

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Application for amendment of ) DOCKET NO. 20220203-WS  
Certificate Nos. 552-W and 481-S in )  
Marion County, by C.F.A.T. H2O, Inc. ) FILED June 1, 2023  
\_\_\_\_\_)

**C.F.A.T. H2O, INC'S MOTION TO DISMISS MARION COUNTY'S  
APPLICATION RESPONSE**

Pursuant to rule 28-106.204, Florida Administrative Code, Applicant C.F.A.T. H2O, Inc. ("CFAT") moves to dismiss Marion County's "Response" to CFAT's Application, allowing this docket to proceed to consideration by the Commission without a hearing. In support, CFAT states:

**Introduction**

1. The CFAT water and wastewater systems are under contract to be sold to CSWR-Florida Utility Operating Company, LLC ("CSWR-Florida UOC") pending approval of the Commission. On March 15, 2022, CSWR-Florida UOC filed a transfer application relating to the CFAT systems, which was assigned Docket No. 20220062-WS.

2. In the fall of 2022, Staff in the transfer docket identified discrepancies in the legal description of CFAT's existing territory that Staff advised had to be corrected before the CFAT systems could be transferred to CSWR-Florida UOC. Accordingly, on November 18, 2022, CFAT opened this territory amendment docket to correct any issues with its territory.

3. After investigation and further conversations with Staff, the discrepancy was identified as one area needing to be added to the approved CFAT territory. See map attached as Exhibit 1.

4. CFAT's approved water and wastewater territories are currently the same as established by the Commission in 1994 Order No. PSC-94-0701-FOF-WS in Docket No. 19931080. The territory has not changed since then.

5. The 1994 Order established territory in portions of Sections 16 and 21, Township 14 South, Range 22 East, in Marion County. The portion in Section 21 is described in the 1994 Order as the “East 1/2 of Northeast 1/4.” That is in error as the correct territory should have instead been described as the “East 1/2 of Northwest 1/4.”

6. This error dates back to docket 19880552-WS, Application of Tradewinds Utilities, Inc. for Amendment of Certificates Nos. 405-W and 342-S in Marion County. That 1988 docket sought to add two parcels to Tradewinds’ territory. For purposes of this motion, those two parcels will be called the “Landfair” parcel and the “Hilltop Manor” parcel.

7. The Application filed in the 1988 docket is attached as Exhibit 2. The map included with the Application as its exhibit A shows a “parcel #1,” which is the Landfair parcel (there are no issues with this parcel) and a “parcel #2,” which is the Hilltop Manor parcel. In that Exhibit A to the 1988 Application, Hilltop Manor (“parcel #2”) is bordered in black marker with the legal description “E1/2 of NE1/4” of Section 21, Township 14 South, Range 22 East. The area bordered in black marker correctly identifies the Hilltop Manor area to have been added, but the corresponding legal description of “parcel #2” is incorrect. It reads “E1/2 of NE1/4” in error when it should have read the “E1/2 of NW1/4.” The error was not caught and the Commission’s Order approving the extension therefore reflects the incorrect “E1/2 of NE1/4” legal description. See Exhibit 3.

8. Accordingly, by the 1988 docket Tradewinds was granted the Landfair parcel but, through the description error, not the actual Hilltop Manor parcel. Instead of the Hilltop Manor parcel, Tradewinds was granted the “E1/2 of NE1/4” of Section 21, Township 14 South, Range 22 East -- the area identified in the legal description of “parcel 2” on Exhibit A to that Application -- not the area bordered in black marker on that same document (the Hilltop Manor parcel). For

purposes of this motion, the “E1/2 of NE1/4” of Section 21, Township 14 South, Range 22 East territory granted by the 1988 docket will be referred to as the “Error parcel.” The Error parcel is shown in Exhibit 1 to this motion as an area to be deleted.

9. Starting in 1989, in addition to the Landfair parcel, Tradewinds began serving the Hilltop Manor parcel, specifically the Hilltop Manor apartment complex, with the understanding that the Hilltop Manor parcel was part of the area that had been certificated by the Commission, as that was the intent of its Application. Neither Tradewinds nor its successors have ever served the Error parcel.

10. By docket 19921260-WS, the Landfair and Error parcels were transferred from Tradewinds to the Resolution Trust Corporation (“RTC”). Because of the continuation of the NE1/4 instead of NW1/4 identification error, it was the Error parcel rather than Hilltop Manor parcel transferred. By this 1992 docket, RTC was granted certificates 552-W and 481-S to serve the Landfair and Error parcels as its approved territory, and those parcels were removed from Tradewinds’ territory. The relevant Commission Order is PSC-93-0368-FOF-WS, attached as Exhibit 4. That 1993 Order and other portions of that docket again identified the Hilltop Manor parcel as the Error parcel. Accordingly, the 1988 misidentification of the Hilltop Manor parcel was carried through the 1993 transfer to RTC, and thus it was the Landfair and Error parcels that were actually transferred to the RTC. However, RTC continued to serve the Hilltop Manor parcel and not the Error parcel.

11. By docket 19931080-WS, the Landfair and Error parcels were transferred from the RTC to CFAT with certificates 552-W and 481-S, as the error in the legal description of the Hilltop Manor parcel was again carried through this docket. The Order approving that transfer refers to the Landfair and Hilltop Manor parcels: “RTC currently provides water and wastewater service to

approximately 91 customers in the Landfair and Hilltop Manor Subdivisions in Marion County. RTC began serving these developments when it became receiver of Tradewinds . . . .” See Exhibit 5. The Order thus notes service to the Hilltop Manor parcel but again approves instead the transfer of the Error parcel by the “E1/2 of NE1/4” legal description.

12. The misidentification of the Hilltop Manor area as being in the NE1/4 instead of the NW1/4 of Section 21 originated in the 1988 Tradewinds extension docket and was not caught in the 1992 docket transferring the area to the RTC or the 1993 docket transferring the area to CFAT. Then 30 years later in the 2022 docket to transfer the area to CSWR-Florida UOC (20220062-WS) with the CFAT systems, the misidentification was caught by Staff.

13. Before the transfer to CSWR-Florida UOC could proceed, CFAT was required by Staff to open this docket, by which CFAT is seeking an extension to serve the Hilltop Manor area, an area that has been served by CFAT and its predecessors continuously since 1989. CFAT also seeks the deletion of the Error parcel – the “E1/2 of NE1/4” of Section 21, an area that has never been served by CFAT or its predecessors as it was never recognized by Tradewinds, RTC, or CFAT as being in the approved territory.

14. Accordingly, this is no conventional territory extension or deletion. It arises from an identification error in the 1988 docket that was repeated in subsequent dockets. The correct Hilltop Manor territory was identified in the 1988 application bordered on the map in thick black marker, but the legal was wrong, “NE”1/4 instead of “NW”1/4.

15. In the legal description that was filed and noticed in this territory amendment docket, CFAT is not now seeking to extend to the entirety of the “E1/2 of the NW1/4” Hilltop Manor area. Instead CFAT requests to extend its approved territory only to those parcels with customers that have been served for decades by CFAT and its predecessors -- the Hilltop Manor

apartments off Jacksonville Road and a gas station at the corner of Jacksonville Road and NW 70th Street. See Exhibit 1.

### **Marion County's Response To CFAT's Application**

16. On March 15, 2023, CFAT filed its affidavits of mailing notice to the list of utilities, governmental agencies, and state officials provided by Staff, and of newspaper publication.

17. On April 14, 2023, Marion County Utilities ("Marion County" or the "County") filed its "Response To Application For Amendment Of Certificate Nos. 552-W And 481-S By C.F.A.T. H2O, Inc. And Request For Hearing" ("Response").

18. The County's April 14, 2023, Response states that the County objects to CFAT's territory extension because "[t]he County has established that the areas, within the Notice, are within the County's established Utilities Service Area and the County is actively in the design process to provide service in the areas identified in the EXTENSION areas."

19. On May 5, 2023, Staff filed a letter from the County to Staff and dated May 4, 2023 "with the concerns of the Marion County Utilities Department."

20. As to the Hilltop Manor portion of the CFAT extension area, the area served by CFAT and its predecessors for now 34 years, the County states it "is currently in the process of designing new utility lines along CR 326 to Old Jacksonville Road that will be able to serve this area. This project is scheduled for completion in 2024." The County states that it "is not seeking an immediate discontinuance of service" by CFAT but instead that the extension application be denied and that "the service responsibility for properties within the proposed area be turned over to Marion County Utilities upon completion of our facilities."

21. The County's Response also notes the extension, decades ago, of a main "along NE 77th Street from the intersection of Old US Hwy 301 west to West Anthony Road, [for CFAT] to

provide bulk service to Jumbolair and the Villages of Ocala trailer park.” The County’s Response states that extension is “within Marion County’s service area which should be served by the Marion County Utilities” and that CFAT “is not seeking an expansion of its service area to include these facilities and Marion County would like to use this opportunity to correct this conflict.” CFAT’s original Application filed in this docket on November 18, 2022, sought to add territory for the Villages of Ocala mobile home park, which is provided wastewater service by CFAT through a bulk service connection, and a conference center at the Jumbolair neighborhood. The Map filed with that original Application shows those areas. Through conversations with Staff it was determined that those areas did not need to be added to the certificated territory, so they were removed from the Application. As these areas are no longer part of the Application, there is no “conflict” with the County to be addressed in this docket.

22. For the reasons set forth below, CFAT requests that the prehearing officer dismiss the County’s Response to CFAT’s Application relating to the sole area it identifies that is still at issue with the Application -- the extension to the Hilltop Manor parcel that has been served by CFAT and its predecessors since 1989 -- and allow this docket to proceed without a hearing to consideration by the Commission.

#### **MEMORANDUM OF LAW**

As the Commission has noted, “[u]nder Florida law, the purpose of a motion to dismiss is to raise as a question of law the sufficiency of the facts alleged to state a cause of action” and that “[i]n order to sustain a motion to dismiss, the moving party must demonstrate that, accepting all allegations in the petition as facially correct, the petition still fails to state a cause of action for which relief can be granted.” *In Re Application for Transfer of Certificate No. 492-S*, Docket No. 991812-SU, Order No. PSC-00-0757-PCO-SU, 2000 WL 639914, at \*1 (Fla. P.S.C. Apr. 17, 2000)

(internal citations omitted). The County has failed to raise any questions of law or allege any facts that, if true, would be a basis to deny CFAT's Application.

**I. THE COUNTY IS PROHIBITED BY STATUTE FROM SERVING THE HILLTOP MANOR AREA OR OTHER AREA ALREADY SERVED BY CFAT**

By statute, Marion County is prohibited from the relief it seeks in its Response -- to serve the Hilltop Manor area currently served by CFAT. Counties are prohibited from extending their water and wastewater systems to areas already served by private utilities, unless the private utility gives its written consent. Section 153.04, Florida Statutes, provides in part:

Whenever the county commission of any of the several counties of the state by resolution chooses to exercise the powers granted by this chapter it shall make or cause to be made such surveys, investigations, studies, borings, maps, plans, drawings and estimates of costs and of revenues as it may deem necessary to prepare or have prepared so that such county commission shall have available to it a comprehensive study and report setting forth either or both of the following:

(1) The type and estimate of costs of each water supply system, the purchase or construction of which shall be deemed by it to be desirable and feasible, together with the location thereof, and of each integral part, and also setting forth what water system improvements, if any, it deems necessary to purchase or construct to protect the health of and render fire protection to the inhabitants of the county, together with the location by terminal points and route of each such improvement, a description thereof by its material, nature, character and size and an estimate of the cost of its purchase or construction.

(2)(a) The type of treatment and estimate of cost of each sewage disposal plant or system, the purchase, or construction of which shall be deemed by the county commission to be desirable and feasible, together with the location thereof and of each integral part, and also setting forth what sewer improvements, if any, it deems necessary to purchase or construct to protect the health of the inhabitants of the county, together with the location by terminal points and route of each such improvement, a description thereof by its material, nature, character, and size and an estimate of the cost of its purchase or construction.

(b) If such study and report reveals, or if it is a fact that any parcel, plot or area of land proposed to be served by county-owned and operated facilities as contemplated by this chapter is being served or there is available to it for service such facilities which are owned and operated by private individuals, copartnerships, corporations or associations, then the county is hereby prohibited from furnishing

the facilities provided by this chapter to such property without the written consent of the owner or owners of such privately owned facilities. . . .

(underlining added) Marion County is accordingly prohibited from extending its water and wastewater systems to areas already served by CFAT. *See also Broward County v. Hurwit*, 216 So. 2d 225 (Fla. 4th DCA 1968) (holding county had no right to operate its water and sewer system where private water and sewer facilities were available to serve the area).

This statute includes all the areas in CFAT’s current PSC-approved territory, as well as the Hilltop Manor area for which a territory extension is sought by this docket. The statute prohibits the County from extending its system to areas served by “facilities which are owned and operated by private individuals, copartnerships, corporations or associations,” as well as areas not currently served by such facilities but from which facilities service is available. A “facility” includes “water systems, sewage disposal systems, water system improvements and/or sewer improvements or additions thereto. . . .” § 153.02(7), Fla. Stat.

PSC certification is not required, meaning that the statute excludes the County from any area served or that could be served by a private facility, regardless of whether that facility serves a PSC-certificated territory, or is operated by a utility regulated by the Commission. Accordingly, the County is prohibited by section 153.04(2)(b) from the relief it seeks in its Response to CFAT’s application. As CFAT’s “facility” serves and has served the Hilltop Manor area for 34 years, “the county is hereby prohibited from furnishing the facilities provided by this chapter to such property . . . .” and the County’s Response seeking the same should therefore be dismissed.

## **II. THE COUNTY HAS NOT FILED AN OBJECTION AS REQUIRED BY LAW**

Initiation of formal proceedings requires an objection that alleges facts and law providing a basis for relief within the jurisdiction of the Commission. The County did not file one. Its Response fails to meet the basic pleading requirement. Section 367.045(4), Florida Statutes



requires a governmental authority who wishes to object to a territory extension to file “a written objection requesting a proceeding pursuant to ss. 120.569 and 120.57.” It is not enough to simply object. The objection must allege facts and law that would provide a basis for relief. Rule 28-106.201(1), F.A.C. provides in pertinent part that “initiation of proceedings shall be made by written petition to the agency responsible for rendering final agency action.” A written petition must include the following:

- (a) The name and address of each agency affected and each agency’s file or identification number, if known;
- (b) The name, address, any e-mail address, any facsimile number, and telephone number of the petitioner, if the petitioner is not represented by an attorney or a qualified representative; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination;
- (c) A statement of when and how the petitioner received notice of the agency decision;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency’s proposed action;
- (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency’s proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the agency to take with respect to the agency’s proposed action.

Rule 28-106.301(2), F.A.C.; *see also* rule 25-30.031(2), F.A.C. (stating that “[a] written objection must state the grounds for the objection with particularity”).

The County’s Response fails to identify or allege any disputed issues of material fact, ultimate facts, or the specific rules or statutes that would require denial of CFAT’s Application,

including an explanation of how the alleged facts relate to the specific rules or statutes. As with any other pleading, initiation of formal proceedings with the Commission requires allegations of fact and law that provide a basis for relief. The County's Response fails to meet this pleading requirement and must therefore be dismissed.

### **III. THE COUNTY RAISES NO ISSUE RELEVANT TO A TERRITORY EXTENSION DOCKET**

The issues raised by the County in its Response have no relevance to any matter at issue with CFAT's proposed territory extension to the Hilltop Manor area. A utility such as CFAT seeking to extend its approved territory must:

Provide all information required by rule or order of the commission, which information may include a detailed inquiry into the ability or inability of the applicant to provide service, the need or lack of need for service in the area that the applicant seeks to delete or add; the existence or nonexistence of service from other sources within geographical proximity to the area that the applicant seeks to delete or add, and a description of the area sought to be deleted or added to the area described in the applicant's current certificate of authorization

§ 367.045(2)(b), Fla. Stat. (underlining added) The County's Response takes no issue with CFAT's ability to provide service or the need for service. The Hilltop Manor area has been served by CFAT for decades. The continuation of that service after 34 years is the ultimate in need for service. As for "service from other sources," the County's response says it may have service available to the Hilltop Manor area in 2024. This is not a situation of a proposed territory extension to vacant development land or other open areas, where availability of service from other sources would be relevant. CFAT has been in place serving the Hilltop Manor area for decades, which area requires ongoing continuous service. The County states that it "is not seeking an immediate discontinuance of service" by CFAT but instead that "the service responsibility for properties within the proposed area be turned over to Marion County Utilities upon completion of our facilities." The County in its Response pleads no facts or law that would entitle it to this type of

relief. To the contrary, section 153.04(2)(b), Florida Statutes, prohibits the County from serving the Hilltop Manor. In sum, the County alleges no issue relevant to this territory amendment docket, has failed to file an objection alleging facts and law entitling it to relief within the jurisdiction of the Commission, and is prohibited from serving the Hilltop Manor area by section 153.04(2)(b), Florida Statutes.

WHEREFORE, C.F.A.T. H2O, Inc. requests that the Response filed by Marion County be dismissed, allowing this territory amendment docket to proceed to consideration by the Commission without further delay.

Respectfully submitted this 1st day of June, 2023.

/s/ Thomas A. Crabb  
Susan F. Clark, FBN 179580  
Thomas A. Crabb, FBN 25846  
Jordann Wilhelm, FBN 1003182  
Radey Law Firm  
301 South Bronough Street, Suite 200  
Tallahassee, FL 32301  
(850) 425-6654  
tcrabb@radeylaw.com  
sclark@radeylaw.com  
jwilhelm@radeylaw.com  
Attorneys for C.F.A.T. H2O, Inc.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the foregoing has been furnished via electronic mail to the following this 1st day of June, 2023.

Jennifer Crawford, Esq.  
Major Thompson, Esq.  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850  
jcrowfor@psc.state.fl.us  
mthomps@psc.state.fl.us

Matthew G. Minter, Esq., County Attorney  
Marion County Utilities  
601 SE 25th Avenue  
Ocala, FL 34471  
matthew.minter@marionfl.org  
donna.martin@marionfl.org

*/s/ Thomas A. Crabb* \_\_\_\_\_  
Thomas A. Crabb

# **EXHIBIT 1**

# C.F.A.T. H2O INC, MARION COUNTY, FL SERVICE TERRITORY MAP

SECTION 17

SECTION 15

SECTION 16

EXISTING

FL T14S R22E

DELETE

ADD

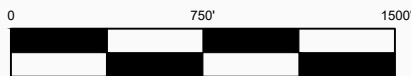
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SECTION 20

SECTION 21

SECTION 22



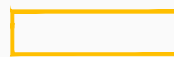
SCALE: 1" = 750'



CFAT EXISTING APPROVED  
TERRITORY TO REMAIN



CFAT EXISTING APPROVED  
TERRITORY TO BE REMOVED



ADDITIONAL AREA TO ADD



PUBLIC LAND SURVEY/  
SECTION LINES

Old US Hwy 301

CSX RAILROAD

NE 36th Ave

200A

# **EXHIBIT 2**

ORIGINAL  
FILE COPY

880552-WS

APPLICATION FOR AMENDMENT OF TERRITORY  
PURSUANT TO SECTION 367.061, FLORIDA STATUTES  
(AMENDMENT)

To: Director, Division of Records and Reporting  
Florida Public Service Commission  
101 East Gaines Street  
Tallahassee, Florida 32301-8153

The undersigned hereby makes application for Amendment of Water  
Certificate No. 405-W and/or Sewer Certificate  
No. 342-S located in Marion County, Florida and  
submits the following information.

PART I APPLICANT INFORMATION

1) The full name and mailing address of the applicant is:

Tradewinds Utilities, Inc. 904-732-0085  
Name of utility and/or seller Phone No.

7799 N.E. 20th Ct.  
Office street address

Ocala Fl 32670  
City State Zip Code

P.O. Box 5220 Ocala, Fl 32678-5220  
Mailing address if different from street address

2) The name of the plant and/or system is:

Tradewinds Utilities, Inc.

3) The name, address and telephone number of the parent or  
affiliated corporation, if any is:

n/a  
Name of corporation Phone No.

Street address

City State Zip Code

PART II CERTIFICATION

Territory Description

A) An accurate description of the territory sought for  
certification, described by sections, quarter sections and/or by  
metes and bounds, using section, township, range and county  
references, is attached as Exhibit "A".

B) A description by a recorded plat book and page and/or by a  
sub-division name is not an acceptable territory description.

C) A sample description is attached showing the outline to be  
followed in submitting same.

D) An affidavit stating whether the lines are in and the  
utility is ready to provide service is attached as  
Exhibit "B".

APR 7 11 50 AM '88  
RECEIVED  
ADMINISTRATION  
MAIL ROOM

DOCUMENT NUMBER-DATE

03629 APR -8 1988

FPSC-RECORDS/REPORTING



Territory Maps

- A) An official county or city property tax map showing the territory to be served, including section, township and range, is attached as Exhibit "A".
- B) The map shall show the new or existing and proposed territory to be served.
- C) The map shall be of a scale of 1" = 200' or 1" = 400'.
- D) The location of the treatment plant(s) shall be shown thereon.

SAMPLE PUBLICATION



**TRADEWINDS UTILITIES, INC.**  
P.O. Box 5220  
Ocala, FL 32678-5220

**LEGAL NOTICE**

Application for an amendment to a certificate for water and/or sewer utility:

Notice is hereby given pursuant to Section 367.061, Florida Statutes, of the application of Tradewinds Utilities, Inc. to amend their certificate to provide water and/or sewer service to the following described lands in Ocala, Florida.

Parcel #1: SW $\frac{1}{4}$  of SE $\frac{1}{4}$  EX N 475' & SE $\frac{1}{4}$  of SE $\frac{1}{4}$ , S 3 Chains of NE $\frac{1}{4}$  of SE $\frac{1}{4}$  of S 16, TWP 14S, RNG 22E Ex ROW

Parcel #2: E  $\frac{1}{2}$  of NE $\frac{1}{4}$  of SEC 21, TWP 14S, RNG 22 E

Any objection to the said application must be made in writing within thirty (30) days from this date to the Division of Records and Reporting, Florida Public Service Commission, 101 East Gaines Street, Tallahassee, Florida 32301, and a copy of said objection mailed to the applicant whose address is:

Tradewinds Utilities, Inc.  
P.O. Box 5220  
Ocala, Florida 32678-5220

System Maps

- A) A detailed map showing existing lines and facilities and extensions thereof under construction and the territory served thereby, said map of sufficient scale and detail to enable correlation with a description of the territory professed to be served is attached as Exhibit C for water and Exhibit D for sewer.
- B) Serial number(s) with respective date(s) of approval of the engineering plans and specifications for any new and/or proposed water and sewer system issued by the Florida Department of Health and Rehabilitative Services, Division of Health, is attached as Exhibit E.
- C) Permit number(s) and respective date(s) of issuance of any permit for sewer systems issued by the Department of Environmental Regulation (DER), Chapter 403, Florida Statutes, is attached as Exhibit E.

PART III NOTICE OF INTENTION

- A) When a utility intends to apply for an amendment to a certificate of authorization, the utility shall obtain from the Commission a list of water and sewer utilities entitled to receive notice pursuant to 367.061 Florida Statutes.
- B) An affidavit that the notice was given by certified mail or personal delivery to the governing body of the county in which the system is located, the governing body of any municipality within a four (4) mile radius of the system, any water or sewer utility within a four (4) mile radius of the territory to be served, area planning agency, the Public Counsel and the Public Service Commission, is attached as Exhibit F.
- C) An affidavit that the Notice of Intent was published once a week for three (3) consecutive weeks in a newspaper of general circulation in the territory involved. Copies of the advertisements shall accompany the affidavit.
- D) Objections to Notice of Application (were) (were not) received (if objections were received, attach copy).

PART IV FILING FEE

A) The following information is required to determine filing fee and proposed design capacity of the system(s) water and/or sewer:

- |    |                                   |               |
|----|-----------------------------------|---------------|
| 1) | Number of gallons per day         | <u>77,500</u> |
| 2) | Population to be served           | <u>800</u>    |
| 3) | Equivalent residential connection | <u>310</u>    |

B) A fee of One Hundred Fifty Dollars is enclosed with the application.  
(One for water & one for sewer)

To determine fee - Equate the design capacity of the system and/or plant constructed to persons as follows:

One equivalent residential service equates to 3.5 persons. One trailer space equates to 2.0 persons.

One hundred gallons per day, per person (100 gpd/p) is accepted design criteria in representing water consumed per day per person and/or representing sewage flow per day per person.

If the design capacity of a system or plant is known in gallons then divide this figure by 100 to find the number of persons that can be served.

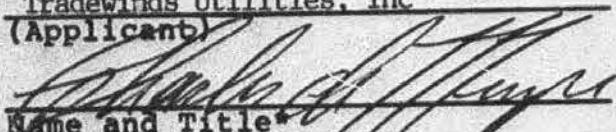
- |    |                        |             |
|----|------------------------|-------------|
| A) | 1 to 999 persons       | \$ 150.00   |
| B) | 1,000 to 4,999 persons | \$ 900.00   |
| C) | 5,000 to 9,999 persons | \$ 1,500.00 |
| D) | 10,000 or more persons | \$ 2,250.00 |

**PART V AFFIDAVIT**

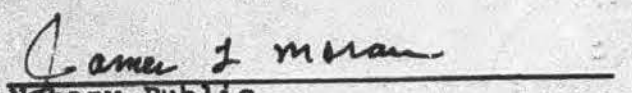
I Tradewinds Utilities, Inc. (applicant) do solemnly swear that the facts stated in the foregoing application and all exhibits attached thereto are true and correct and that said statements of fact thereto constitutes a complete statement of the matter to which it relates.

Tradewinds Utilities, Inc  
(Applicant)

BY:

  
Name and Title  
Charles deMenzes, Pres.

Subscribed and sworn to before me this 5th  
of April 1998.

  
Notary Public  
Notary Public, State of Florida  
My Commission Expires Dec. 18, 1990  
Bonded thru Troy Fain - Insurance Inc.

\*If applicant is a corporation, the affidavit must be made by the president or other officer authorized by the by-laws of the corporation to act for it. If applicant is a partnership or association, a member of the organization authorized to make such affidavit shall execute same.

# MARION COUNTY FLORIDA

Exhibit A

SCALE	1" = 660'	SECTION		TWP.	RANGE	SHEET NO.
PHOTO DATE	DEC 1985	16	15	14 S	22 E	193
PHOTO NO.	PD-3436	21	22			

PARCEL #1: SW $\frac{1}{4}$  of SE $\frac{1}{4}$  EX N 475' & SE $\frac{1}{4}$  of  
SE $\frac{1}{4}$ , S 3 Chains of NE $\frac{1}{4}$  of SE $\frac{1}{4}$  of S 16,  
TWP 14S, RNG 22E Ex ROW

v.l.p.

S.P.

PARCEL #2:  
E $\frac{1}{2}$  of NE $\frac{1}{4}$  of SEC 21,  
TWP 14S, RNG 22 E

DOCUMENT NUMBER-DATE

*Robert L. Rogers Engineering Co., Inc.*

CONSULTING SERVICES  
Planning, Engineering, Surveying  
1105 S.E. 3RD AVENUE  
OCALA, FLORIDA 32671  
(804) 822-9214

Exhibit "B"

February 27, 1988

Mr. Carlos Rivero de Aguilar  
Dept. of Environmental Regulation  
3319 Maguire Blvd. - Suite 232  
Orlando, Fla. 32803-3767

Ref: Marion County - CS  
Meadowland Villas  
(connected to Tradewind Utilities)  
CS 42-103454

Dear Mr. de Aguilar,

In response to your letter of February 16, 1988, we submit the following:

1. A new set of As-Builts which have been signed and sealed, as required.

2. One print of Sheet 1 of 1 of the Planned Unit Development presentation which provided for, and is binding upon, this development. Although the area served has a total of 210 platted lots, by the zoning requirements, the area served (shown as Phase I and Phase II on the zoning sheet) can only have 174 multi-family and 12 single family units for a total of 186 residential units.

Upon review of our copy of the application to construct the wastewater collection system, only Phase I was submitted for your approval and permitted. However, both the water system (Permit # WC 42-2094, copy attached) and also the wastewater treatment plant (Permit #DC 42-101831, copy attached) were permitted for the entire project, with Phase I and Phase II addressed in the manner of operation of the plant.

Based upon our As-Builts, both Phase I and Phase II were constructed.

3. A letter of certification has been submitted on the wastewater treatment plant (copy attached).

4. The gravity line in the vicinity of the water retention area (MH #18 to Lift Station) is constructed at a distance over 30' from the highest possible water level in the retention basin due to the required berm and the freeboard created by the natural land grade on this side of the basin. In view of this, is Specific Condition 5 applicable?

DOCUMENT NUMBER-DATE

Please be advised that other permits have been issued on extensions to this collection system which serves off-site projects

FPSC-RECORDS/REPORTING

Mr. Carlos Rivero de Aguilar  
Meadowland Villas  
Page 2

designed by others. These projects may also have included the shopping center.

At the present time, the completed buildings in this project consist of eight (8) single family residential dwellings (constructed on  $1\frac{1}{2}$  lots of the original multi-family layout) and one 24,500 S.F. shopping center shell. If it is possible, please see if the system serving these residential units (which are located in the Phase 1 permitted area) can be served and the Certificate of Occupancy issued.

Thank you for your consideration.

Sincerely,

  
Robert L. Rogers, P.E.  
For the Company

RLR/cr

cc: Marion County Health Dept.  
Charles de Menzes ✓

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL REGULATION

ST. JOHNS RIVER DISTRICT  
3319 MAGUIRE BOULEVARD  
SUITE 232  
ORLANDO, FLORIDA 32803-3787



BOB GRAHAM  
GOVERNOR  
VICTORIA J. TSCHINKEL  
SECRETARY  
ALEX ALEXANDER  
DISTRICT MANAGER

EXHIBIT "E"

Permittee:  
Charles De Menzes  
American First Mortgage  
Post Office Box 4230  
Ocala, FL 32678

I. D. Number:  
Permit/Certification  
Number: WC42-2094  
Date of Issue:  
Expiration Date: 9/06/86  
County: Marion  
Project: Meadowland Villas

This permit is issued under the provisions of Chapter(s) 403, Florida Statutes, and Florida Administrative Code Rule(s) 17-22. The above named permittee is hereby authorized to perform the work or operate the facility shown on the application and approved drawing(s), plans, and other documents attached hereto or on file with the department and made a part hereof and specifically described as follows:

To construct a community public water system to serve the proposed Meadowland Villas project located on County Road 200A (Old Highway 301) at Northeast 77th Avenue, North of Ocala, Florida. The proposed project will include 306 multi-family units, 45 single-family units, 38 apartments and a 50,000 square foot shopping plaza.

General Conditions 1 through 15 are attached to be distributed to the permittee only.

DER FORM 17-1.201(5) Effective November 30, 1982 Page 1 of 5

DOCUMENT NUMBER-DATE  
03629 APR-8 1988

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL REGULATION



ST. JOHNS RIVER DISTRICT

3319 MAGUIRE BOULEVARD  
SUITE 232  
ORLANDO, FLORIDA 32803-3787

BOB GRAHAM  
GOVERNOR

VICTORIA J. TSCHINKEL  
SECRETARY

ALEX ALEXANDER  
DISTRICT MANAGER

Permittee:  
Charles de Menzes, President  
Tradewinds Utilities, Inc.  
Post Office Box 5220  
Ocala, FL 32678

I. D. Number:  
Permit/Certification  
Number: DC42-101831  
Date of Issue: 2/24/85  
Expiration Date: 1/15/88  
County: Marion  
Latitude/Longitude:  
29° 15' 38" / 82° 05' 47"  
Section/Township/Range:  
16 / 14S / 22E  
Project: Meadowland Villas  
Wastewater Treatment and  
Disposal System

EXHIBIT "E"

This permit is issued under the provisions of Chapter(s) 403, Florida Statutes, and Florida Administrative Code Rule(s) 17-3, 17-4 and 17-6. The above named permittee is hereby authorized to perform the work or operate the facility shown on the application and approved drawing(s), plans, and other documents attached hereto or on file with the department and made a part hereof and specifically described as follows:

Construct: A 0.112 MGD extended aeration wastewater treatment plant with tertiary filtration, disinfection by chlorination and effluent disposal to groundwater via a sealed polishing pond, duplex effluent pump station and two (2) percolation pond cells of 50,500+ square feet each (101,000+ square feet total). The first aeration tank may be bypassed for flow up to 0.058 MGD (Phase I and II).

Location: U.S. Highway 301 about Three (3) miles North of Ocala, Florida.

Treatment Required: Secondary treatment and basic disinfection.

Operators Required: This is a Category III, Class C, treatment plant which requires the service of Class C (or higher) certified operators on-site one-half (1/2) hour per day, five (5) days per week and a weekend visit, as a minimum.

General Conditions 1 through 15 are attached to be distributed to the permittee only.

DER FORM 17-1.201(5) Effective November 30, 1982 Page 1 of 6.



STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL REGULATION

ST. JOHNS RIVER  
DISTRICT

3319 MAGUIRE BOULEVARD  
SUITE 232  
ORLANDO, FLORIDA 32803



BOB GRAHAM  
GOVERNOR

VICTORIA J. TSCHINKEL  
SECRETARY

ALEX SENKEVICH  
DISTRICT MANAGER

EXHIBIT "E"

NOTICE OF INTENT TO USE GENERAL PERMIT FOR  
WASTEWATER COLLECTION SYSTEM/DRINKING WATER DISTRIBUTION SYSTEM

Instructions: This form is to be completed and submitted to the Department along with one set of engineering plans and specifications, AT LEAST 30 DAYS PRIOR TO INITIATING CONSTRUCTION. All blanks must be filled.

I. General Description

1. Person(s) or entity that will own the CS/DS

Name and Title Jack Shubert, Trustee

Address Shubert Construction Company, Inc.; 1355 E. Altamonte Drive; Altamonte Springs, Fl.

Phone (305) 339-3239 Latitude 29° 15' 30"N Longitude 82° 06' 48"W

32701

2. Estimated cost of project \$ 25,000

3. CS/DS Description This system will be known as: Hilltop Manor Apartments

This system will serve \_\_\_\_\_ family homes, \_\_\_\_\_ commercial facilities and 37 multifamily units. Other: \_\_\_\_\_

Estimated Increase in Flow/Demand (MGD) .011. Estimated increase in Equivalent Residential Connections (ERC's) (An ERC = 3.5 persons) 32

The wastewater treatment plant/drinking water plant serving this system will be Tradewinds Utilities County Marion

II. Statement by Applicant

The undersigned owner or authorized representative\* of Hilltop Manor Apartments is fully aware that the statements made in this notice are true and complete to the best of his knowledge. The undersigned is fully aware that it is his responsibility to operate and maintain this facility in such a manner as to function as it was designed. Responsibility may be transferred to another entity upon written notice to the Department from the entity assuming responsibility. The undersigned also accepts responsibility for retaining the project engineer as indicated on this notice to observe that construction of the project is in accordance with engineering plans as submitted.

\*Attach a letter of authorization

Michael Romeo  
Signature of the Owner or Authorized Representative

Michael Romeo, Project Manager  
Name and Title (Please Type)

7334 N.E. Jacksonville Road; Ocala, Fl. 32670  
Address

Telephone No. (904) 368-5090 Date 3/17/87

EXHIBIT "F"

**SENDER:** Complete Items 1 and 2 when additional services are desired, and complete Items 3 and 4.  
Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1.  Show to whom delivered, date, and addressee's address.  Restricted Delivery  
↑(Extra charge)↑

3. Article Addressed to:  Ocala Oaks Utilities, Inc. 1343 N.E. 17 Rd. Ocala, Fl. 32670	4. Article Number P1999 735 046
	Type of Service: <input type="checkbox"/> Registered <input type="checkbox"/> Insured <input checked="" type="checkbox"/> Certified <input type="checkbox"/> COD <input type="checkbox"/> Express Mail
Always obtain signature of addressee or agent and <b>DATE DELIVERED.</b>	
5. Signature - Addressee X <i>Lois R. Nator</i>	8. Addressee's Address (ONLY if requested and fee paid)
6. Signature - Agent X	
7. Date of Delivery <i>1/20/88</i>	

PS Form 3811, Mar. 1987 \* U.S.G.P.O. 1987-177-268 **DOMESTIC RETURN RECEIPT**

**SENDER:** Complete Items 1 and 2 when additional services are desired, and complete Items 3 and 4.  
Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1.  Show to whom delivered, date, and addressee's address.  Restricted Delivery  
↑(Extra charge)↑

3. Article Addressed to:  Marion Utilities, Inc. 710 N.E. 30 Ave. Ocala, Fl. 32670	4. Article Number P1999 735 047
	Type of Service: <input type="checkbox"/> Registered <input type="checkbox"/> Insured <input checked="" type="checkbox"/> Certified <input type="checkbox"/> COD <input type="checkbox"/> Express Mail
Always obtain signature of addressee or agent and <b>DATE DELIVERED.</b>	
5. Signature - Addressee X <i>L. Nator</i>	8. Addressee's Address (ONLY if requested and fee paid)
6. Signature - Agent X	
7. Date of Delivery <i>3/30/88</i>	

PS Form 3811, Mar. 1987 \* U.S.G.P.O. 1987-177-268 **DOMESTIC RETURN RECEIPT**

DOCUMENT NUMBER-DATE  
03629 APR-8 1988  
Fpsc-RECORDS/REPORTING

Exhibit "F"

**SENDER:** Complete Items 1 and 2 when additional services are desired, and complete Items 3 and 4.  
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1.  Show to whom delivered, date, and addressee's address. 2.  Restricted Delivery  
↑(Extra charge)↑

3. Article Addressed to:  
Marion County Property Appraiser's Office  
P.O. Box 486  
Ocala, Fl. 32678

4. Article Number  
P799 735 054

Type of Service:  
 Registered  Insured  
 Certified  COD  
 Express Mail

Always obtain signature of addressee or agent and **DATE DELIVERED.**

5. Signature - Addressee  
X

6. Signature - Agent  
X *A. Delmonico*

7. Date of Delivery  
3/30/88

8. Addressee's Address (ONLY if requested and fee paid)

PS Form 3811, Mar. 1987 \* U.S.G.P.O. 1987-178-268 DOMESTIC RETURN RECEIPT

**SENDER:** Complete Items 1 and 2 when additional services are desired, and complete Items 3 and 4.  
Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1.  Show to whom delivered, date, and addressee's address. 2.  Restricted Delivery  
↑(Extra charge)↑

3. Article Addressed to:  
withlacoochee Regional Planning Council  
1241 S.W. 10th St.  
Ocala, Fl. 32670

4. Article Number  
P799 735049

Type of Service:  
 Registered  Insured  
 Certified  COD  
 Express Mail

Always obtain signature of addressee or agent and **DATE DELIVERED.**

5. Signature - Addressee  
X *B. Grace*

6. Signature - Agent  
X

7. Date of Delivery  
3/30/88

8. Addressee's Address (ONLY if requested and fee paid)

PS Form 3811, Mar. 1987 \* U.S.G.P.O. 1987-178-268 DOMESTIC RETURN RECEIPT

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Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1.  Show to whom delivered, date, and addressee's address. 2.  Restricted Delivery  
↑(Extra charge)↑

3. Article Addressed to:  
City of Ocala  
151 S.E. Osceola Ave  
Ocala, Fl. 32670

4. Article Number  
P799 735 051

Type of Service:  
 Registered  Insured  
 Certified  COD  
 Express Mail

Always obtain signature of addressee or agent and **DATE DELIVERED.**

5. Signature - Addressee  
X

6. Signature - Agent  
X *MS*

7. Date of Delivery  
3/31/88

8. Addressee's Address (ONLY if requested and fee paid)

PS Form 3811, Mar. 1987 \* U.S.G.P.O. 1987-178-268 DOMESTIC RETURN RECEIPT

**SENDER:** Complete Items 1 and 2 when additional services are desired, and complete Items 3 and 4.  
Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1.  Show to whom delivered, date, and addressee's address. 2.  Restricted Delivery  
↑(Extra charge)↑

3. Article Addressed to:  
S&L UTILITIES, Inc.  
1417 S.W. 15th Ave.  
Ocala, Fl. 32674

4. Article Number  
P799 735 048

Type of Service:  
 Registered  Insured  
 Certified  COD  
 Express Mail

Always obtain signature of addressee or agent and **DATE DELIVERED.**

5. Signature - Addressee  
X *C. P. Fitts Jr*

6. Signature - Agent  
X

7. Date of Delivery  
3/30/88


8. Addressee's Address (ONLY if requested and fee paid)

PS Form 3811, Mar. 1987 \* U.S.G.P.O. 1987-178-268 DOMESTIC RETURN RECEIPT

Exhibit "F"

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1.  Show to whom delivered, date, and addressee's address.  Restricted Delivery   
 †(Extra charge)† †(Extra charge)†

3. Article Addressed to: State of Fla. Public Council 624 Crown Blvds 202 Blount St Tallahassee Fl. 32301	4. Article Number P999 735 052
Type of Service: <input type="checkbox"/> Registered <input type="checkbox"/> Insured <input checked="" type="checkbox"/> Certified <input type="checkbox"/> COD <input type="checkbox"/> Express Mail	
Always obtain signature of addressee or agent and <b>DATE DELIVERED.</b>	
5. Signature - Addressee X	8. Addressee's Address (ONLY if requested and fee paid)
6. Signature - Agent X <i>[Signature]</i>	
7. Date of Delivery MAR 30 1988	

PS Form 3811, Mar. 1987 \* U.S.G.P.O. 1987-178-288 DOMESTIC RETURN RECEIPT

**SENDER:** Complete Items 1 and 2 when additional services are desired, and complete Items 3 and 4. Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1.  Show to whom delivered, date, and addressee's address.  Restricted Delivery   
 †(Extra charge)† †(Extra charge)†

3. Article Addressed to: County Administrator Marion County 601 S.E. 26 Ave. Ocala, Fl. 32671	4. Article Number P999 735 053
Type of Service: <input type="checkbox"/> Registered <input type="checkbox"/> Insured <input checked="" type="checkbox"/> Certified <input type="checkbox"/> COD <input type="checkbox"/> Express Mail	
Always obtain signature of addressee or agent and <b>DATE DELIVERED.</b>	
5. Signature - Addressee X	8. Addressee's Address (ONLY if requested and fee paid)
6. Signature - Agent X <i>[Signature]</i>	
7. Date of Delivery 3/30/88	

PS Form 3811, Mar. 1987 \* U.S.G.P.O. 1987-178-288 DOMESTIC RETURN RECEIPT

**SENDER:** Complete Items 1 and 2 when additional services are desired, and complete Items 3 and 4. Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1.  Show to whom delivered, date, and addressee's address.  Restricted Delivery   
 †(Extra charge)† †(Extra charge)†

3. Article Addressed to: Sunshine Utilities 4441 S.E. 53 Ave. Ocala, Fl. 32671	4. Article Number P999 735 045
Type of Service: <input type="checkbox"/> Registered <input type="checkbox"/> Insured <input checked="" type="checkbox"/> Certified <input type="checkbox"/> COD <input type="checkbox"/> Express Mail	
Always obtain signature of addressee or agent and <b>DATE DELIVERED.</b>	
5. Signature - Addressee X	8. Addressee's Address (ONLY if requested and fee paid)
6. Signature - Agent X <i>[Signature]</i>	
7. Date of Delivery 3/30/88	

PS Form 3811, Mar. 1987 \* U.S.G.P.O. 1987-178-288 DOMESTIC RETURN RECEIPT

**SENDER:** Complete Items 1 and 2 when additional services are desired, and complete Items 3 and 4. Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1.  Show to whom delivered, date, and addressee's address.  Restricted Delivery   
 †(Extra charge)† †(Extra charge)†

3. Article Addressed to: Windgate Utilities 4020 N.E. 5 Terr. Ocala, Fl. 32670	4. Article Number P999 735 050
Type of Service: <input type="checkbox"/> Registered <input type="checkbox"/> Insured <input checked="" type="checkbox"/> Certified <input type="checkbox"/> COD <input type="checkbox"/> Express Mail	
Always obtain signature of addressee or agent and <b>DATE DELIVERED.</b>	
5. Signature - Addressee X	8. Addressee's Address (ONLY if requested and fee paid)
6. Signature - Agent X <i>[Signature]</i>	
7. Date of Delivery 3-30	

PS Form 3811, Mar. 1987 \* U.S.G.P.O. 1987-178-288 DOMESTIC RETURN RECEIPT

APPLICATION FOR AMENDMENT OF TERRITORY  
PURSUANT TO SECTION 367.061, FLORIDA STATUTES  
(AMENDMENT)

ORIGINAL  
FILE C

To: Director, Division of Records and Reporting  
Florida Public Service Commission  
101 East Gaines Street  
Tallahassee, Florida 32301-8153

6611

APR 08 '88

The undersigned hereby makes application for Amendment of Water  
Certificate No. 405-W and/or Sewer Certificate  
No. 342-S located in Marion County, Florida and  
submits the following information.

PART I APPLICANT INFORMATION

1) The full name and mailing address of the applicant is:

Tradewinds Utilities, Inc. 904-732-0085  
Name of utility and/or seller Phone No.

7799 N.E. 20th Ct.  
Office street address

Ocala FL 32670  
City State Zip Code

P.O. Box 5220 Ocala, FL 32678-5220  
Mailing address if different from street address

2) The name of the plant and/or system is:

Tradewinds Utilities, Inc.

3) The name, address and telephone number of the parent or  
affiliated corporation, if any is:

n/a  
Name of corporation Phone No.

Street address

City State Zip Code

TRADEWINDS UTILITIES, INC. 01-85

0851

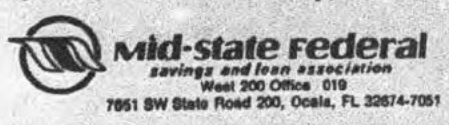
PAY TO THE  
ORDER OF

Florida Public Service Commission

\$ 150.00

One Hundred Fifty and 00/100

DOLLARS



DOCUMENT NUMBER-DATE

03629 APR -8 1988

*[Handwritten Signature]*

FOR

[Redacted area]

# **EXHIBIT 3**

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application by TRADEWINDS ) DOCKET NO. 880552-WS  
UTILITIES, INC. for amendment to ) ORDER NO. 19688  
Certificates Nos. 405-W and 342-S ) ISSUED: 7-19-88  
in Marion County, Florida. )

ORDER AMENDING CERTIFICATES TO INCLUDE  
ADDITIONAL TERRITORY AND CLOSING DOCKET

BY THE COMMISSION:

On April 18, 1988, Tradewinds Utilities, Inc. (Tradewinds or Utility) filed an application with the Commission to amend its Certificates Nos. 405-W and 342-S to include additional territory in Marion County, Florida, pursuant to the provisions of Section 367.061, Florida Statutes.

On March 30, 1988, Tradewinds notified certificated utilities and appropriate governmental agencies in Marion County of its intention to amend its Certificates to include the territory described in Appendix A, attached to this Order. Proof of Notification has been furnished by the Utility.

Notice of the Utility's intent to extend its service area was published in The Ocala Star-Banner, a newspaper of general circulation, published in Marion County, Florida, on March 31, and April 7, and 14, 1988. No protests to this application were received within the prescribed time period.

The appropriate filing fee has been paid, and the Utility is ready, willing and able to provide service in the territory for which it has applied. The application has been reviewed and found to be in compliance with the statutory requirements. Accordingly, we find it is in the public interest to amend Certificates No. 405-W and No. 342-S to include the territory described in Appendix A to this Order, which by reference is incorporated herein.

It is, therefore,

ORDERED by the Florida Public Service Commission that Certificates Nos. 405-W and 342-S, held by Tradewinds Utilities, Inc., 7799 NE 20th Court, Ocala, 32670, are hereby amended to include the territory described in Appendix A of this Order. It is further

ORDERED that the customers in the territory added herein shall be charged the rates approved in the Utility's tariff. It is further

ORDERED that Docket No. 880552-WS is hereby closed.

By ORDER of the Florida Public Service Commission, this 19th day of JULY, 1988.

  
STEVE TRIBBLE, Director  
Division of Records and Reporting

( S E A L )

ALC

DOCUMENT NUMBER-DATE  
07518 JUL 19 1988  
FPSC-RECORDS/REPORTING

ORDER NO. 19688  
DOCKET NO. 880552-WS  
Page 2

APPENDIX A

Township 14 South, Range 22 East, Marion County

Section 16: SW 1/4 of SE 1/4, except the North 475 feet; SE 1/4  
of SE 1/4; South 3 chains of NE 1/4 of SE 1/4.

Section 21: East 1/2 of NE 1/4.



M E M O R A N D U M

JULY 19, 1988

TO : DIRECTOR, DIVISION OF RECORDS AND REPORTING  
FROM: DIVISION OF LEGAL SERVICES (A. CROSBY) *msd*  
RE : DOCKET NO. 880552-WS - APPLICATION OF TRADEWINDS  
UTILITIES, INC., FOR AMENDMENT OF CERTIFICATES NOS.  
405-W AND 342-S TO INCLUDE ADDITIONAL TERRITORY IN  
MARION COUNTY, FLORIDA. (SUBSECTION 367.061(4),  
FLORIDA STATUTES).

*Q# 19688*

---

The attached order may be issued administratively,  
pursuant to Florida Public Service Commission Case Management  
Procedures, Chapter II, 2.08(C)(5).

ALC/db

Attachment/Order

cc: Division of Water and Sewer

DOCUMENT NUMBER-DATE  
07518 JUL 19 1988  
FPSC-RECORDS/REPORTING

# **EXHIBIT 4**

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for ) DOCKET NO. 921260-WS  
certificates to provide water ) ORDER NO. PSC-93-0368-FOF-WS  
and wastewater service in Marion ) ISSUED: 03/09/93  
County by THE RESOLUTION TRUST )  
CORPORATION and for amendment of )  
Certificates Nos. 405-W and )  
342-S by TRADEWINDS UTILITIES, )  
INC. to reflect transfer of )  
territory. )  
\_\_\_\_\_ )

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON, Chairman  
THOMAS M. BEARD  
SUSAN F. CLARK  
JULIA L. JOHNSON

ORDER GRANTING CERTIFICATES NOS. 552-W AND 481-S,  
AND AMENDING CERTIFICATES NOS. 405-W AND 342-S  
TO DELETE TERRITORY

BY THE COMMISSION:

Tradewinds Utilities, Inc. (Tradewinds or utility) is a Class C utility providing water and wastewater service to two separate systems in Marion County. Tradewinds currently serves 366 water customers and 257 wastewater customers. Approximately 289 water and 162 wastewater customers will be served as a result of the deletion of territory approved herein. The annual report for 1991 shows water revenue of \$63,739 and wastewater revenue of \$73,171 and a net operating income of \$7,017 for water and \$6,631 for wastewater.

The Miami Savings Bank held title for certain utility assets and facilities serving a portion of Tradewinds' territory; however, as a result of a foreclosure on Miami Savings Bank the Resolution Trust Corporation (RTC) was appointed its receiver. As a result of a judgment of foreclosure issued April 16, 1991, on a loan secured by a mortgage on the same utility assets and facilities, RTC gained ownership. The RTC through Real Estate Recovery, Inc., (RER) now serves two residential areas known as the Landfair subdivision and the Hilltop Manor subdivision. The foreclosure action did not affect the other separate systems owned and operated by Tradewinds.

DOCUMENT NUMBER-DATE

02633 MAR-93

FPSC-RECORDS/REPORTING

Application

On December 15, 1992, RER, contractor/asset manager for the RTC, applied to this Commission for a certificate to provide water and wastewater service in Marion County. The application is in compliance with the governing statute, Section 367.045, Florida Statutes, and other pertinent statutes and administrative rules. The application contains a filing fee in the amount of \$300, which is the correct filing fee pursuant to Rule 25-30.020, Florida Administrative Code.

The applicant has provided evidence that it owns the land upon which the utility's facilities are located, in the form of a Certificate of Title executed and filed in the Circuit Court of the Fifth Judicial District, as required by Rule 25-30.033(1)(j), Florida Administrative Code.

Adequate service territory and system maps and a territory description have been provided as prescribed by Rule 25-30.033(1)(l), (m) and (n), Florida Administrative Code. A description of the territory requested by the applicant is appended to this Order as Attachment A. We have deleted that same territory from Tradewinds' certificated territory as a result of our decision herein.

In addition, the application contains proof of compliance with the noticing provisions set forth in Rule 25-30.030, Florida Administrative Code, including notice to the customers in the proposed territory. No objections to the notice of application have been filed with this Commission, and the time for filing such has expired.

The RTC, through RER, has retained the services of Miles Christen Anderson, a consulting engineer, to manage the facilities. Aqua-Pure Water and Sewage Services, Inc. operate the utility and Fred Tattersall, CPA, is the utility's accountant. From information filed with the application, it appears that the RTC through RER has the financial ability to provide water and wastewater service and will fulfill all commitments, obligations and representations of the transferor.

Based on the foregoing, we find that it is in the public interest to grant Real Estate Recovery, Inc. Water Certificate No. 552-W and Wastewater Certificate No. 481-S to serve the territory described in Attachment A. Further, we find it is in the public

ORDER NO. PSC-93-0368-FOF-WS  
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interest to amend Tradewinds Water Certificate No. 405-W and Wastewater Certificate No. 342-S, to reflect the territory deleted and transferred to RER in Attachment A.

Docket No. 921260-WS, shall remain open pending the determination of the appropriate rate base and rates and charges for RER. Until we establish these new rates and charges, RER shall charge only those rates and charges currently approved in Tradewinds' tariff.

Based upon the foregoing, it is, therefore,

ORDERED by the Florida Public Service Commission that Real Estate Recovery, Inc., contract/asset manager for the Resolution Trust Corporation, is hereby granted Water Certificate No. 552-W and Wastewater Certificate No. 481-S to serve the territory described in Attachment of this Order. Tradewinds Utilities, Inc.'s Water Certificate No. 405-W and Wastewater Certificate No. 342-S are hereby amended to reflect the deleted territory in Attachment A. It is further

ORDERED that this docket shall remain open pending determination of the appropriate rate base and rates and charges.

By ORDER of the Florida Public Service Commission this 9th day of March, 1993.

\_\_\_\_\_  
STEVE TRIBBLE, Director  
Division of Records and Reporting

( S E A L )

RG

by: Kay Flynn  
\_\_\_\_\_  
Chief, Bureau of Records

ORDER NO. PSC-93-0368-FOF-WS  
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PAGE 4

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water or sewer utility by filing a notice of appeal with the Director, Division of Records and Reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Civil Procedure. The notice of appeal must be in the form specified in Rule 9.900 (a), Florida Rules of Appellate Procedure.

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ATTACHMENT A

REAL ESTATE RECOVERY, INC.  
TERRITORY DESCRIPTION

The following described lands located in portions of Sections 16 and 21, Township 14-South, Range 22-East, Marion County Florida:

Section 16: SW 1/4 of SE 1/4, except the North 475 feet; SE 1/4 of SE 1/4; South 3 chains of NE 1/4 of SE 1/4.

Section 21: East 1/2 of NE 1/4.

# **EXHIBIT 5**



BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application For Transfer ) DOCKET NO. 931080-WS  
of Certificates Nos. 552-W and ) ORDER NO. PSC-94-0701-FOF-WS  
481-S From the Resolution Trust ) ISSUED: June 8, 1994  
Corporation to C.F.A.T. H2O, )  
Inc. in Marion County. )  
\_\_\_\_\_)

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON, Chairman  
SUSAN F. CLARK  
JULIA L. JOHNSON  
DIANE K. KIESLING

ORDER APPROVING TRANSFER AND  
SETTING RATES AND CHARGES

AND

NOTICE OF PROPOSED AGENCY ACTION  
ORDER ESTABLISHING RATE BASE FOR PURPOSES  
OF THE TRANSFER

BY THE COMMISSION:

NOTICE IS HEREBY GIVEN by the Florida Public Service Commission that the action discussed herein regarding the establishment of rate base for purposes of the transfer is preliminary in nature and will become final unless a person whose interests are substantially affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

Background

On November 8, 1993, C.F.A.T. H2O, Inc. (CFAT) filed an application with this Commission requesting approval of the transfer of Certificates Nos. 552-W and 481-S from the Resolution Trust Corporation (RTC or utility). RTC currently provides water

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and wastewater service to approximately 91 customers in the Landfair and Hilltop Manor Subdivisions in Marion County. RTC began serving these developments when it became receiver of Tradewinds Utilities' (Tradewinds) system as a result of foreclosure action against The Miami Savings Bank, owner of certain utility assets of Tradewinds.

#### Application

The application is compliance with Section 367.071, Florida Statutes, and other pertinent statutes and administrative rules. In particular, the application contains a filing fee in the amount of \$300.00, pursuant to Rule 25-30.020, Florida Administrative Code. The application also contains evidence that RTC owns the land upon which the facilities are located. CFAT shall provide a recorded warranty deed or other proof that it owns the land upon which the water and wastewater facilities are located within 30 days of the date of closing of the sale.

CFAT has provided proof of compliance with the noticing requirements of Rule 25-30.030, Florida Administrative Code, including notice to the customers of the system being transferred. No objections to the notice of application have been received and the time for filing such has expired.

The systems currently serve developed lots which are being purchased by RSC Development, Inc. (RSC). RSC is a corporation controlled by Ronald Chase, the majority shareholder of CFAT. CFAT has retained the same engineering firm to operate the treatment plants that operated the plant while RTC was the receiver. Therefore, it appears that CFAT has the technical ability to continue operations of the water and wastewater systems. Also, according to the Department of Environmental Protection, there are no outstanding notices of violation against the utility.

Although CFAT is a newly formed corporation, it appears that it has the financial ability to continue operations of the utility. CFAT will invest approximately \$33,000 cash in the utility. According to the application, the officers of the corporation are prepared to provide additional funds as required. CFAT will obtain financing from RTC under its normal terms for commercial property. CFAT plans to borrow approximately \$79,000 at 6.5 percent interest for five years, with payments of \$500 per month.

In view of the foregoing, we find that the transfer of Certificates Nos. 552-W and 481-S from RTC to CFAT is in the public interest and it is approved. A description of the territory which the utility is authorized to service by Certificates Nos. 552-W and

481-S is set forth on Attachment A of this Order, which by reference is incorporated herein.

RTC shall return Certificates Nos. 552-W and 481-S to this Commission within 30 days of the date of this Order for entry reflecting the change in ownership. In addition, CFAT shall file evidence with this Commission that it owns the land upon which the facilities are located within 30 days of the closing of the sale.

#### Rate Base

According to the application, the net book value of the system being transferred as of the date of the proposed transfer is \$(13,787) for water and \$10,077 for wastewater. The Commission previously established rate base for this system when it was transferred from Tradewinds to RTC in Docket No. 921260-WS. According to Order No. PSC-93-0900-FOF-WS, issued on June 14, 1993, in that Docket, rate base was \$0 for water and \$0 for wastewater as of December 31, 1991. CFAT did not provide documentation to justify the rate base set forth in the instant application. Since closing has not taken place, our Staff conducted an audit of the books and records of the utility to determine rate base (net book value) as of December 31, 1993.

RTC does not classify plant-in-service, expenses, and contributions-in-aid-of-construction (CIAC) on a monthly basis as required by the National Association of Regulatory Utility Commissioners Accounting Instruction 2 (NARUC). Also, the utility does not calculate accumulated depreciation or accumulated CIAC amortization on a monthly basis. Therefore, we find it appropriate to require CFAT to comply with NARUC rules concerning the classification of accounts.

The utility did not correctly reconcile its books to Order No. PSC-93-0900-FOF-WS. According to the audit, the utility adjusted plant-in-service in 1993, but did not restate accumulated depreciation and CIAC amortization retroactive to 1991, as required by Order No. PSC-93-0900-FOF-WS. The utility's adjustment to Account No. 331, Transmission and Distribution Mains, was \$34,888. The adjustment should have been \$34,583 to Account No. 331 and \$305 to Account No. 339, Other Plant and Miscellaneous.

In addition, the utility should have adjusted its December 31, 1991 ending balances for CIAC water and wastewater in accordance with Order No. PSC-93-0900-FOF-WS. CFAT shall restate accumulated depreciation and accumulated CIAC amortization to 1991, adjust 1993 plant-in-service, and adjust its December 31, 1991 ending balances

for CIAC water and wastewater to the prior balance set forth in Order No. PSC-93-0900-FOF-WS.

The utility recorded \$5,718 in repairs as capital purchases to utility plant-in-service (UPIS), Water Account No. 304 (Structures and Improvements). The utility should have recorded the cost of repairs as repair and maintenance expenses; therefore, UPIS is reduced by \$5,718. Also, the cost of two new meters, a new chlorinator and a pump was recorded as expenses to Water Plant. These items should have been recorded as UPIS; therefore, UPIS should be increased by \$233 for the meters, \$220 for the chlorinator and \$4,432 for the pump.

At the time of the transfer of ownership of the utility from Tradewinds to RTC, Account No. 311 (Pumping Equipment) had a balance of \$11,098. After discussions with the prior owner, it was determined that \$8,500 of this amount represents the cost of two wells placed in service in 1986. One of the wells has never been put to use and there are no plans to use the well in the near future. Therefore, \$8,500 should be removed from Account No. 311; \$4,250 should be transferred to Plant Held for Future Use. The remaining \$4,250 should be transferred to Wells and Springs. In addition, since the wells are contributed property, CIAC should be reduced by \$4,250 to represent the CIAC associated with the well not in service. Further, advances for construction (CIAC) should be decreased by \$4,250.

The utility made no accounting entries for UPIS retirements in 1993, although a well pump and generator were retired. As a result of the retirements, UPIS should be decreased by \$5,021. Because all plant was contributed, CIAC should also be decreased by \$5,021. Accordingly, the associated accumulated depreciation and accumulated CIAC amortization should be increased by \$5,021. Accumulated depreciation should be increased by \$300 to reflect the salvage value of the generator.

The utility recorded expense to wastewater plant for a staff gauge and two new chlorinators in 1992 and 1993 instead of recording them as plant additions. Therefore, UPIS should be increased by \$30 to reflect the plant additions.

The utility's records indicate that water and wastewater connection fees of \$120 each were collected, but the utility made no accounting entries to reflect the collection of these fees. Therefore, CIAC for water should be increased by \$120 and CIAC for wastewater should be increased by \$120.

According to the audit, the utility computes its CIAC amortization using a straight line rate based on 30 years rather than a rate based on contributed depreciable plant as required by Commission rules. Accumulated depreciation and CIAC has been recalculated pursuant to Rule 25-30.140, Florida Administrative Code. The correct balances for accumulated depreciation and CIAC accumulated amortization at December 31, 1993, is \$(10,914) and \$11,653, respectively, for the water system. The correct balances for accumulated depreciation and CIAC accumulated amortization at December 31, 1993 is \$(19,329) and \$21,967, respectively, for the wastewater system.

Based on the adjustments set forth herein we find rate base for RTC to be \$5,504.00 for the water system and \$2,950.00 for the wastewater system as of December 31, 1993. Our calculation of rate base is shown on Schedules Nos. 1 and 3, for the water and wastewater systems, respectively. Adjustments to rate base are shown on Schedules Nos. 2 and 4.

An acquisition adjustment results when the purchase price of a utility differs from the original cost calculation. In the absence of extraordinary circumstances, it is the policy of this Commission that the purchase of a utility system at a premium or discount shall not affect the rate base calculation. CFAT has not requested an acquisition adjustment and the circumstances in this transaction do not appear to be extraordinary; therefore, no acquisition adjustment has been included in the calculation of rate base.

The rate base calculation is used purely to establish the net book value of the property being transferred. It does not include the normal ratemaking adjustments of working capital calculations and used and useful adjustments.

#### Rates and Charges

RTC's rates and charges were established by Order No. PSC-93-0900-FOF-WS, issued June 14, 1993, in Docket No. 921260-WS. These rates and charges were approved for Tradewinds prior to the transfer to RTC.

Rule 25-9.044(1), Florida Administrative Code, requires the new owner of a utility to adopt and use the rates, classifications and regulations of the former operating company unless authorized to change by this Commission. CFAT has not requested to change the rates and charges and we see no reason to change them at this time. CFAT shall continue to charge the rates and charges approved in the utility's tariff until authorized to change by this Commission in

a subsequent proceeding. CFAT has filed a tariff reflecting the change in ownership. The tariff shall be effective for service provided or connections made on or after the stamped approval date on the tariff sheets.

It is, therefore,

ORDERED by the Florida Public Service Commission that the transfer of Certificates Nos. 552-W and 481-S from the Resolution Trust Corporation, 927 Clint Moore Road, Boca Raton, Florida 33487, to C.F.A.T. H2O, Inc., 1515 East Silver Springs Boulevard, Suite W165, Ocala, Florida 34470, is hereby approved. It is further

ORDERED that C.F.A.T. H2O, Inc. shall submit a recorded warranty deed or other proof that it owns the land upon which the utility facilities are located within 30 days of the date of closing of the sale. It is further

ORDERED that rate base, for purposes of the transfer, which reflects net book value, is \$5,504 and \$2,950 for the water and wastewater systems, respectively. It is further

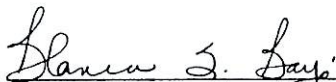
ORDERED that C.F.A.T. H2O, Inc. shall restate certain accounts as set forth in the body of this Order to conformance with Order No. PSC-93-0900-FOF-WS, issued June 14, 1994, and to conform to the National Association of Regulatory Utility Commissioners Accounting Instruction Two. It is further

ORDERED that C.F.A.T. H2O, Inc. shall continue to charge the rates and charges approved in the Resolution Trust Corporation's tariff until authorized to change by this Commission in a subsequent proceeding. It is further

ORDERED that the provisions of this Order establishing rate base for purposes of the transfer are issued as proposed agency action and shall become final and effective unless an appropriate petition, in the form provided by Rule 25-22.036, Florida Administrative Code, is received by the Director, Division of Records and Reporting, 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on the date set forth in the "Notice of Further Proceedings or Judicial Review" attached hereto. It is further

ORDERED that in the event this Order becomes final, this Docket shall be closed.

By ORDER of the Florida Public Service Commission, this 8th  
day of June, 1994.

  
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BLANCA S. BAYÓ, Director  
Division of Records and Reporting

( S E A L )

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

As identified in the body of this order, our action establishing rate base for purposes of the transfer is preliminary in nature and will not become effective or final, except as provided by Rule 25-22.029, Florida Administrative Code. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, as provided by Rule 25-22.029(4), Florida Administrative Code, in the form provided by Rule 25-22.036(7)(a) and (f), Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting at his office at 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on June 29, 1994. In the absence of such a petition, this order shall become effective on the date subsequent to the above date as provided by Rule 25-22.029(6), Florida Administrative Code.

Any objection or protest filed in this docket before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.

If the relevant portion of this order becomes final and effective on the date described above, any party adversely affected may request judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or by the First District Court of Appeal in the case of a water or wastewater utility by filing a notice of appeal with the Director, Division of Records and Reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days of the effective date of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.

Any party adversely affected by the Commission's final action in this matter may request: (1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or (2) judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water or wastewater utility by filing a notice of appeal with the Director, Division of Records and Reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.



ATTACHMENT A

THE RESOLUTION TRUST CORPORATION

Territory Description

The following described lands located in portions of Sections 16 and 21, Township 14 South, Range 22 East, Marion County, Florida:

Section 16: Southwest 1/4 of Southeast 1/4, except the North 475 feet; Southeast 1/4 of Southeast 1/4; South 3 chains of Northeast 1/4 of Southeast 1/4.

Section 21: East 1/2 of Northeast 1/4.

Schedule 1

SCHEDULE OF WATER RATE BASE

As of December 31, 1993

<u>DESCRIPTION</u>	<u>BALANCE</u> <u>PER UTILITY</u>		<u>COMMISSION</u> <u>ADJUSTMENTS</u>	<u>BALANCE PER</u> <u>COMMISSION</u>
Utility Plant in Service	\$ 82,142	(1)	\$ (10,103)	\$ 72,039
Land	19,500		0	19,500
Plant Held for Future Use	0	(2)	4,250	4,250
Accumulated Depreciation	(14,519)	(3)	3,605	(10,914)
Contributions-in-Aid-of-Construction	(94,787)	(4)	8,013	(86,774)
CIAC Amortization	22,028	(5)	(10,375)	11,653
Advances for Construction	<u>0</u>		<u>( 4,250)</u>	<u>( 4,250)</u>
TOTAL	<u>\$14,364</u>		<u>\$( 8,860)</u>	<u>\$ 5,504</u>

SCHEDULE NO. 2

THE RESOLUTION TRUST CORPORATION

Schedule of Water Rate Base Adjustments

<u>EXPLANATION</u>		<u>ADJUSTMENT</u>
Utility Plant in Service (UPIS)		
To decrease UPIS for repair and maintenance expenses		\$ ( 5,718)
To increase UPIS for plant additions in 1992 and 1993		4,885
To decrease UPIS for well not in use		( 4,250)
To decrease UPIS for retired plant		<u>( 5,021)</u>
Total	(1)	<u>\$ (10,103)</u>
Plant Held for Future Use		
To increase Plant Held for Future Use for well not in service	(2)	<u>\$ 4,250</u>
Accumulated Depreciation		
To adjust for incorrect computations	(3)	<u>\$ 3,605</u>
Contributions-in-Aid-of-Construction (CIAC)		
To adjust CIAC to Order No. PSC-93-0900-FOF-WS		( 1,138)
To decrease CIAC for well not in use		4,250
To decrease CIAC for retired plant		5,021
To increase CIAC for connection fees		( 120)
Total	(4)	<u>\$ ( 8,013)</u>
CIAC Amortization		
To adjust CIAC amortization to reflect correct composite rate	(5)	<u>\$ (10,375)</u>
Advances for Construction		
To adjust for the contributed well not in service	(6)	<u>\$ ( 4,250)</u>

Schedule 3

SCHEDULE OF WASTEWATER RATE BASE

As of December 31, 1993

<u>DESCRIPTION</u>	<u>BALANCE</u> <u>PER UTILITY</u>		<u>COMMISSION</u> <u>ADJUSTMENTS</u>	<u>BALANCE PER</u> <u>COMMISSION</u>
Utility Plant in Service	\$ 95,489	(1)	\$ 430	\$ 95,919
Land	39,000		0	39,000
Accumulated Depreciation	(17,570)	(2)	( 1,759)	(19,329)
Contributions-in-Aid-of-Construction	(125,807)	(3)	( 8,800)	(134,607)
CIAC Amortization	<u>13,649</u>	(4)	<u>8,318</u>	<u>21,967</u>
TOTAL	<u>\$ 4,761</u>		<u>\$( 1,811)</u>	<u>\$ 2,950</u>

SCHEDULE NO. 4

THE RESOLUTION TRUST CORPORATION

Schedule of Wastewater Rate Base Adjustments

<u>EXPLANATION</u>	<u>ADJUSTMENT</u>
Utility Plant in Service (UPIS)	
To increase UPIS for plant additions in 1992	90
To increase UPIS for plant additions in 1993	340
Total	<u>430</u>
Accumulated Depreciation	
To adjust for incorrect computations (3)	<u>\$ ( 1,759)</u>
Contributions-in-Aid-of-Construction (CIAC)	
To adjust CIAC to Order No. PSC-93-0900-FOF-WS	( 8,680)
To increase CIAC for connection fees	( 120)
Total (4)	<u>\$ ( 8,800)</u>
CIAC Amortization	
To adjust CIAC amortization to reflect correct composite rate (5)	<u>\$ 8,318</u>