

STATE OF FLORIDA  
BEFORE THE PUBLIC SERVICE COMMISSION

IN RE:

Calypso Tower III LLC.  
a Florida Limited Liability Co.

Docket # \_\_\_\_\_

Petitioner

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**PETITION FOR VARIANCE OR WAIVER**  
**FROM RULE 25-6.049 (5) & (6)**  
**OF THE FLORIDA ADMINISTRATIVE CODE**

COMES NOW the Petitioner, Calypso Tower III, LLC., (hereinafter CTIII) by and through the undersigned counsel, and hereby petitions the Florida Public Service Commission (FPSC) for a variance from or waiver of Rule 25-6.049, Florida Administrative Code (F.A.C.) pursuant to section 120.542, Florida Statutes, and Rule 28-104, F.A.C.

**I. Applicable Rule:** The applicable rule from which petitioner seeks a waiver is Rule 25-6.049, F.A.C., which provides that individual metering shall be required for each separate occupancy unit of a condominium, unless the condominium meets certain criteria set forth in Rule 25-6.049 (5) (g), F.A.C. and Rule 25-6.049 (6), F.A.C..

**II. Exception:** Rule 25-6.049 (5) (d), F.A.C., provides that individual metering is not required:

“For lodging establishments such as hotel/resorts, motels, and similar facilities which are rented, Leased, or otherwise provided to guests by an operator providing overnight occupancy as defined in paragraph (8) (b).”

CTIII is the developer of a Gulf of Mexico Waterfront/Waterview resort condominium resort hotel/resort called Calypso Towers (CT). This property is the third tower of three, built on the north side of Front Beach Road in Panama City Beach, Florida. This property, Tower III, will consist of one (1) Building containing two hundred and fifty (250) resort Units, and 13 Commercial Units. Ownership structure will be pursuant to Chapter 718, Florida statutes, but the intent is to operate as a resort or similar to a hotel/resort in most cases with short term rentals

for beach vacations. It is anticipated that all or substantially all of the units will be used for transient rentals. The Declaration of Condominium specifically provides that all units may be used for transient rentals wherein the unit owner may rent the units for a minimum of 3 nights. See Declaration of Condominium, Article IX, (D) (1) attached as Exhibit A hereto.

In addition, pursuant to Rule 25-6.049 (9) (a), F.A.C., CTIII will utilize a reasonable apportionment method to allocate electricity costs authorized by the utility's tariff, plus any applicable taxes and fees, to each unit owner. These costs will be apportioned as common expenses in the same manner as other common expenses not consumed by and metered to individual units. The method used for common expenses is a pro-rata share based on the square footage of the unit as compared to the total square footage of all units.

**III. Underlying Statutes §366.05 (1), § 366.06 (1), §366.81, and §366.82:** Pursuant to §366.05 (1) and FPSC has the authority to prescribe fair and reasonable rates and charges, classifications, standards of quality measurements, and service rules and regulation to be observed by each public utility. §366.81 and §366.82 are collectively known as the Florida Efficiency and Conservation Act, or FEECA, and direct the Commission to adopt goals and approve plans regarding energy conservation. Rule 25-6.049, F.A.C., implements the statutes by setting forth the conditions under which individual metering and master metering shall be used by the utility and waiver requests such as stated herein. CTIII believes both the underlying statute requiring fair and reasonable rates and the purpose of energy conservation are both better served through master metering of the property.

**IV. Type of Action Requested:** CTIII requests the Commission grant a variance or waiver from the literal requirement of Rule 25-6.049, F.A.C., wherein condominiums must be individually metered or meet certain specific criteria before they can be master metered, and allow CTIII to utilize master metering in construction of CTIII.

**V. Facts Which Demonstrate Substantial Hardship or Violation of Principles of Fairness:**

Basic tenants of fairness are violated when similarly situated persons are affected in a significantly different manner due to the literal application of a rule. In this case, if CTIII is not allowed to master meter and receive service on a commercial rate, it will incur much elevated additional electric costs and expenses over and above what other similar resort hotel/resorts experience.

The disparity between what CTIII will pay on the residential rate if it is individually metered, and what other similarly situated competitors pay on the commercial rate, creates a substantial hardship on CTIII in its effort to compete in the room rental business and pay all the associated costs of operating a public lodging establishment.

Requiring CTIII to individually meter each condominium unit also violates principles of fairness and places CTIII at a competitive disadvantage, in that other hotel/resorts and resorts in the area will spend less on electricity and be able to spend more on advertising, staffing, and amenities, making them more attractive to resort vacationers.

CTIII will compete directly for room night business with hotel/resorts, motels, and resorts from Panama City Beach to Pensacola and all across Florida and the Southeast in general. To maintain market share CTIII will regularly advertise and promote itself with travel agents and in trade shows in this country and abroad.

CTIII will utilize a nationally known reservation software program to help keep the guest rooms at CTIII filled. To maintain the reservation system requires manpower and capital investment. This is an added expense for the resort that is significantly different than residential condominiums.

CTIII will have a positive financial impact on the state of Florida and the local area economy as a result of the creation of additional jobs due to the operation as a hotel/resort, which otherwise would not exist if the property was strictly residential. CTIII will also generate revenue for the state and local area through sales tax and local occupancy or bed tax charged on all room rentals. This economic impact is significantly different than that of a residential condominium that generates no additional tax revenue for the state or local government, and a minimum amount of additional jobs.

CTIII at all times intends for CTIII to operate in a manner similar to a hotel/resort as defined in Rule 25-6.049 (5) (d), F.A.C. CTIII will use a rental pool agreement for each condominium owner for the purpose of defining the parameters of the use of the units in the operation of the resort. It is anticipated that all or substantially all of the unit owners will make their units available for transient rentals, either through the rental agreement with the hotel/resort owner, other outside real estate entities, or through use of individual websites like vacation rentals by owner.

250 2 or 3 bedroom hotel/resort units will be beautifully finished and furnished down to the smallest detail.

CTIII has obtained a building permit from the City of Panama City Beach to construct CT based on the land use regulations for a hotel/resort/condo. A copy of the permit is attached as Exhibit B. The building as designed is currently under construction with the intent to be completed by Fall of 2019.

As a result of its intent to operate a resort hotel/resort, CTIII has been designed to incorporate the American Disabilities Act Guidelines (ADA), required for all hotel/resorts. Compliance with these rules is more stringent and costly than compliance with the Florida Fair Housing Act which is the standard used for a typical residential condominium projects.

**Va. Violation of §366.05 (1) and § 366.06 (1):** Rule 25-6.049, F.A.C., implements §366.05 (1) and §366.06 (1), which give the Commission authority to prescribe rate classifications and rules and regulations. In fixing fair, just and reasonable rates the Commission takes into consideration load characteristics and usage patterns. Rule 25-6.049 requires individually metering for residential condominiums. However, based on CTIII's method of operation, there can be no doubt its load characteristics and usage patterns will be more similar to hotel/resorts and motels than those of typical residential customers. It will be impractical for CTIII to attribute energy usage to individual transient occupants. All transient guests will pay a bundled rate for the use of a condominium unit for a limited time. CTIII believes it should also be treated similar to a hotel/resort and motel by the Commission, and allowed to master meter CTIII and take service from GULF POWER. It is unfair, unjust, and unreasonable to require CTIII to receive service from GULF POWER on the residential rates when it operates like a commercial hotel/resort.

**VI. Conservation Issue:** Rule 25-6.049, F.A.C., also implements §366.81 and §366.82, collectively known as the Florida Efficiency and Conservation Act, or FEECA. These statutes direct the Commission to adopt goals and approve plans regarding energy conservation. The rule specifies the requirements for measuring electric service of customers. Paragraph (5) of the rule requires condominium units to be individually metered by the utility. The rule was adopted to promote conservation. The premise was that condominiums are residential in nature, and therefore, by requiring individual metering the owner occupant receives a price signal for electric usage and will be more inclined to conserve energy. However, the individual metering only

promotes energy conservation when the occupants of the unit are directly responsible for the energy they consume. When individuals don't see a direct financial impact for the energy they consume individual metering actually defeats the purpose of energy conservation. It was for this reason the Commission provided certain exceptions to the individual metering requirements and for this reason as well as the others stated above that the waiver is requested.

Finally, Gulf Power has energy conservation and incentive programs that will be available to CTIII as a hotel/resort that would not otherwise be available to a typical residential condominium. GULF POWER offers business evaluations, help in payment for high efficiency cooling and/or energy recovery ventilation, business lighting programs, building envelope improvements, and business custom incentives. These on-going programs will be available to CTIII as a hotel/resort to help with energy conservation.

**VII. Conclusion** If the units at CTIII are individually metered the monthly electric bills will be forwarded by GULF POWER to approximately 250 owners whose condominiums are used by others for temporary occupancy. These owners will be located in all parts of the country and abroad with no ability to implement energy conservation except through the management of the resort. There will be little conservation incentive achieved by requiring individual metering. The purpose of Rule 25-6.049, F.A.C., in serving the goal of conservation is more effectively accomplished if CTIII is granted a waiver or variance and the resort is allowed to receive service from GULF POWER via master meter. In addition, the principles of fairness would be met in that CTIII will not experience any hardship if it pays the same rate for electricity as other hotel/resorts, motels, and resorts in the area.

**VIII. Duration of Variance or Waiver** - Petitioner requests the waiver be permanent with the condition that CTIII continues to operate a transient rental facility and maintain registration with the DBPR as a public lodging establishment in accordance with Chapter 509.242, Florida Statutes.

WHEREFORE, CTIII respectfully requests the Commission grant its request for a variance or waiver.



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Niceville, FL 32578  
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[richard@richardjohnsonlawfirm.com](mailto:richard@richardjohnsonlawfirm.com)  
Attorney for CTIII LLC

I HEREBY CERTIFY that the foregoing Petition for Variance or Waiver has been furnished by Email and the original and 7 copies have been furnished by electronic means this 17<sup>th</sup> Day of April\_\_\_, 2019, to the Florida Public Service Commission, Attn: Mr. Adam Teitzman at [clerk@psc.state.fl.us](mailto:clerk@psc.state.fl.us) Director, Division of the Commission Clerk and Administrative Services.

  
\_\_\_\_\_  
Richard S. Johnson, P.A.

C. Regulations. The Association may adopt reasonable rules and regulations concerning the use of the Units and the Common Elements from time to time in the manner provided in the Articles of Incorporation and the By-laws. The Developer declares that the initial set of Rules and Regulations included in the Prospectus are within the reasonable authority of the Association. Notwithstanding the foregoing, rules and regulations for the Commercial Units require an amendment to this Declaration.

D. Mandatory Provisions. Notwithstanding any contrary provision in the Rules and Regulations adopted by the Association from time to time, the following regulations shall be in full force and effect. The restrictions on Units may be strengthened but not weakened without an amendment to the Declaration. Notwithstanding the foregoing, the restrictions on Commercial Units may not be modified without an amendment to this Declaration.

1. Except for Commercial Units, All Units shall be used and occupied only as a permanent or temporary residence by the Unit Owner and Unit Owner's guests, tenants and invitees. A Unit Owner may lease or rent his or her Unit but only for periods of at least three (3) nights each. Any tenant or lessee of the Unit shall abide by, and be subject to, all of the terms and conditions of this Declaration and all the Rules and Regulations of the Association.
2. No Unit may be divided or subdivided into a smaller unit nor any portion thereof sold or otherwise transferred, except that the Commercial Units may be divided or subdivided into smaller spaces for the purpose of renting such space to an individual tenant thereof.
3. Nothing shall be hung, displayed or placed on the exterior walls or windows of the Units (other than the Commercial Units) or the Condominium without the prior written consent of the Association. Provided however, that nothing in this section shall be construed to prohibit the display of one, portable, removable United States Flag in a respectful manner by a Unit Owner, or on Armed Forces Day, Memorial Day, Flag Day, Independence Day, and Veteran's Day, a portable, removable official flag, not larger than 4 ½ feet by 6 feet, that represent the United States Army, Navy, Air Force, Marine Corps, or Coast Guard. A written request by a Unit Owner to install a doorbell, door lock, tinted windows, or hurricane shutters shall not be unreasonably denied by the Association, but the Association may mandate particular colors, styles or models to insure uniformity. Commercial Unit Owners may hang, display, or place on the exterior walls of the Commercial Unit or the portion of the Condominium immediately adjacent thereto such signage as may be permitted by applicable local signage laws.
4. No Unit Owner shall make, allow or cause to be made, any structural addition to or alteration of Unit Owner's Unit or the Common Elements without the prior written consent of the Association and by amendment to this Declaration if such amendment is required under Article XVII hereof. Nothing herein shall prevent the Commercial Unit Owners from dividing such Unit into multiple areas for the purpose of renting or operating in such space.
5. The Common Elements shall be used only for the purpose for which they are intended.
6. No nuisances shall be allowed on the Property nor any use or practice which interferes with the peaceful possession and proper use of the Property by its Unit Owners. All parts of the Property shall be kept in a clean and sanitary condition and no rubbish, refuse or garbage shall be

EXHIBIT

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**I. Applicable Rule:** The applicable rule from which petitioner seeks a waiver is Rule 25-6.049, F.A.C., which provides that individual metering shall be required for each separate occupancy unit of a condominium, unless the condominium meets certain criteria set forth in Rule 25-6.049 (5) (g), F.A.C. and Rule 25-6.049 (6), F.A.C..

**II. Exception:** Rule 25-6.049 (5) (d), F.A.C., provides that individual metering is not required:

“For lodging establishments such as hotel/resorts, motels, and similar facilities which are rented, Leased, or otherwise provided to guests by an operator providing overnight occupancy as defined in paragraph (8) (b).”

CTIII is the developer of a Gulf of Mexico Waterfront/Waterview resort condominium resort hotel/resort called Calypso Towers (CT). This property is the third tower of three, built on the north side of Front Beach Road in Panama City Beach, Florida. This property, Tower III, will consist of one (1) Building containing two hundred and fifty (250) resort Units, and 13 Commercial Units. Ownership structure will be pursuant to Chapter 718, Florida statutes, but the intent is to operate as a resort or similar to a hotel/resort in most cases with short term rentals

for beach vacations. It is anticipated that all or substantially all of the units will be used for transient rentals. The Declaration of Condominium specifically provides that all units may be used for transient rentals wherein the unit owner may rent the units for a minimum of 3 nights. See Declaration of Condominium, Article IX, (D) (1).

In addition, pursuant to Rule 25-6.049 (9) (a), F.A.C., CTIII will utilize a reasonable apportionment method to allocate electricity costs authorized by the utility's tariff, plus any applicable taxes and fees, to each unit owner. These costs will be apportioned as common expenses in the same manner as other common expenses not consumed by and metered to individual units. The method used for common expenses is a pro-rata share based on the square footage of the unit as compared to the total square footage of all units.

**III. Underlying Statutes §366.05 (1), § 366.06 (1), §366.81, and §366.82:** Pursuant to §366.05 (1) and FPSC has the authority to prescribe fair and reasonable rates and charges, classifications, standards of quality measurements, and service rules and regulation to be observed by each public utility. §366.81 and §366.82 are collectively known as the Florida Efficiency and Conservation Act, or FEECA, and direct the Commission to adopt goals and approve plans regarding energy conservation. Rule 25-6.049, F.A.C., implements the statutes by setting forth the conditions under which individual metering and master metering shall be used by the utility. CTIII believes both the underlying statute requiring fair and reasonable rates and the purpose of energy conservation are both better served through master metering of the property.

**IV. Type of Action Requested:** CTIII requests the Commission grant a variance or waiver from the literal requirement of Rule 25-6.049, F.A.C., wherein condominiums must be individually metered or meet certain specific criteria before they can be master metered, and allow CTIII to utilize master metering in construction of CTIII.

**V. Facts Which Demonstrate Substantial Hardship or Violation of Principles of Fairness:**

Basic tenants of fairness are violated when similarly situated persons are affected in a significantly different manner due to the literal application of a rule. In this case, if CTIII is not allowed to master meter and receive service on a commercial rate, it will incur much elevated additional electric costs and expenses over and above what other similar resort hotel/resorts experience.

The disparity between what CTIII will pay on the residential rate if it is individually metered, and what other similarly situated competitors pay on the commercial rate, creates a substantial hardship on CTIII in its effort to compete in the room rental business and pay all the associated costs of operating a public lodging establishment.

Requiring CTIII to individually meter each condominium unit also violates principles of fairness and places CTIII at a competitive disadvantage, in that other hotel/resorts and resorts in the area will spend less on electricity and be able to spend more on advertising, staffing, and amenities, making them more attractive to resort vacationers.

As a hotel/resort, CTIII must meet the requirements found in Chapter 509, Florida Statutes. In Chapter 509 establishes a higher degree of care for public lodging establishments not found in typical residential condominiums. Some of these requirements relate to general safety, fire safety sanitation, health and welfare of guests, and pool safety. See §509.211, §509.215, §509.221, §509.221 (4), §509.222(6). For each of these items CT must spend more money for compliance than if it was a typical residential condominium. Also, licensing requirements are more burdensome and costly for a hotel/resort than a residential condominium. (See §509.241).

CTIII will compete directly for room night business with hotel/resorts, motels, and resorts from Panama City Beach to Pensacola and all across Florida. To maintain market share CTIII will regularly advertise and promote itself with travel agents and in trade shows in this country and abroad. In addition, to keep the units occupied, CTIII will expend advertising dollars to design, create, and maintain a 1<sup>st</sup> Class website with on line reservation system. These are costs not incurred by typical residential condominiums.

Management personnel will be that generally found in a 1<sup>st</sup> Class resort including; a General Manager, Assistant Manager, Front Desk Manager and Night Manager, who will have oversight and supervision of sales and marketing, housekeeping, maintenance, registration, accounting, licensing and taxes, security, valet services, and the general safety and well being of guests.

CTIII will utilize a nationally known reservation software program to help keep the guest rooms at CTIII filled. To maintain the reservation system requires manpower and capital investment. This is an added expense for the resort that is significantly different than residential condominiums.

CTIII will have a positive financial impact on the state of Florida and the local area economy as a result of the creation of additional jobs due to the operation as a hotel/resort, which otherwise would not exist if the property was strictly residential. CTIII will also generate revenue for the state and local area through sales tax and local occupancy or bed tax charged on all room. Rentals. This economic impact is significantly different than that of a residential condominium that generates no additional tax revenue for the state or local government, and a minimum amount of additional jobs.

Cable television service will be provided through the Condominium Association. Each owner will contribute a pro rata share of the cable expenses on a monthly basis. Pursuant to CTIII. 202.125, F.S., because CTIII will be registered as a hotel/resort and offer transient rentals at the resort, it must pay the communications service tax (CST) on all cable services purchased. In contrast, residential condominiums do not pay the CST on cable services. The CST represents an expense CT is obligated to pay because of its method of operation.

CTIII at all times intends for CT to operate in a manner similar to a hotel/resort as defined in Rule 25-6.049 (5) (d), F.A.C. CT will use a rental pool agreement for each condominium owner for the purpose of defining the parameters of the use of the units in the operation of the resort. A sample rental agreement is attached as Exhibit "4". It is anticipated that all or substantially all of the unit owners will make their units available for transient rentals, either through the rental agreement with the hotel/resort owner, other outside real estate entities, or through use of individual websites like vacation rentals by owner.

250 2 or 3 bedroom hotel/resort units will be beautifully finished and furnished down to the smallest detail.

CTIII has obtained a building permit from the City of Panama City Beach to construct CT based on the land use regulations for a hotel/resort/condo. A copy of the permit is attached as Exhibit A.

As a result of its intent to operate a resort hotel/resort, CTIII has been designed to incorporate the American Disabilities Act Guidelines (ADA), required for all hotel/resorts. Compliance with these rules is more stringent and costly than compliance with the Florida Fair Housing Act which is the standard used for a typical residential condominium projects.

**Va. Violation of §366.05 (1) and § 366.06 (1):** Rule 25-6.049, F.A.C., implements §366.05 (1) and §366.06 (1), which give the Commission authority to prescribe rate

classifications and rules and regulations to be observed by IOU's. In fixing fair, just and reasonable rates the Commission takes into consideration load characteristics and usage patterns. Rule 25-6.049 requires individually metering for residential condominiums. However, based on CTIII's method of operation, there can be no doubt its load characteristics and usage patterns will be more similar to hotel/resorts and motels than those of typical residential customers. It will be impractical for CTIII to attribute energy usage to individual transient occupants. All transient guests will pay a bundled rate for the use of a condominium unit for a limited time. As such, the Commission should look to the method of operation of CTIII as opposed to the ownership structure to determine the appropriate rate structure.

The Florida Department of Revenue and the Department of Business Regulation, who use a much lower threshold than 95% to determine whether a facility operates on a commercial basis, will treat CTIII like a commercial hotel/resort based on its method of operation. CTIII believes it should also be treated similar to a hotel/resort and motel by the Commission, and allowed to master meter CTIII and take service from GULF POWER on a commercial rate schedule. It is unfair, unjust, and unreasonable to require CTIII to receive service from GULF POWER on the higher residential rates when it operates like a commercial hotel/resort.

**VI. Conservation Issue:** Rule 25-6.049, F.A.C., also implements §366.81 and §366.82, collectively known as the Florida Efficiency and Conservation Act, or FEECA. These statutes direct the Commission to adopt goals and approve plans regarding energy conservation. The rule specifies the requirements for measuring electric service of customers. Paragraph (5) of the rule requires condominium units to be individually metered by the utility. The rule was adopted to promote conservation. The premise was that condominiums are residential in nature, and therefore, by requiring individual metering the owner occupant receives a price signal for electric usage and will be more inclined to conserve energy. However, the individual metering only promotes energy conservation when the occupants of the unit are directly responsible for the energy they consume. When individuals don't see a direct financial impact for the energy they consume individual metering actually defeats the purpose of energy conservation. It was for this reason the Commission provided certain exceptions to the individual metering requirements.

CTIII will operate as a transient rental facility catering to the traveling public. The owner/investors of substantially all of the units at CTIII will not be responsible for energy conservation at the resort. The General Manager, Assistant Manager, Chief Engineer, and

Director of Housekeeping will have full responsibility for energy management and conservation at CT. However, without receiving a price signal through a master meter as other hotel/resorts and motels receive, the resort staff will not be made aware of the electric costs at CTIII, and accordingly will not be as diligent in their efforts to conserve.

In hotel/resorts and motels the GM has the overall responsibility for cost control. By working closely with staff and monitoring monthly electric expenses the GM can implement many policies to keep electric costs down by conserving electricity. Here are a few that the management at CT will implement; regular maintenance schedules for all HVAC equipment so that it continues to operate at peak efficiency, regularly scheduled condominium unit maintenance and inspections to insure all energy star appliances are functioning properly, daily efforts by housekeeping to draw curtains or shades after cleaning an unoccupied room to prevent heat gain unnecessarily, thermostat turn down within unoccupied units to prevent unnecessary energy consumption, and measures to reduce heat island effects. Housekeeping will use environmentally friendly products that also require less energy to ventilate after cleaning.

The design for the HVAC system is centralized. The condominium units contain individual air handlers only, and operate through a direct return roof mounted water cooling tower and heat exchanger for the cooling and heating of the units.

A central natural gas fired water heater system, that is directly piped through a looped system, services the hot water system to each unit. High efficiency, manually switched bathroom fans are being incorporated to help remove humidity and prevent prolonged operation that removes conditioned air from the unit.

Finally, Gulf Power has energy conservation and incentive programs that will be available to CT as a hotel/resort that would not otherwise be available to a typical residential condominium. GULF POWER offers business evaluations, help in payment for high efficiency cooling and/or energy recovery ventilation, business lighting programs, building envelope improvements, and business custom incentives. These on-going programs will be available to CT as a hotel/resort to help with energy conservation.

**VII. Conclusion** If the units at CTIII are individually metered the monthly electric bills will be forwarded by GULF POWER to approximately 250 owners whose condominiums are used by others for temporary occupancy. These owners will be located in all parts of the country and abroad with no ability to implement energy conservation except through the management of

the resort. There will be little conservation incentive achieved by requiring individual metering. The purpose of Rule 25-6.049, F.A.C., in serving the goal of conservation is more effectively accomplished if CTIII is granted a waiver or variance and the resort is allowed to receive service from GULF POWER via master meter. In addition, the principles of fairness would be met in that CTIII will not experience any hardship if it pays the same rate for electricity as other hotel/resorts, motels, and resorts in the area.

**VIII. Duration of Variance or Waiver** - Petitioner requests the waiver be permanent with the condition that CT continues to operate a transient rental facility and maintain registration with the DBPR as a public lodging establishment in accordance with Chapter 509.242, Florida Statutes.

WHEREFORE, CTIII respectfully requests the Commission grant its request for a variance or waiver.

\_\_\_\_\_  
RICHARD S. JOHNSON, P.A.  
107 N. Partin Dr.  
Niceville, FL 32578  
Telephone (850) 269-7878  
[richard@richardjohnsonlawfirm.com](mailto:richard@richardjohnsonlawfirm.com)  
~~Authorized Representative~~ *Attorney*  
CTIII 2600 Calypso Towers *LCC*

I HEREBY CERTIFY that the foregoing Petition for Variance or Waiver has been furnished by ~~Email~~ *Electronic Filing* and the original and 7 copies have been furnished by U.S. Mail this \_\_\_\_\_ day of \_\_\_\_\_, 2019, to the Florida Public Service Commission, Attn: Ms. Anne Cole, Director, Division of the Commission Clerk and Administrative Services.

~~Carototto~~  
*Adm Teitzman*  
*@ clerk.@psc.*

\_\_\_\_\_  
Richard S. Johnson, P.A.

*Stsh.*  
*Fl. vs*



**CITY OF PANAMA CITY BEACH**  
**Building and Planning Department**  
 116 S. Arnold Road, Panama City Beach, FL 32413  
 850-233-5054, ext. 2304 or 2310  
 Website: [pcb.gov](http://pcb.gov) Email: [mhartman@pcb.gov](mailto:mhartman@pcb.gov)

**CONDOMINIUM**

Permit Number: 201601407

Applied Date: Issued Date: 3/6/2017 Closed Date:  
 Job Cost: 50000000.00 Total Fees: 432,279.99 Fees Paid: 432,279.99

Property Owner: Calypso Tower III, LLC

Property Address: 15928 FRONT BEACH RD (CALYPSO TOWER III), Panama City Beach, FL 32413

Lot: Block: Parcel Number: 33756000000

Legal Description: X

Zoning: CH Flood Zone: [Flood Zone]

Occupancy & Construction type: Residential, VI-UNP

Structure: CALYPSO TOWER III Total Square Footage: 18167

License Holder: Bruce Benton Company: Killian Construction Company of Missouri  
 License Number: CGC1522089 Expires: 8/30/2018  
 License Holder: Bruce Benton Company: Killian Construction Company of Missouri  
 License Number: 17-00009449 Expires: 9/30/2017  
 License Holder: Bruce Benton Company: Killian Construction Company of Missouri  
 License Number: WC3020199587 Expires: 10/1/2017

Description of Work: Calypso III for 250 Unit Condo Building

**THIS PERMIT BECOMES NULL AND VOID IF WORK OR CONSTRUCTION AUTHORIZED IS NOT COMMENCED WITHIN 6 MONTHS, OR IF CONSTRUCTION OR WORK IS SUSPENDED OR ABANDONED FOR A PERIOD OF 6 MONTHS AT ANY TIME AFTER WORK IS STARTED.**

**NOTICE: IN ADDITION TO THE REQUIREMENTS OF THIS PERMIT, THERE MAY BE ADDITIONAL RESTRICTIONS APPLICABLE TO THIS PROPERTY THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY, AND THERE MAY BE ADDITIONAL PERMITS REQUIRED FROM OTHER GOVERNMENTAL ENTITIES SUCH AS WATER MANAGEMENT DISTRICTS, STATE AGENCIES, OR FEDERAL AGENCIES.**

Contractor/agent: \_\_\_\_\_

Building Official: Kenneth E. Ralph

Date: 3/6/2017





**CITY OF PANAMA CITY BEACH**  
**Building and Planning Department**  
 116 S. Arnold Road, Panama City Beach, FL 32413  
 850-233-5054, ext. 2304 or 2310  
 Website: pcbgov.com Email: mhartman@pcbgov.com

Permit Information

**Date** 3/6/2017  
**Permit Number** 201601407  
**Permit Type** CONDOMINIUM  
**Applicant** Killian  
**Valuation** 50000000.00  
**Additional Valuation** 0.00  
**Structure** CALYPSO TOWER III  
**Occupancy Type** Residential  
**Construction Type** VI-UNP  
**Heated Sq Ft** 0  
**Unheated Sq Ft** 0  
**Total Square Footage** 18167  
**Description of Work** Calypso III for 250 Unit Condo Building  
**Closed Date**  
**Status** Issued  
**Stories** 23  
**Total Units** 250  
**Flood Zones** X  
**Zoning** CH  
**Assigned To** Tyson Scott

Property Information

Parcel#: 33756000000  
 Calypso Tower III, LLC  
 15928 FRONT BEACH RD (CALYPSO TOWER III)

Owner Information

Calypso Tower III, LLC  
 6925 Halcyon Pk. Dr.  
 Montgomery, AL 36117

Fees

Fee	Description	Notes	Amount
001 A: Building - COMMERCIAL 25% PLANS REVIEW	Commercial Building plans review		\$25,165.00
001 A: Building - COMMERCIAL 50% PLANS REVIEW	50% review fee	Re review	\$500.00
001 A: Building - COMMERCIAL 50% PLANS REVIEW	50% review fee		\$50,330.00
001 A: Building - COMMERCIAL FIRE IMPACT		943.84 Credit	\$3,088.39
001 A: Building - COMMERCIAL POLICE IMPACT		2220.80 Credit	\$7,266.80
001 A: Building - Building Permit Fee			\$100,660.00
001 A: Building - COMMERCIAL REC IMPACT FEE	Recreation impact fee for Lodging. hotel, motel, resort condo.		\$159,750.00
001 A: Building - DBPR Surcharge			\$1,509.90

001 A: Building - DCA Surcharge	\$1,509.90
001 A: Building - RESIDENTIAL FIRE IMPACT	\$32,500.00
001 A: Building - RESIDENTIAL LIBRARY IMPACT	\$16,250.00
001 A: Building - RESIDENTIAL POLICE IMPACT	\$33,750.00
<b>Total</b>	<b>\$432,280.00</b>

**Payments**

Date	Paid By	Amount	Description	Payment Type	Accepted By
3/6/2017	Calypso Tower III LLC	\$381,949.99	250 Unit Condo	Check # 1083	Millie Hartman
7/19/2016	Calypso Towers III LLC	\$50,330.00	Check # 1055	Check	Heidi Murray
	<b>Total</b>	<b>\$432,280.00</b>			<b>Amount Outstanding: \$0.00</b>

**Notes**

Date	Note
12/27/2016	Credit of 3164.64 due on Police & Fire

**Uploaded Files**

Date	File	Uploaded By

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