussed in Section 2 of the SERC Appendix, it is anticipated that for the large majority of the rule changes included in this rulemaking initiative, additional transactional costs, if any, are expected to be de minimis.

(2) A "Small City" is defined by Section 120.52, F.S., as any municipality that has an unincarcerated population of 10,000 or less according to the most recent decennial census. A "small county" is defined by Section 120.52, F.S., as any county that has an unincarcerated population of 75,000 or less according to the most recent decennial census.

- No impact on small cities or small counties.
- Minimal. Provide a brief explanation.
- Other. Provide an explanation for estimate and methodology used.

F. Any additional information that the Commission determines may be useful.  
[120.541(2)(f), F.S.]

None.

Additional Information:

A workshop to solicit input on the recommended rules was conducted by Commission staff on October 21, 2014. Several comments that either were received during the workshop or were filed subsequently were incorporated into the draft rules to provide additional clarification.

G. A description of any regulatory alternatives submitted and a statement adopting the alternative or a statement of the reasons for rejecting the alternative in favor of the proposed rule. [120.541(2)(g), F.S.]

No regulatory alternatives were submitted.

A regulatory alternative was received from

Adopted in its entirety.

Rejected. Describe what alternative was rejected and provide a statement of the reason for rejecting that alternative.



## Appendix – Statement of Estimated Regulatory Costs Recommended Revisions to Chapter 25-30, F.A.C.

### Section 1: Introduction and Summary of Recommended Rule Changes

The current rulemaking initiative is intended to update, clarify, and streamline certain Commission rules pertaining to the certification of water and wastewater utilities. Specifically, staff is recommending adoption of Rules 25-30.029 (Legal Description of Service Area) and 25-30.038 (Application for Transfer to a Governmental Authority) F.A.C., and the amendment of Rules 25-30.030 (Notice of Application), 25-30.032 (Applications), 25-30.033 (Application for Original Certificate of Authorization and Initial Rates and Charges), 25-30.034 (Application for Certificate of Authorization for Existing Utility Currently Charging for Service), 25-30.035 (Application for Grandfather Certificate), 25-30.036 (Application for Amendment to Certificate of Authorization to Extend or Delete Service), 25-30.037 (Application for Authority to Transfer), 25-30.039 (Application for Name Change), and 25-30.090 (Abandonments), F.A.C.

A summary of the key rule changes is included in Table 1, below. The majority of the changes are intended to update and clarify existing Commission rules. For most of the recommended rule amendments, additional transactional costs, if any, are expected to be de minimis. The few prospective rule amendments that potentially may result in additional transactional costs to applicants are discussed in Section 2 of this Appendix. Benefits of the recommended rule changes are discussed in Section 3 of this Appendix.

**Table 1  
 Summary of Key Rule Changes**

CURRENT RULE(s)	AMENDED OR NEW RULE(s)	CHANGE FROM CURRENT RULE(s)
25-30.030(2)	25-30.029	Movement of existing rule language to new rule in order to clarify requirements for providing legal descriptions of service areas.
25-30.030(6)	25-30.030(5)(b)	Revised language would require that notification be sent by regular mail or personal service to owners of property located within the affected service area(s).
25-30.030(7)	25-30.030(5)(c)	Revised language would clarify that if the utility service area crosses county lines, "notice shall be published in a newspaper of general circulation in each county."

CURRENT RULE(s)	AMENDED OR NEW RULE(s)	CHANGE FROM CURRENT RULE(s)
25-30.033(1)(s) 25-30.037(2)(k) 25-30.037(2)(k) 25-30.037(3)(g) 25-30.037(2)(k)	25-30.033(1)(h)2 25-30.037(2)(l)2 25-30.037(3)(c) 25-30.037(4)(c) 25-30.037(5)(c)	At present, any person or entity holding less than 10 percent ownership interest in the utility does not have to produce financial statements or copies of financial agreements with the utility. This exemption for "less than 10%" owners would be reduced to 5% under the revised rules.
25-30.034(1)(d)	25-30.034(1)(i)	The new rule language would clarify the requirement regarding applicants' financial ability to provide service. Applicants would be required to provide financial statements, as well as any financial agreements between the utility and persons or entities holding 5 percent or more ownership in the utility.
None None None 25-30.037(2)(p) 25-30.037(2)(p) 25-30.037(2)(p)	25-30.033(1)(i)4 25-30.034(1)(j)4 25-30.036(2)(l) 25-30.037(2)(r)3 25-30.037(3)(c) 25-30.037(5)(c)	The new rule language contains a requirement to provide a copy of all correspondence with the DEP, county health department, and water management district, including consent orders and warning letters and the utility's responses to the same, for the past five years. This requirement is consistent with information considered by the Commission in ratemaking, pursuant to paragraph 367.0812(1)(c), F.S.
None 25-30.034(k) 25-30.035(12) 25-30.036(3)(k) 25-30.036(3)(k) None None None	25-30.033(1)(i)2 25-30.034(1)(j)2 25-30.035(16) 25-30.036(2)(j) 25-30.036(3)(c) 25-30.037(2)(r)1 25-30.037(3)(c) 25-30.037(5)(c)	The new language contains a requirement to provide copies of all current DEP and WMD permits rather than having to provide the permit numbers and dates of approval.
25-30.033(1)(f) 25-30.034(2)(b) 25-30.036(3)(c)	25-30.033(1)(k)4 25-30.034(2)(c) 25-30.036(2)(d)4	The new language deletes an obsolete reference to the Department of Community Affairs and would require applicants to provide "any known land use restrictions, such as environmental restrictions imposed by governmental authorities."

CURRENT RULE(s)	AMENDED OR NEW RULE(s)	CHANGE FROM CURRENT RULE(s)
25-30.036(4)(b)	25-30.036(4)(e)	Revised language would clarify the need to provide legal descriptions of both the territory proposed to be deleted as well as of the remaining territory.
None	25-30.037(1)(a)	If a transfer occurs prior to Commission approval, utilities would be required to submit an application for authority to transfer within 90 days after the closing date of the sale.
25-30.037(2)(j) 25-30.037(2)(j) 25-30.037(3)(f) 25-30.037(2)(j)	25-30.037(2)(l)1 25-30.037(3)(c) 25-30.037(4)(c) 25-30.037(5)(c)	Recommended revisions would clarify the types of information needed to demonstrate a prospective buyer's financial ability to provide service.
25-30.037(2)(j) 25-30.037(2)(j) 25-30.037(3)(f) 25-30.037(2)(j)	25-30.037(2)(m)2 25-30.037(3)(c) 25-30.037(4)(c) 25-30.037(5)(c)	Recommended revisions would clarify the types of information needed to demonstrate a prospective buyer's technical ability to provide service.
None	25-30.037(2)(v) 25-30.037(3)(c)	Recommended revisions would establish a new requirement for buyers who own other water or wastewater utilities that are regulated by the Commission to provide a schedule reflecting any economies of scale that are anticipated to be achieved within the next three years and the effect on rates for existing customers served by both the utility being purchased and the buyer's other utilities.
None	25-30.037(3)(e) 25-30.037(3)(f)	The recommended rule revisions would require an explanation of when and under what authority the current rates were established and the statutory basis for exemption.
None	25-30.037(4)(d)	The recommended rule revision would require a description of the ownership transfer, including date of transfer and resulting ownership interests in the utility.

CURRENT RULE(s)	AMENDED OR NEW RULE(s)	CHANGE FROM CURRENT RULE(s)
None	25-30.037(5)(e)	Recommended paragraph (5)(e) would clarify the information needed for staff to determine if prospective buyers are exempt pursuant Section 367.022, F.S.
25-30.037(4) 25-30.037(5)	25-30.038	Movement of existing rule language to new rule in order to clarify requirements for transferring a regulated utility to a governmental authority.

Source: Staff compilation based on draft rules as of October 15, 2015.

## Section 2: Discussion of Potential Additional Transactional Costs

To compile this SERC, staff gathered information from internal and external sources. To ascertain the types of certification applications that the Commission might expect to receive, staff performed data retrievals using the Commission’s internal Case Management System (CMS). To identify potential additional transactional costs that might be incurred by applicants, staff sent a data request to all 145 water and wastewater utilities under the jurisdiction of the Commission. One response was received.

### *Types of Potential Applications and Expected Frequency*

To project the number of certification requests that the Commission might expect to receive in a typical year, staff queried CMS for applications received during the period 2010 through 2014. The most recent five-year historical period is believed to be representative of potential future filings by utilities. Staff data retrievals from CMS indicate that the Commission receives approximately 20 certification applications in a typical year. A description of the types of applications and their relative frequency of use is provided in Table 2, below. As illustrated by Table 2, applications for certification represent a relatively small percentage (0.2 percent) of the 8,479 filings<sup>1</sup> that the Commission typically receives each year. Therefore, additional transactional costs that potentially may result from the recommended rule revisions are not expected to affect large numbers of entities.

<sup>1</sup> Statement of Estimated Regulatory Costs, Docket No. 150143-OT, Proposed repeal of Rule 25-22.028, F.A.C., and proposed amendment of Rule 25-40.001, F.A.C., June 5, 2015.

**Table 2**  
**Summary of Projected Annual Application Frequencies**

<b>Application Description</b>	<b>Ch. 25-30 Section</b>	<b>0-1 per yr</b>	<b>2-3 per yr</b>	<b>4-6 per yr</b>
Original Certificate – Initial Rates and Charges	.033		x	
Original Certificate – Existing Utility	.034	x		
Original Certificate – “Grandfather”	.035	x		
Amendment – Extension of Area	.036(2)		x	
Amendment – “Quick Take”	.036(3)	x		
Amendment – Deletion of Area	.036(4)	x		
Transfer – Regulated to Regulated	.037(2)			x
Transfer – Exempt to Regulated	.037(3)	x		
Transfer – Non-Juris to Reg/crosses county boundaries	.037(3)	x		
Transfer – Majority Organizational Control	.037(4)	x		
Transfer – Regulated to Non-Government Exempt	.037(5)	x		
Transfer – Regulated to Government	.038		x	
Name Change Only	.039	x		
Abandonments	.090	x		

Source: Florida Public Service Commission Case Management System. Rule Sections are prospective.

Staff notes that no applications were received pursuant to Rule 25-30.039, F.A.C., during the period 2010 through 2014. The most recent application received pursuant to Rule 25-30.037(3), F.A.C., was in 2010; this is not unexpected as it is more common when an exempt entity is sold for the new owner to submit an application for an original certificate pursuant to Rule 25-30.034, F.A.C., rather than to file for a transfer.

***Potential Additional Transactional Cost Identification***

Rule references shown below are prospective and identify the recommended rule amendments for which it is anticipated that potential additional transactional costs to applicants may result. For the large majority of the rule changes included in this rulemaking initiative, additional transactional costs, if any, are expected to be de minimis and, therefore, are not discussed individually. Information provided by the respondent to staff’s data request was combined with staff’s analysis and the results are discussed below for the indicated rule changes.

**Rule 25-30.030(5)(b), F.A.C.**

Under current rules, each customer of a system that is being certificated, transferred, acquired, or deleted must be notified by regular mail or personal service. The amended rules would require that notification also be sent by regular mail or personal service to owners of property located within the existing service area and the service area to be served, extended, deleted, or transferred. Additional transactional costs that potentially could result from the rule amendments would be associated with additional time that might be required to research property records to locate property owners in the affected territory that are not currently customers of the utility. However, advances by county property appraiser offices in providing considerable online

information in easily searchable formats should significantly reduce the amount of work involved in conducting property owner searches. Staff estimates that depending upon the size of the affected territory, the incremental cost of performing the online search may range from approximately \$60 to \$240 per application, assuming a range of 4 to 16 hours of compilation time by an administrative professional priced at \$15.00 per hour.

Other additional transactional costs that potentially could result from the rule amendments would be associated with the costs of mailing notices to property owners that are not currently customers of the utility. The respondent to staff's data request stated that sending correspondence by regular mail to international addresses is expensive (*e.g.*, \$1.50 per item to Canada) and also is subject to delivery uncertainties and delays. The respondent suggested that out-of-country property owners would be better served by email notification rather than regular mail. However, the current and prospective rule language pertaining to the practice of notification by mail follows the direction provided in Section 367.045, F.S., which does not currently authorize notification by email. Staff also notes that because the current rule already requires that notices be mailed to current customers, any additional mailing costs that potentially may result from the proposed revisions would be limited to costs associated with mailing notices to property owners that are not customers of the utility. These incremental costs would vary by utility depending upon the number of non-customer property owners that would have to be notified and are difficult to estimate.

**Rule 25-30.033(1)(h)2, F.A.C.**

At present, any person or entity holding less than 10 percent ownership interest in the utility does not have to produce financial statements or copies of financial agreements with the utility. This exemption for "less than 10%" owners would be reduced to 5 percent under the revised rules; these comparatively small-percentage owners prospectively would be required to provide a copy of any financial agreements with the utility and proof of the ability to provide funding, such as financial statements. This change potentially could represent a new impact to previously exempt small-percentage owners. This new language also affects recommended amendments to Rules 25-30.034(1)(i)2, 25-30.037(2)(l)2, 25-30.037(3)(c), 25-30.037(4)(c), and 25-30.037(5)(c), F.A.C.

It is not anticipated that this change in rule language would affect significant numbers of prospective applicants. Using the currently regulated utilities as a proxy to estimate the numbers of prospective applicants that might be affected, staff notes that 22 entities (individuals, businesses, and trusts) holding between 5 and 10 percent ownership in a utility's voting securities henceforth would be required to provide financial information under the revised rules. Based on a review of ownership information included in the most recent available utility annual reports, staff estimates that approximately 9 percent of future certification applications (*i.e.*, about two per year) would be affected by these recommended rule revisions.

Regulated utilities have reported ownership interests of entities holding 5 percent or more of the voting securities of the reporting utility to the Commission in their annual reports since 1997. In addition, under certain conditions, the federal Securities and Exchange Commission (SEC) requires a "beneficial ownership report" when an entity acquires beneficial ownership of more than 5 percent of a voting class of a company's equity securities. Based on both the

Commission's and the SEC's reporting procedures, staff believes that utilities should be able to identify easily the entities which hold more than 5 percent ownership and that the information should be readily available without causing significant additional transactional costs.

**Rule 25-30.033(1)(i)2, F.A.C.**

The revised rule language would contain a requirement to provide copies of all current Department of Environmental Protection (DEP) and water management district (WMD) permits rather than having to provide the permit numbers and dates of approval pursuant to the current rules. This new language also affects recommended amendments to Rules 25-30.034(1)(j)2, 25-30.035(16), 25-30.036(2)(j), 25-30.036(3)(c), 25-30.037(2)(r)1, 25-30.037(3)(c), and 25-30.037(5)(c), F.A.C.

Staff notes that DEP and WMD permits are routinely reviewed during the course of certification dockets. Presently, the permit information is obtained either from the utility through a written request for additional information or directly from DEP or the WMDs. Staff believes that the inclusion of this current business practice in the rules will streamline the process and benefit both applicants and Commission staff by saving time and providing consistency during the application evaluation process; the information is readily available and it is not expected that additional transactional costs would result.

**Rule 25-30.033(1)(i)4, F.A.C.**

The draft rule language requires the utility to provide a copy of all correspondence with the DEP, county health department, and WMD, including consent orders and warning letters and the utility's responses to the same, for the past five years. This new language also affects recommended amendments to Rules 25-30.034(1)(j)4, 25-30.036(2)(l), 25-30.037(2)(r)3, 25-30.037(3)(c), and 25-30.037(5)(c), F.A.C.

Staff notes that the DEP, county health department, and WMD consent order/warning letter correspondence referenced in the foregoing paragraph is routinely reviewed during the evaluation of certification applications to determine if there are any compliance or customer service issues. The information typically is obtained from the utility through a request for additional information. However, staff's requests for additional information historically have covered the most recent three years of data. Therefore, staff recognizes that requiring five years of a utility's consent order/warning letter correspondence with the DEP, county health department, and WMD would represent an incremental requirement that is likely to result in additional transactional costs to utilities. Similar comments were received from the respondent to staff's SERC data request and from another utility representative who participated in the October 2014 rule development workshop, but neither entity provided a quantitative estimate of potential incremental cost impacts. The incremental transactional costs would be associated with providing the additional two years of documentation and are difficult to estimate; however, staff does not anticipate that the impacts to utilities would be significant.

Staff also notes that pursuant to Section 367.0812, F.S., the Commission in fixing rates must consider customer complaints regarding the applicable secondary water quality standards filed with the Commission, DEP, the respective local government entity, or a county health department, during the past five years. The requirement for five years of correspondence



contained in the recommended rule revisions is consistent with the statutory requirement in Section 367.0812, F.S., regarding the Commission's consideration of five years of complaint letters pertaining to applicable secondary water quality standards. The consent order/warning letter correspondence with the DEP, county health department, and WMD often deals with primary water quality standards, which are more important measures than secondary standards. Therefore, since the 2014 amendment of Section 367.0812, F.S., requires the Commission in rate fixing to consider five years of complaints concerning secondary water quality standards, staff believes it is prudent to evaluate correspondence pertaining to applicable primary water quality standards for the same time period.

**Rule 25-30.033(1)(k)4, F.A.C.**

Presently, Rule 25-30.033(1)(f), F.A.C., requires that utilities provide "a statement that to the best of the applicant's knowledge, the provision of service will be consistent with the water and wastewater sections of the local comprehensive plan as approved by the Department of Community Affairs at the time the application is filed, or, if not consistent, a statement demonstrating why granting the certificate of authorization would be in the public interest." Staff has updated Commission rules to reflect the current regulatory processes related to land use designations in recommended Rule 25-30.033(1)(k)3, F.A.C.

The new language in recommended Rule 25-30.033(1)(k)4, F.A.C., would require applicants to provide "any known land use restrictions, such as environmental restrictions imposed by governmental authorities." The provision of this information potentially could be complicated for applicants if they have to obtain documentation from multiple entities such as the DEP, local governments, WMDs, Chapter 298 Districts, Community Development Districts, Homeowners' Associations, and/or other entities. Similar comments were received from the respondent to staff's SERC data request but the respondent did not provide a quantitative estimate of potential incremental cost impacts. The incremental transactional costs would arise from extending the requirement for information beyond the current practice of compliance with the comprehensive plan and are difficult to estimate. However, staff does not believe that applicants would be likely to encounter applicable land use restrictions other than those in the comprehensive plans on a frequent basis. The new language also affects recommended amendments to Rules 25-30.034(2)(c) and 25-30.036(2)(d)4, F.A.C.

**Rule 25-30.037(1)(a), F.A.C.**

The recommended rule revisions contain new language stating that, henceforth, if a transfer occurs prior to Commission approval, utilities would be required to submit an application for authority to transfer no later than 90 days after the sale closing date. The respondent to staff's data request also identified this provision as a new requirement, but did not comment or provide an estimate regarding potential incremental transactional costs.

Staff included this provision in the rule amendments to prevent problems that could occur if a considerable amount of time were allowed to lapse between the sale of a utility and the submission by the buyer of an application for authority to transfer. With the increased passage of time subsequent to a utility sale closing, the probability of difficulties associated with the unavailability of important documentation potentially could increase. By establishing a specific date by which transfer applications must be submitted, staff seeks to minimize the likelihood that



an application filing would languish and create unnecessary problems that could further complicate or delay the application review process. Staff believes that additional transactional costs resulting from these recommended revisions, if any, would be de minimis.

**Rules 25-30.037(2)(v) and 25-30.037(3)(c), F.A.C.**

Recommended revisions would establish a new requirement for buyers who own other water or wastewater utilities that are regulated by the Commission to provide a schedule reflecting any economies of scale that are anticipated to be achieved within the next three years and the effect on rates for existing customers served by both the utility being purchased and the buyer's other utilities. This incremental requirement represents a new impact to applicants for 'authority to transfer' that potentially could result in additional transactional costs. Staff estimates that these recommended revisions potentially might affect a range of 2-6 applications per year.

The respondent to staff's data request expressed concerns regarding these prospective requirements and indicated a preference for removing them. The respondent stated that a schedule of this nature would be complex with many variables to be considered; therefore, the preparation of such a schedule would be difficult. The respondent further stated that given the complexity, it would be problematic to project results three years forward. The respondent expressed concerns that one might be held accountable for projections that contain many variables over which one has no control. The respondent did not provide an estimate of potential additional transactional costs.

Staff believes the information that would be required by the recommended revisions would serve a valuable purpose. This information will help to determine if any benefits to customers are expected as a result of the common ownership of multiple systems, or if the purchase is more likely to lead to a rate increase if existing customers have to absorb increased costs associated with improving a newly acquired system that is in poor condition. Staff estimates the incremental cost of providing the additional information to be approximately \$536 per application, assuming 20 hours of preparation time by a senior-level accountant priced at \$26.80 per hour.<sup>2</sup>

Staff notes that there potentially could be additional costs if the expertise of an engineer or a plant operator were needed. The work of an engineer or plant operator would involve reviewing the condition of the system to optimize the efficiency of scheduled maintenance and repair work. These activities typically are already part of routine operational due diligence work; therefore, this information should be able to be translated into expected economies of scale projections without significant difficulty.

**Section 3: Benefits of the Recommended Rule Changes**

The intent of this rulemaking initiative is to update, clarify, and streamline Commission water and wastewater certification rules. The efforts to provide clarification in the new rule language should benefit both applicants and staff and result in a streamlining of the application process.

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<sup>2</sup> 2012 AWWA (American Water Works Association) Water Utility Compensation Survey – Small and Medium-Sized Utilities, 17<sup>th</sup> Annual Report, September 2012; prepared by Verisight, Inc.

Staff anticipates that fewer requests for additional information would be necessary and less time potentially would be required to evaluate certification applications.

In conjunction with the recommended amendments to Commission rules, staff also has developed updated application forms and model tariff templates to be posted on the Commission's web site to assist prospective applicants with compiling the information required to be submitted with certification applications. Currently, applicants have to compile and submit the required information on their own by either creating new documents or using a PDF version of the existing applications and model tariffs available on the Commission's web site. Implementation of the updated application forms and model tariff templates would provide applicants with the opportunity to download a copy of the documents in MS Word format and then modify them easily to facilitate their specific application. A key advantage of the new forms and templates is that the documents have been designed to include fillable fields that allow the information to be easily typed into the document; therefore, the applicant's need for custom formatting and creation of new documents is reduced. Both applicants and Commission staff should benefit from this improvement over the current forms and templates as the application process should be streamlined.