

**Dorothy Menasco**

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**From:** Black Bear water [blackbearwater@centurylink.net]  
**Sent:** Friday, April 16, 2010 4:51 PM  
**To:** Filings@psc.state.fl.us  
**Subject:** DOCKET NO. 100085-WU  
**Attachments:** PSC Response.doc

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**Re: Docket No. 100085-WU, Application for certificate to operate water utility in Lake County by Black Bear Reserve Water Company, Inc.**

This is in response to Ms. Patti Daniels letter dated March 15, 2010 that reviewed the application for Black Bear Reserve Water Company, Inc. (BBRWC or utility). As you stated the application was substantially deficient and, upon review, it appears that although the correct application was not submitted we do not need to resubmit the application. Listed below are responses to the deficiencies.

**Deficiencies**

1. **Utility Name.** Rule 25-30.034(1)(a), F.A.C., requires the utility's complete name and address. There is no listing for Black Bear Reserve Water Company, Inc. with the Department of State, Division of Corporations. There is a listing for Black Bear Reserve Water Company without the "Inc." Please verify whether the utility is to be known as the latter. If not, then you will need to provide proof of registration of the former name as either a corporation or a fictitious name.

**Response.** Articles of Amendment to Articles of Incorporation of Black Bear Reserve Water Company was filed with the Division of Corporations on April 7, 2010. The listing with the state should not read Black Bear Reserve Water Company, Inc.

2. **Financial Ability.** Rule 25-30.034(1)(d), F.A.C., requires a statement of the financial ability of the applicant to continue to provide service. If the Black Bear Reserve Homeowners Association, Inc. (BBRHOA) is the sole owner of BBRWC, provide a financial statement for the BBRHOA along with documentation of its commitment to use its resources to fund the BBRWC, when necessary.

**Response.** Financials for BBRWC and BBRHOA thru March 31, 2010 will be sent to you by April 21, 2010, along with a letter from the president of both entities verifying a financial commitment to BBRWC.

3. **Technical Ability.** Rule 25-30.034(1)(d) and (k), F.A.C., requires a statement of the technical ability of the applicant to continue to provide service and the utility's licensing and permit information. Please provide a list of all current operators of the BBRWC water system, along with their Department of Environmental Protection (DEP) classification and license numbers. Also, please provide a copy of all construction permits from DEP and the current consumptive use permit from the Water Management District. If the utility has any outstanding violations with either of these agencies, please provide a copy of the correspondence and describe the steps the utility is taking to remedy the violations.

**Response.** Copies of the DEP licenses for Plant Technicians, Inc. the plant operator.

4. **Land.** Rule 25-30.034(1)(e), F.A.C., requires evidence that the utility owns the land upon which the treatment facilities are located, or a copy of an agreement which provides for the continued use of the land, such as a 99-year lease. The Commission may consider a written easement or other

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cost-effective alternative. If the utility does not have any of these documents, please provide the name of the entity that is the recorded owner of the land; the steps the utility has taken towards owning or having continued use of the land; and when a resolution regarding ownership of the land is expected. The explanation should also describe the current means by which the utility has access to the plant.

Response. A title search has been ordered by Clayton & McCullum.

5. **Tariff.** Rule 25-30.034(1)(f), F.A.C., requires the original and two copies of a model tariff, containing all rates, classifications, charges, and rules and regulation, consistent with Chapter 25-9, F.A.C. A model water tariff is available on the Commission's website with the water and wastewater application packages. The model tariff is essentially complete except for territory description, rates and charges, and forms, which are specific for each utility.

Response. This will be sent April 21,2010.

6. **Authority.** Rule 25-30.034(1)(g), (l), and (m), F.A.C., requires a statement specifying on what date and under what authority the current rates and charges were established; the date the utility was established; and a statement explaining how and why the applicant began providing service prior to obtaining a certificate of authorization. Please provide the required statements.

Response. This will be sent April 21,2010.

7. **System Map.** Rule 25-30.034(1)(i), F.A.C., requires one copy of a detailed system map showing the lines, treatment facilities, and the territory to be served. The system map(s) needs to be of sufficient scale and detail to enable a correlation with the description of the territory to be served.

Response. This will be sent April 21,2010.

9. **Customers.** Rule 25-30.034(1)(n), F.A.C., requires a schedule showing the number of customers currently being served, by class (residential and general service) and meter size, as well as the number of customers projected to be served when the requested territory is fully occupied, if applicable. Please provide a schedule showing the number of current and projected customers by customer class and meter size.

Response. This will be sent April 21,2010 and will show the number of residential and commercial accounts, but will not be a detailed customer list.

#### **Additional Information Requested.**

1. **Legal Description.** Rule 25-30.034(1)(h), F.A.C., requires a description of the territory to be served, using township, range, and section references as specified in Rule 25-30.030(2), F.A.C. Along with the application were a series of territory maps for Clar Mart, Upson Downs, Village of Black Bear, and Estates at Black Bear Reserve. Some of the maps for these communities contain a separate legal description for each developmental unit within the community, rather than a legal description for the community as a whole. In addition, it appears that the four communities are adjacent to each other. If so, the legal description for the proposed service territory would be significantly shorter and

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easier to follow if it described the perimeter of the entire territory that encompasses all the communities being served by the utility.

- a. Please provide a consolidated legal description for the perimeter of the entire proposed service territory using metes and bounds, as well as township, range, and section references.
- b. Please provide a territory map that shows the entire proposed service territory boundary with the consolidated legal description plotted along the perimeter boundary.
- c. Please provide the current names for the communities listed above, if different from that shown on the maps.

Response. I will be submitting the territory map that is part of the As Built Plans for BBRWC. The metes and bounds will be put on this main map of the entire service area, and the maps used to obtain the metes and bounds will be attached. This will be submitted April 21, 2010.

If you have any questions regarding the information requested, please contact me at 352-483-9522, or [blackbearwater@centurylink.net](mailto:blackbearwater@centurylink.net).

Sincerely,

s/Wayne Smith  
President  
Black Bear Reserve Water Company, Inc.

cc: Division of Economic Regulation (Brady, Williams)  
Office of the General Counsel (Holley)