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# Public Service Commission

November 15, 2018

Mr. James Hodges  
Sunshine Utilities of Central Florida, Inc.  
10230 County Rd., C-25  
Bellevue, FL 34420  
www.sunshineutl@aol.com

VIA EMAIL & US MAIL

**Re: Docket No. 20180196-WU - Application for quick-take amendment of Certificate No. 363-W in Marion County by Sunshine Utilities of Central Florida, Inc.**

Dear Mr. Hodges:

Staff reviewed Sunshine Utilities of Central Florida, Inc.'s (Sunshine Utilities) application for quick-take amendment of the water service territory for Certificate No. 363-W in Marion County. After reviewing these documents we find the application to be deficient. The specific deficiencies are identified as follows:

1. **Rule 25-30.036(2)(a)**, Florida Administrative Code (F.A.C.), requires a filing fee pursuant to **Rule 25-30.020(2)(b)(1)**, F.A.C. For applications in which the area to be extended or deleted has the proposed capacity to serve up to 100 equivalent residential connections, the amount of the fee shall be \$100. Please remit the proper filing fee to the Commission Clerk.
2. **Rule 25-30.036(2)(b)**, F.A.C., requires proof of noticing pursuant to **Rule 25-30.030**, F.A.C. **Rule 25-30.030(6)**, F.A.C., states that all applications requiring noticing shall be deemed deficient until affidavits of noticing, along with a copy of the notice, are filed with the Commission Clerk. Further, **Rule 25-30.030(4)**, F.A.C., states that the notice shall be provided to the Commission Clerk for Commission staff approval prior to distribution. For notices pertaining to an amendment of service territory, staff must verify the territory descriptions and maps provided. Staff has found deficiencies with both the territory descriptions and the maps which must be corrected prior to approving the notice. In addition to the legal descriptions for the notice, Sunshine Utilities should include in its notice:
  - **Rule 25-30.030(3)(c)**, F.A.C., requires that the notice be titled, "Notice of Application for Amendment to Certificate of Authorization to Extend Service Area."

- **Rule 25-30.030(4)(d)**, F.A.C., requires that the notice includes the application docket number and title. Please include “Docket No. 20180196-WU - application for quick-take amendment of Certificate No. 363-W in Marion County by Sunshine Utilities of Central Florida, Inc.” in the notice.
3. **Rule 25-30.036(2)(c)**, F.A.C., requires the utility’s certificated name be listed in the application. Please amend the application to include the utility’s complete name, Sunshine Utilities of Central Florida, Inc., such that it matches the name on Water Certificate 363-W.
  4. **Rule 25-30.036(2)(f)**, F.A.C., states that if the extension of territory is adjacent to existing territory, provide an additional legal description of the resulting territory including both existing and expanded portions in the format described by **Rule 25-30.029(2)**, F.A.C. Since the extension is adjacent to existing territory, located within Township 14 South, Range 22 East, Section 29, Marion County, please provide an additional legal description of the resulting territory, such that the description correctly describes the continuous territory boundary.
  5. **Rule 25-30.036(2)(h)**, F.A.C., requires an official county tax assessment map or other map showing township, range, and section, with scale such as 1” = 400’, with the proposed territory plotted thereon consistent with the legal description required by **Rule 25-30.036(2)(f)**, F.A.C. Since the area to be extended is adjacent to existing territory, please provide two maps: one showing only the area to be extended, and one showing the continuous territory boundary. If possible, please provide a digital copy of the maps as well.
  6. **Rule 25-30.036(2)(j)**, F.A.C., requires a copy of all current permits issued by the Department of Environmental Protection (DEP) and by the water management district. Please provide all permits currently issued by the DEP and the water management district.
  7. **Rule 25-30.036(2)(p)**, F.A.C., requires the number of the most recent order of the Commission establishing or changing the applicants rates and charges. Please provide the most recent order number establishing rates and charges.
  8. **Rule 25-30.036(3)(a)**, F.A.C., requires a written statement that the proposed new territory includes a maximum of 25 equivalent residential connections (ERC) within such territory at the time the territory is at buildout. In addition, the statement must 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. Please provide a statement including the number of ERCs and the type of customers served.
  9. **Rule 25-30.036(3)(b)**, F.A.C., requires 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; and,

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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: (1) a private well has been contaminated or gone dry; (2) a septic tank has failed; or (3) service is otherwise not available.

Please provide a written statement affirming the above items are accurate.

Please correct the deficiencies by December 17, 2018. Please submit the required fee, information, documents, and Sunshine Utilities' draft notice for staff approval to:

Office of Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399

Please reference Docket No. 20180196-WU. If you have any questions concerning these deficiencies, please contact me by telephone at (850) 413-6127, or by email at [jdoehlin@psc.state.fl.us](mailto:jdoehlin@psc.state.fl.us). Or if you have legal questions, please contact Ms. Kristen Simmons by phone at (850) 413-6175 or by email at [ksimmons@psc.state.fl.us](mailto:ksimmons@psc.state.fl.us).

Sincerely,



Jefferson Doehling  
Engineering Specialist  
Florida Public Service Commission  
Division of Engineering

JD:jp

Enclosure

cc: Office of Commission Clerk (Docket No. 20180196-WU)

**25-30.036 Application for Amendment to Certificate of Authorization to Extend or Delete Service Area.**

(1) This rule applies to any certificated water or wastewater utility that proposes to extend its service territory into an area in which there is no existing water or wastewater system or proposes to delete a portion of its service territory. Form PSC 1004 (12/15) entitled "Application for Amendment of Certificate (Extension, Quick Take Extension, or Deletion)," which is incorporated by reference in this rule and is available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-06241>, is an example application that may be completed by the applicant and filed with the Office of Commission Clerk to comply with subsection (2), (3), or (4) below. This form may also be obtained from the Commission's website, [www.floridapsc.com](http://www.floridapsc.com).

(2) Each utility proposing to extend its service area (except applications filed pursuant to subsection (3) below), shall file with the Commission Clerk one original of the information set forth in paragraphs (a) through (q).

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

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

(c) The utility's certificated name, address, telephone number, Federal Employer Identification Number, authorized representative, and, if available, email address and fax number;

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

1. 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, or commercial;

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

3. 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; and,

4. Any known land use restrictions, such as environmental restrictions imposed by governmental authorities;

(e) 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. 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. 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 that the applicant files a recorded copy within the time required in the order granting the amendment to the certificate of authorization;

(f) 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 a legal description of the resulting territory including both existing and expanded portions in the format prescribed in Rule 25-30.029, F.A.C.;

(g) 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 paragraph (2)(f) 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;

(h) 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 paragraph (2)(f) above;

(i) A statement describing the capacity of the existing lines, the capacity of the existing treatment facilities, and the design capacity of the proposed extension;

(j) A copy of all current permits issued by the Department of Environmental Protection and by the water management district;

(k) A copy of the most recent DEP and/or county health department sanitary survey, compliance inspection report, and secondary standards drinking water report;

(l) 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 response to the same, for the past five years;

(m) A detailed statement regarding the proposed method of financing the construction and the projected impact on the utility's capital structure;

(n) A statement regarding the projected impact of the extension on the utility's monthly rates and service availability charges;

(o) All tariff pages that reflect the additional proposed service area, which shall be consistent with Chapter 25-9, F.A.C. Form

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

- (p) The number of the most recent order of the Commission establishing or changing the applicant's rates and charges; and,
- (q) An affidavit that the utility has tariffs and annual reports on file with the Commission.

(3) A request for service territory extension and amendment of an existing certificate (commonly known as a "quick take" amendment) shall be considered approved under the following conditions if no protest is timely filed to the notice of application:

(a) The utility has provided 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 must 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;

(b) The utility has provided 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; and,

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

(c) The utility has filed an application which meets the requirements of paragraphs (2)(a), (b), (c), (e), (f), (h), (j), (o), (p) and (q) above.

(4) Each utility proposing to delete a portion of its service area shall file with the Commission Clerk one original of the information set forth in paragraphs (4)(a) through (k) below:

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

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

(c) The utility's name, address, telephone number, authorized representative, and, if available, email address and fax number. The utility's name should reflect the business and/or fictitious name(s) registered with the Department of State's Division of Corporations;

(d) A statement specifying the reasons for the proposed deletion of territory;

(e) A legal description of the territory proposed to be deleted and a legal description of the remaining territory in the format prescribed in Rule 25-30.029, F.A.C.;

(f) A detailed system map with the territory proposed to be deleted and retained plotted thereon, consistent with the legal description provided in paragraph (e) above. The map shall show 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;

(g) 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 paragraph (e) above;

(h) 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;

(i) All tariff pages that reflect the revised service area, which shall be consistent with Chapter 25-9, F.A.C. Form PSC 1010 (12/15), entitled "Water Tariff," and Form PSC 1011 (12/15), entitled "Wastewater Tariff," which are incorporated by reference in Rule 25-30.033, F.A.C., are example tariffs that may be completed by the applicant and included in the application. These forms may also be obtained from the Commission's website, [www.floridapsc.com](http://www.floridapsc.com);

(j) The number of the most recent order of the Commission establishing or changing the applicant's rates and charges; and,

(k) An affidavit that the utility has tariffs and annual reports on file with the Commission.

*Rulemaking Authority 350.127(2), 367.045, 367.121, 367.1213 FS. Law Implemented 367.045, 367.1213 FS. History—New 1-27-91, Amended 11-30-93, 1-4-16.*