

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for ) DOCKET NO. 950120-WU  
certificate to provide water ) ORDER NO. PSC-96-0124-FOF-WU  
service in Manatee and Sarasota ) ISSUED: January 24, 1996  
Counties by Braden River )  
Utilities, Inc. )  
\_\_\_\_\_ )

The following Commissioners participated in the disposition of this matter:

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

FINAL ORDER GRANTING CERTIFICATE  
AND  
NOTICE OF PROPOSED AGENCY ACTION  
ORDER ESTABLISHING RATES AND CHARGES

BY THE COMMISSION:

NOTICE IS HEREBY GIVEN by the Florida Public Service Commission that the action discussed herein establishing rates and charges 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 January 26, 1995, Braden River Utilities, Inc. (Braden River or utility) filed its application for an original water certificate in Manatee and Sarasota Counties. We found the utility's application deficient. The utility corrected the deficiencies on June 2, 1995.

The utility plans to provide non-potable water for the purpose of irrigation within its requested service territory. The utility anticipates serving a total of 17,442 equivalent residential connections (ERCs) when it reaches full capacity in approximately 24 years. The operating revenues of the utility at full capacity will be approximately \$1,102,000 based upon our approved rates, making this a Class A utility. The utility plans to serve approximately 1,000 ERCs during the first phase of development and

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anticipates completing development of Phase I within two years. The operating revenue based upon our approved rates will be \$45,405 at 80% design capacity of Phase I. The net operating income for the utility based upon our approved rates will be \$8,812.

Braden River Utilities, Inc. was incorporated on October 13, 1994. The utility is a wholly-owned subsidiary of Schroeder-Manatee Ranch, Inc. (SMR). SMR consists of nearly 28,000 acres of land located in Manatee and Sarasota Counties, and covers nearly 44 square miles. Various branches of the Uihlein family have owned this property for over 75 years. In the past, the land was used for timber, agriculture, and shell mining. SMR is currently beginning a transition into real estate development. The utility's requested service territory encompasses the entire SMR property.

The application states that a primary motivation for the formation of the proposed utility is the desire to use the lowest available quality of water for the purpose intended. The utility proposes to provide non-potable water service for the various dwelling units, landscape areas, golf courses, roadway medians and parks located within the proposed service area. The non-potable water service will consist of pumping non-potable water from wells, stormwater ponds, mining pits and other potential sources located within the proposed service area. SMR currently owns 44 existing wells within the proposed service area. According to the utility, none of these wells meet the drinking water quality standards set by the Florida Department of Environmental Protection (DEP). They are strictly for non-potable water use.

Additionally, SMR plans to have a total of 13 lakes from which water can be drawn. Some of these are already in existence and the remainder will be created as development proceeds. Also, an affiliated corporation of the applicant owns an 800 acre shell and aggregate materials quarry, which is expected to increase in size to approximately 2,000 acres by the year 2020. Standing water, primarily in the nature of surface water runoff, accumulates in these quarries. The quarries then serve as natural storage basins for water to provide non-potable service to the developments within the proposed service area. Finally, the utility is pursuing the use of treated effluent from several sources. The utility currently has an agreement to obtain treated wastewater from Manatee County, but does not know when it will be able to begin using this effluent.

The utility's facilities currently consist of one water treatment plant, and one water transmission and distribution system. More specifically, the water treatment plant is comprised of a well site, a water well, and a well pump. The application

states that the non-potable water will not be treated in the initial phases of development.

SMR owns the non-potable water production facility within the first developed portion of the proposed service area. The utility will operate the facilities under a long-term agreement with SMR. The application states that to minimize the amount of unnecessary capital facilities, and therefore rates to the customers, the utility generally will not acquire water sources from SMR until they are required to serve an area under development. Any additional non-potable production facilities to serve the utility or any other future customers will be constructed by the utility or the appropriate community development district (CDD).

The application states that there is an immediate need for the non-potable water service. There are currently four communities which have been approved for development within the service territory. These communities have been approved for 8,700 homesites plus 12 million square feet of commercial property, including country club communities, golf courses and tennis courts, parks, lake front recreational areas and related commercial and other support services. The projects which are currently under way are being developed under the common community name of Lakewood Ranch. Of the four communities, Cypress Banks, University Lakes, and University Place are being developed by SMR Communities, which is a wholly-owned subsidiary of SMR. The Sarasota Polo Club property was purchased by Sarasota Polo Enterprises, Inc., which is owned 50% by SMR and 50% by Robin Uihlein. These developments will receive potable water and wastewater service from either Manatee County, Sarasota County, or individual private wells.

The application states that the Southwest Florida Water Management District (SWFWMD) has identified a serious problem of over-allocation of precious water supply capacity in the southern Tampa Bay region, in which these projects are located. Further, the approved development orders for these communities specifically require the use of non-potable water. The application states that there are no other utilities within the area that are able to provide the type of non-potable water services proposed by the applicant. The applicant reviewed local plants and facilities and found no other existing utility in a position to provide these services.

Although Manatee and Sarasota Counties have reuse lines within or proximate to the proposed service area, the applicant states that these other utilities cannot provide service within the proposed territory for the following reasons. At present, the Manatee County Comprehensive Plan contains a legal prohibition

against using treated wastewater effluent in Manatee County in the area of these developments. Also, the applicant asserts that the other utilities are not mobilized to provide such a broad distribution of reuse water, they cannot serve in their adjacent counties, and non-potable sources other than effluent reuse are not available to those entities. Braden River has the ability to use stormwater and groundwater in addition to the non-potable wells. Further, Braden River has access to these sources throughout the entire service territory.

Additionally, these communities will be required to implement water conservation techniques. The applicant states that having a single provider of non-potable water within this area will allow the coordination of the sources of water for conservation purposes. Further, the utility has experience in water conservation practices as SMR has employed conservation irrigation practices in its farming operations for many years, even prior to being required to do so by regulatory agencies.

The utility plans to begin providing service immediately upon approval from this Commission. The communities discussed above have been approved as CDDs, which are governmental entities, created pursuant to Chapter 190, Florida Statutes, and therefore, would be eligible to apply for exemption from regulation by this Commission pursuant to Section 367.022(2), Florida Statutes. It is the plan of the utility to initially provide service on a bulk or wholesale basis to the various CDDs or associations within the developments pursuant to appropriate service agreements. The CDDs and/or associations will own and operate the non-potable water distribution systems within the developments.

On February 28, 1995, Dolomite Utilities Corporation (Dolomite), which is located in Sarasota County, filed an objection to the utility's application and requested a formal administrative hearing. In its objection, Dolomite stated that it had effluent reuse capability and disposed of its treated effluent by land application. Dolomite operates its utility adjacent to the territory in Sarasota County which Braden River has requested approval to serve. Dolomite stated that it was ready, willing, and able to provide water utility service and to provide treated effluent for reuse to those portions of the SMR development located in Sarasota County. SMR and Dolomite subsequently reached a settlement agreement, and Dolomite withdrew its objection to the application on October 5, 1995. The agreement provides that SMR will assist Dolomite in obtaining a spray field near SMR's property for wastewater effluent disposal. SMR also agrees to grant Dolomite an easement for the construction, maintenance and operation of the spray field.

### JURISDICTION

When Braden River initially filed its application, this Commission did not regulate either county. Subsequently, the Manatee County Board of County Commissioners filed a resolution turning over jurisdiction of its privately-owned utilities to the Commission. Section 367.171(7), Florida Statutes, states in part that the Commission shall have exclusive jurisdiction over all utility systems whose service transverses county boundaries, whether the counties involved are jurisdictional or nonjurisdictional. Because the system transverses county boundaries, we find that we have exclusive jurisdiction over this utility. Also, in Order No. PSC-92-0104-FOF-WU, issued March 27, 1992, in Docket No. 910114-WU, we determined that we had jurisdiction over the provision of non-potable water service.

### APPLICATION

The application is in compliance with the governing statute, Section 367.045, Florida Statutes, and other pertinent statutes and administrative rules concerning an application for an original certificate and initial rates and charges. The application contains two checks totaling \$3,000, which is the correct filing fee pursuant to Rule 25-30.020, Florida Administrative Code.

The applicant provided evidence of continued use of the land upon which the utility's facilities are located as required by Rule 25-30.033(1)(j), Florida Administrative Code, by obtaining a ninety-nine year lease from SMR. The lease includes the well site production facilities.

The agreement provides for the continuous use of the initial non-potable wells necessary to serve the developments needing immediate service. The application states that anticipated changes in both the location and quantity of demand will occur as development progresses in the proposed service territory and, some of the areas intended as resources to provide the non-potable utility service are subject to replatting and may require movement or enlargement. Therefore, the utility and the landowner believe that a long-term lease is the best and most efficient way to utilize both land and water resources at the least cost to the proposed utility and its customers. Additional agreements for lease, ownership, or other beneficial use of water resources owned by the related party landowner will be entered into as may be needed from time to time, for provision of non-potable utility services throughout the entire proposed service area. Any additional non-potable production facilities to serve the utility

or any other future customers will be constructed by the utility or the appropriate CDD.

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. In addition, the application contains proof of compliance with the noticing provisions set forth in Rule 25-30.030, Florida Administrative Code.

The Southwest Florida Regional Planning Council (Council) was provided notice of the application and did not file an objection to the application. On February 8, 1995, we received a letter from the Council which stated that based upon the information contained in the application and on local knowledge, the application has been found to be regionally significant and consistent with adopted goals, objectives, and policies of the Regional Comprehensive Policy Plan. The letter defines "regionally significant and consistent" to mean the project is of regional importance and appears to be consistent with regional goals, objectives, and policies.

Also, on July 31, 1995, we received a letter from the director of the Sarasota County Utilities Department which stated that the utilities department does not have any objections based upon previous agreements. These previous agreements state that the utility is for non-potable use only and Braden River will not seek expansion beyond its original boundaries. Based upon these agreements, the utilities department supports Braden River's application. Additionally, the application contains a statement that the provision of non-potable water service in the proposed service territory, including use of the existing and proposed facilities as outlined in the application, is consistent with the water and wastewater sections of the local comprehensive plans as approved by the Department of Community Affairs.

The application states that the applicant has the financial and technical ability to provide non-potable water service to the proposed service area. As discussed above, SMR currently owns the existing supply facilities, which will be utilized by the utility in providing service to the service territory. Ownership or other rights to beneficial use of those and additional land and facilities will be transferred to the utility as and when needed in order to insure that the needs for non-potable water service are provided in accordance with the utility's obligations. The utility will continue to employ operations, maintenance and technical advisory personnel necessary to insure the continued efficient

provision of non-potable quality water service to the various customers of the utility as the need for such services arises. SMR currently operates the utility facilities in question, and has the appropriate certifications and licenses to operate the existing supply facilities. Although the applicant has not had previous experience in the utility industry, SMR has been responsible for operating and maintaining the existing water resources for many years in conjunction with its agricultural business.

The application further states that through funding and financial support of its parent company, the utility will have ample financial backing to insure the safe, efficient and sufficient provision of non-potable water service to the proposed service territory, and the expansion of sources, facilities and service as needed. The application included the affidavit of John Clarke, President of SMR, which stated that SMR will provide or assist in securing necessary funding to meet all reasonable capital needs and any operating deficits of the utility which may arise as the result of the utility's operation of a certificated non-potable water utility in the service territory requested in the application.

We were informed that SMR has not designated a limit on the funding it will make available to the utility. SMR owns 28,000 acres of land that is virtually debt free with a current market value of \$280,000,000. The other development ventures in which SMR is involved are all profitable ventures. We have reviewed the financial statements of SMR and find that it has adequate resources to support the utility during the initial years of operation.

We have several observations regarding the utility's application which we believe warrant further discussion.

#### Issuance of Water Certificate for Non-Potable Water Service

The utility has requested a water certificate. However, the utility will strictly be providing non-potable water service. At present, we do not have a separate certificate designation for non-potable water service. Also, we have never granted a certificate to a utility which will only provide non-potable water service. All of the regulated utilities which are currently providing non-potable water or effluent reuse service, also provide water and/or wastewater service.

We find that the issuance of a water certificate for Braden River's provision of non-potable water, is appropriate. We believe a water certificate is more appropriate than a wastewater certificate because the majority of the water supplied by the

utility will be fresh water as opposed to treated effluent. The only effluent that the utility will provide will be purchased from other utilities. Therefore, we find the utility's request for a water certificate is appropriate. However, the application is approved for the provision of non-potable water only. Accordingly, the utility's tariff and certificate shall specify that only non-potable water service is being provided.

#### Duplication of Water Certificates

In most cases a single utility will provide all of the water and wastewater service within a given territory. Occasionally an area will receive water service from one utility and wastewater service from another utility. Approval of Braden River's request to provide only non-potable water service could result in two separate utilities providing water service within the same territory. In the initial phase of the utility's development, the communities will receive potable water and wastewater service from either county-owned utilities or private wells. Due to the size of the applicant's requested territory, it is possible that in the future a portion of the territory could receive its potable water service from another private utility regulated by this Commission. This would result in the issuance of two separate water certificates for the same territory.

However, we find that this should not present a problem since Braden River does not plan to provide potable water service. Also, Braden River is pursuing the purchase of treated effluent as a source of supply from the county utilities which are serving the initial phase of the development. We find that similar arrangements could be made with other regulated utilities as well. This situation will require close scrutiny if another utility requests approval to provide service within Braden River's territory. However, we do not find that any potential problems which may arise warrant denial of the applicant's request for a certificate. In the event the utility decides to provide potable water service, the utility shall file an application for an original certificate pursuant to Sections 367.031 and 367.045, Florida Statutes.

#### Size of Service Territory

The utility's proposed service territory is quite large and it will be many years before it is fully developed. We were initially concerned about granting such a large territory to one utility. However, SMR owns all of the land within the proposed service territory and will be involved in the development of that land.

Also, we find merit in the utility's argument that having a single provider of non-potable water within this area will allow the coordination of the sources of water for conservation purposes. There is a growing concern for water conservation and an ever increasing need for new methods to promote water conservation. We have reviewed portions of the development orders for these communities. There is some discussion in the orders of a separate non-potable water system which will be maintained by its users, for example, the Homeowners Association and Condominium Association. Also, there is some discussion of water conservation measures such as the use of drought tolerant landscaping. We find from these orders that there is a concern for implementation of water conservation techniques within these developments.

Additionally, we reviewed SMR's consumptive use permit. The permit includes several special conditions relating to water conservation. We find that while SMR does not have prior utility experience, it does have experience in controlling water resources and implementing water conservation techniques. We find that the owners of Braden River have the experience and knowledge which is necessary to operate this type of utility.

Based on the foregoing, we find that it is in the public interest to grant Braden River Utilities, Inc. Water Certificate No. 569-W to serve the territory described in Attachment A of this Order.

#### DOLOMITE OBJECTION

As discussed earlier, on February 28, 1995, Dolomite Utilities Corporation filed an objection to the utility's application and requested a formal administrative hearing. Braden River and Dolomite subsequently reached a settlement agreement, and Dolomite withdrew its objection to the application on October 5, 1995. We hereby acknowledge Dolomite's withdrawal of the objection to the application.

#### RATES

Normally, in original certificate applications, we approve rates which will allow the utility to earn a fair rate of return on investment when the treatment plant reaches 80% of capacity. When the utility is built in phases, the rates are calculated based upon the projected costs for the first phase. From the information supplied by the applicant, we were able to calculate proforma schedules of rate base, operating income and capital structure to be used in determining initial rates.

As discussed earlier, this utility does not have the typical utility facilities seen in most cases. Instead, the land and well site will be leased from the parent company and the CDDs will own the non-potable water transmission and distribution systems. The utility's plant in service is comprised of the utility's organization costs, pumping equipment, and a master meter. Some of the utility's figures appear somewhat high, however, we find that this is not a typical utility operation. In consideration of the unique circumstances surrounding this utility and because we are not establishing rate base in this proceeding, we find it appropriate to use the utility's projections at this time with the exception of the following adjustments.

#### Plant-In-Service

The application forms provided to Braden River listed the filing fees in effect prior to the revision of Rule 25-30.020, Florida Administrative Code, which occurred on November 30, 1993. Pursuant to the rule revision, Braden River's appropriate filing fee was higher than the amount listed on the application form. The utility originally paid the old filing fee and utilized these numbers in calculating its organization costs. The utility subsequently paid the remainder of the filing fee. We have increased utility plant-in-service by \$750 to reflect the correct filing fee.

#### Accumulated Depreciation

The utility used a 10 year average service life for calculating depreciation on the organization costs. Commission policy is to use a 40 year average service life. Therefore, we have reduced accumulated depreciation by \$3,188.

#### Amortization of Contributions-In-Aid-Of-Construction (CIAC)

The utility used an incorrect rate for the amortization of the CIAC for the contributed master meter. The correct rate is 5.88% based upon a 17 year average service life. Therefore, we have increased accumulated amortization of CIAC by \$388. Rate Base appears on Schedule No. 1 with our adjustments appearing on Schedule No. 1-A.

#### Operations

Similarly, some of the utility's projected expenses appear high. Specifically, we find that the amount of the lease for the well is high in consideration of the average purchase price for such facilities. Also, the contractual service fees for the part

time manager and plant operations and maintenance personnel are higher than the average expense for these services when performed by in-house personnel. However, as discussed above, this is not a typical utility operation, and we find it appropriate to utilize the utility's estimates at this time with the following exceptions.

We find it appropriate to decrease the utility's requested operating revenues by \$8,289 to reduce operating revenues to a level which will allow the utility the opportunity to earn a 10.18% overall rate of return. Also, as discussed above, we are implementing a different depreciation rate for calculating depreciation on the organization costs, and a different amortization rate for amortizing CIAC. Therefore, we have decreased the utility's depreciation expense by \$5,973 to reflect the appropriate annual depreciation and amortization expenses. Additionally, we have decreased the utility's taxes other than income by \$373 to reflect the decrease in regulatory assessment fees related to the decrease in operating revenues. Finally, we have decreased the utility's income taxes by \$2,233 to reflect our calculation of state and federal income taxes at the approved operating revenue. Our Schedule of Operations appears on Schedule No. 2 with adjustments appearing on Schedule No. 2-A.

#### Overall Rate of Return

We adjusted the utility's proforma capital structure to reconcile it with utility rate base. We calculated the return on common equity to be 10.18% using the current Commission approved leverage formula, authorized by Order No. PSC-95-0982-FOF-WS, issued August 10, 1995, in Docket No. 950006-WS. The adjusted proforma capital structure appears on Schedule No. 3.

The attached schedules are being presented only as a tool in establishing initial rates and are not intended to establish rate base. This is consistent with Commission policy in original certificate applications. However, we find it appropriate to establish a return on equity of 10.18% to be used in future proceedings involving such things as calculation of AFUDC and interim rates.

#### Classification of Service

The utility requested approval of rates for the residential, general service, and bulk water classifications of service. The utility proposed using the same rates for all three classes. Normally, rates for bulk service are less than rates for residential or general service because the utility will incur less expenses for bulk service for items such as meter reading and

billing. We were informed that the utility does not anticipate serving any residential or general service customers in the near future, but requested approval of the additional classes of service to be prepared in the event that the need for such service arises. The utility requested identical rates for all three classes of service because it believes the extra expense of serving a limited number of customers under these other classifications will be very minimal and does not warrant a different set of rates at this time. In consideration of the fact that the utility's primary customers will be the CDDs served on a bulk basis, we find no need to calculate different rates for the other classes of service at this time.

#### Miscellaneous Service Charges

The utility did not request approval of customer deposits, but did request approval of miscellaneous service charges. The requested charges are consistent with Staff Advisory Bulletin No. 13, 2nd revised. We were informed that the utility will only assess the miscellaneous charges to the bulk customer. These charges are not applicable to the individual customers within the CDDs.

The utility's proposed rates and charges are shown along with our approved rates and charges on Schedule No. 4. Our approved rates are calculated using the base facility charge rate structure and based on a revenue requirement of \$45,405 for the non-potable water system.

#### TARIFF

##### Type of Service

The applicant filed a sample tariff as part of its application for a certificate. However, since we are approving rates which are different than those proposed by the utility, it will be necessary that tariff sheets reflecting the approved rates and charges be filed. As discussed earlier, the utility's tariff shall specify that the utility is providing non-potable water service. The applicability statement shown on some of the utility's proposed rate schedules refers to "water" service. The utility tariffs on file with the Commission and utilities serve as a source of information for many people, some of whom may not be familiar with the unique circumstances surrounding a particular utility. Thus, we find it very important that the utility's tariff be clear regarding the type of service that is provided by the utility. Therefore, the utility shall revise its tariff sheets to specify that the service being provided is for non-potable water.

Effective Date

The utility shall file the revised tariff sheets within thirty days of the effective date of the order. The rates shall be effective for services rendered on or after the stamped approval date on the tariff sheets.

SERVICE AVAILABILITY CHARGES

In its application, the utility requested approval of the following service availability charges:

Inspection Fee: Actual Cost

Plan Review Charge: Actual Cost

Also, the application contained the utility's proposed service availability policy. The utility's proposed service availability policy requires the developer of the CDDs to construct and agree to own, operate and maintain all on-site and off-site facilities, and to act as the retail service provider for the on-site system, including on-site water lines, services and fire hydrants. Such installations and all installations connected to the utility system or lines shall comply with the requirements imposed by the utility.

The policy further states that this criteria of service is established as a result of the fact that these CDDs will be financed almost exclusively through the issuance of tax free bonds. Those bonds may be utilized to fund infrastructure and improvements, including the internal on-site non-potable water system. However, funds are not available from such sources to pay the tax impact applicable to a contribution of those facilities to the utility.

The utility reserves the right to purchase the on-site and off-site systems and become the retail service provider to the individual customers of the on-site system in the future. Also, to the extent individual retail service to customers of the on-site systems, by the utility, is or becomes plausible from the utility's standpoint, the utility may require as a prerequisite to initial service, or as a condition of continued service, the donation to the utility of all on-site or off-site facilities, including on-site and off-site lines, services and fire hydrants. These provisions shall only apply in situations where the utility is able to accept such contributions without imposing a tax impact on the developer or customer for the contribution of such facilities.

According to the application, the CDD which will be served in Phase I will donate the master meter to the utility. However, the utility will pay the required tax on the meter. This will result in a current contributions-in-aid-of-construction (CIAC) level of 12.72%, which is within the guidelines set forth in Rule 25-30.580, Florida Administrative Code. Rule 25-30.580(1)(a), Florida Administrative Code, states that the maximum amount of contributions-in-aid-of-construction, net of amortization, should not exceed 75% of the total original cost, net of accumulated depreciation, of the utility's facilities and plant when the facilities and plant are at their designed capacity. Rule 25-30.580(1)(b), Florida Administrative Code, states that the minimum amount of contributions-in-aid-of-construction should not be less than the percentage of such facilities and plant that is represented by the water transmission and distribution and wastewater collection systems. Following this guideline, the utility's minimum contribution level is 0% because it does not own the non-potable water transmission and distribution system.

Ordinarily in original certificate dockets, we approve service availability charges which will achieve a 75% contribution level at buildout. However, in consideration of this utility's unique situation, we find that the proposed service availability policy is reasonable and is hereby approved. Further, we hereby approve the utility's requested inspection fee and plan review charge. These charges are in line with charges which have been approved by this Commission for other utilities. These charges shall be effective for services rendered on or after the stamped approval date on the tariff sheets.

If a substantially affected person does not request a formal proceeding concerning the rates and charges established herein within twenty-one days of the issuance of this Order, this Order will become final and the docket shall be closed.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Braden River Utilities, Inc. shall be granted Certificate No. 569-W to serve the territory described in Attachment A. It is further

ORDERED that Certificate No. 569-W shall be for the provision of non-potable water only and shall state such on the face of the certificate. In the event Braden River Utilities, Inc. decides to provide potable water service, it shall file an application for an original certificate pursuant to Sections 367.031 and 367.045, Florida Statutes. It is further

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ORDERED that Braden River Utilities, Inc. is authorized to charge the rates and charges as set forth in the body of this Order. It is further

ORDERED that all matters contained in the schedules attached hereto are by reference incorporated herein. It is further

ORDERED that Braden River Utilities, Inc. shall file tariff sheets reflecting the rates and charges approved herein within thirty days of the effective date of this Order. It is further

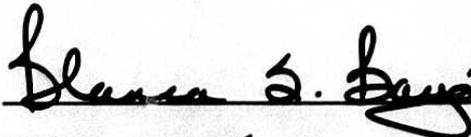
ORDERED that the tariff sheets shall specify that Braden River Utilities, Inc. is providing non-potable water service only. It is further

ORDERED that the rates and charges approved herein shall be effective for service rendered on or after the stamped approval date on the tariff sheets. It is further

ORDERED that the provisions of this Order establishing rates and charges, issued as proposed agency action, 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, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, 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 should be closed.

By ORDER of the Florida Public Service Commission, this 24th day of January, 1996.



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.

The action proposed herein regarding our establishing rates and charges, 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, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on February 14, 1996.

In the absence of such a petition, this order shall become effective on the day 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 this order becomes final and effective on the date described above, any party substantially 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.

**ATTACHMENT A**

**Braden River Utilities, Inc.**

**TERRITORY DESCRIPTION**

The following described lands located in Manatee and Sarasota Counties, Florida:

**LANDS IN TOWNSHIP 35 S., RANGE 18 E., MANATEE COUNTY, FLORIDA:**

IN SECTION 36:

PARCEL NO. 1

COMMENCE AT THE NE CORNER OF SECTION 36, TOWNSHIP 35 SOUTH, RANGE 18 EAST; THENCE S 01°15'34" W, ALONG EAST LINE OF SECTION 36, A DISTANCE OF 1632.73 FEET FOR A POINT OF BEGINNING; THENCE N 88°44'26" W, PERPENDICULAR WITH THE EAST LINE OF SAID SECTION 36, A DISTANCE OF 1369.86 FEET TO THE INTERSECTION WITH THE EASTERLY LIMITED ACCESS RIGHT-OF-WAY OF STATE ROAD #93 (INTERSTATE 75); THENCE S 13°40'31" E, ALONG SAID EASTERLY LIMITED ACCESS RIGHT-OF-WAY, A DISTANCE OF 1016.32 FEET; THENCE S 14°49'16" E, ALONG SAID LIMITED ACCESS RIGHT-OF-WAY, A DISTANCE OF 899.55 FEET TO THE P.C. OF A CURVE CONCAVE TO THE EAST HAVING A RADIUS OF 4489.66 FEET; THENCE RUN SOUTHEASTERLY ALONG SAID LIMITED ACCESS RIGHT-OF-WAY AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 12°57'00", A DISTANCE OF 1014.75 FEET TO THE P.T. OF SAID CURVE; THENCE S 27°46'15" E, ALONG SAID LIMITED ACCESS RIGHT-OF-WAY, A DISTANCE OF 566.48 FEET TO THE P.C. OF A CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 456.00 FEET; THENCE RUN SOUTHEASTERLY ALONG SAID LIMITED ACCESS RIGHT-OF-WAY AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 34°29'56", A DISTANCE OF 274.57 FEET TO THE INTERSECTION WITH THE EAST LINE OF AFORESAID SECTION 36; THENCE N 01°15'34" E, ALONG SAID SECTION LINE, 3453.70 FEET TO THE POINT OF BEGINNING. BEING AND LYING IN SECTION 36, TOWNSHIP 35 S., RANGE 19 E..

TOGETHER WITH:

**LANDS IN TOWNSHIP 34 SOUTH, RANGE 19 EAST, MANATEE COUNTY, FLORIDA:**

IN SECTION 29:

PARCEL NO. 2

BEGIN AT A POINT IN THE SOUTH LINE OF SAID SECTION 29 FOUND BY MEASURING FROM THE SW CORNER OF SAID SECTION 29, S 89°47' E, ALONG SOUTH LINE OF SAID SECTION 29, 1499.9 FEET TO ABOVE MENTIONED POINT OF BEGINNING; THENCE CONTINUE S 89°47' E, 1176.83 FEET TO THE S 1/4 CORNER OF SAID SECTION; THENCE EAST 974.52 FEET TO THE SOUTHWARDLY RIGHT-OF-WAY LINE OF STATE ROAD 64; THENCE ALONG SAID RIGHT-OF-WAY LINE, RUN N 81°42' W, 994.67 FEET; THENCE ON A CURVE TO THE LEFT HAVING A RADIUS OF 5679.52 FEET, A DISTANCE OF 642.70 FEET; THENCE N 88°11' W, 423.65 FEET; THENCE LEAVING THE SAID RIGHT-OF-WAY LINE, S 1°42' E, 220.60 FEET TO POINT OF BEGINNING. BEING AND LYING IN SECTION 29, TOWNSHIP 34 S., RANGE 19 E..

IN SECTION 31:

THAT PART OF SECTION 31, TOWNSHIP 34 SOUTH, RANGE 19 EAST, MORE FULLY DESCRIBED AS BEING BOUNDED ON THE NORTH BY THE NORTH LINE OF SAID SECTION 31, AND BOUNDED ON THE WEST BY A LINE WHICH IS THE NORTHERLY EXTENSION OF THE EAST LINE OF THE NW 1/4 OF SECTION 6, TOWNSHIP 35 SOUTH, RANGE 19 EAST, AND BOUNDED ON THE SOUTH BY A LINE WHICH LIES 1567 FEET SOUTHERLY OF AND PARALLEL WITH THE NORTH LINE OF SECTION 31, TOWNSHIP 34 SOUTH, RANGE 19 EAST AND BOUNDED ON THE EAST BY A LINE WHICH LIES 300 FEET EASTERLY OF AND PARALLEL WITH THE NORTHERLY EXTENSION OF THE EAST LINE OF THE NE 1/4 OF SECTION 6, TOWNSHIP 35 SOUTH, RANGE 19 EAST.

IN SECTION 32:

THE WEST 1/2 AND THE NW 1/4 OF THE NE 1/4 LESS THE EAST 100.0 FT. OF SAID NW 1/4 OF THE NE 1/4 THEREOF, AND THE WEST 1/2 OF THE SE 1/4, AND THE SE 1/4 OF THE SE 1/4 OF SECTION 32, TOWNSHIP 34 S., RANGE 19 E.

LESS THAT PART OF SECTION 32 LYING WITHIN THAT CERTAIN PARCEL AS DESCRIBED IN OFFICIAL RECORDS BOOK 1407, PAGE 3313, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT A CONCRETE MONUMENT FOUND MARKING THE SOUTHEAST CORNER OF THE SOUTHWEST 1/4 OF SECTION 33, TOWNSHIP 34 S., RANGE 19 E.; THENCE N 89°09'33" W, ALONG THE SOUTH LINE OF SAID SOUTHWEST 1/4, A DISTANCE OF 1330.06 FT. TO THE SOUTHEAST CORNER OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 33; THENCE N 00°42'52" E, ALONG THE EAST LINE OF SAID SOUTHWEST 1/4 OF THE SOUTHWEST 1/4, A DISTANCE OF 724.33 FT. FOR A POINT OF BEGINNING; THENCE CONTINUE N 00°42'52" E, ALONG SAID EAST LINE, 40.00 FT.; THENCE N 89°28'01" W, A DISTANCE OF 1330.13 FT. TO THE INTERSECTION WITH THE SECTION LINE COMMON TO SECTIONS 32 AND 33, TOWNSHIP 34 S., RANGE 19 E., SAID POINT LYING N 00°42'36" E, A DISTANCE OF 758.53 FT. FROM THE SOUTH SECTION CORNER COMMON TO SAID SECTIONS 32 AND 33; THENCE CONTINUE N 89°28'01" W, 1337.10 FT.;

THENCE S 00°47'20" W, 40.00 FT.; THENCE S 89°28'01" E, A DISTANCE OF 1337.16 FT. TO THE INTERSECTION WITH THE ABOVE DESCRIBED COMMON SECTION LINE; THENCE CONTINUE S 89°28'01" E, A DISTANCE OF 1330.12 FT. TO THE POINT OF BEGINNING.

ALSO, LESS:

COMMENCE AT THE NORTHEAST CORNER OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 32, TOWNSHIP 34 S., RANGE 19 E., FOR A POINT OF BEGINNING; THENCE N 89°34'38" W, ALONG THE NORTHERLY LINE OF SAID SOUTHWEST 1/4 OF THE NORTHEAST 1/4, 856.76 FT.; THENCE S 00°42'08" W, 466.80 FT.; THENCE N 89°35'55" W, 176.03 FT.; THENCE S 00°42'08" W, A DISTANCE OF 299.62 FT. TO THE INTERSECTION WITH THE SOUTHERLY LINE OF SAID SOUTHWEST 1/4 OF THE NORTHEAST 1/4; THENCE S 89°35'55" E, A DISTANCE OF 1033.56 FT. TO THE INTERSECTION WITH THE EASTERLY LINE OF SAID SOUTHWEST 1/4 OF THE NORTHEAST 1/4; THENCE N 00°38'41" E, ALONG SAID EASTERLY LINE, A DISTANCE OF 766.10 FT. TO THE POINT OF BEGINNING, BEING AND LYING IN THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 32, TOWNSHIP 34 S., RANGE 19 E.

TOGETHER WITH:

PARCEL NO. 3

BEGINNING AT THE NW CORNER OF THE SW 1/4 OF THE NE 1/4 OF SECTION 32, TOWNSHIP 34 SOUTH, RANGE 19 EAST; AND RUN THENCE EAST 466.8 FEET ALONG THE NORTH SIDE OF SAID 40 ACRE TRACT; THENCE SOUTH 466.8 FEET; THENCE WEST 466.8 FEET TO THE WEST LINE OF SAID 40 ACRE TRACT; THENCE NORTH 466.8 FEET TO THE POINT OF BEGINNING. BEING AND LYING IN SECTION 32, TOWNSHIP 34 S., RANGE 19 E..

TOGETHER WITH:

PARCEL NO. 4

COMMENCE AT A CONCRETE MONUMENT FOUND MARKING THE SW CORNER OF THE SW 1/4 OF THE NE 1/4 OF SECTION 32, TOWNSHIP 34 SOUTH, RANGE 19 EAST, FOR A POINT OF BEGINNING; THENCE S 89°35'55" E, ALONG THE SOUTH LINE OF SAID SW 1/4 OF THE NE 1/4, 290.77 FEET; THENCE N 00°42'08" E, PARALLEL WITH THE WEST LINE OF SAID SW 1/4 OF THE NE 1/4, 299.62 FT.; THENCE N 89°35'55" W, ALONG THE NORTHERLY LINE OF SAID LAND DESCRIBED IN OFFICIAL RECORDS BOOK 656, PAGE 103, A DISTANCE OF 290.77 FEET TO THE INTERSECTION WITH THE WEST LINE OF SAID SW 1/4 OF THE NE 1/4; THENCE S 00°42'08" W, ALONG THE WEST LINE OF SAID SW 1/4 OF THE NE 1/4, A DISTANCE OF 299.62 FEET TO THE POINT OF BEGINNING. BEING AND LYING IN SECTION 32, TOWNSHIP 34 S., RANGE 17 E..

IN SECTION 33:

THE EAST 1/2, THE NORTH 1/2 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4, THE NORTHWEST 1/4 OF THE NORTHWEST 1/4, THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4, THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 33, TOWNSHIP 34 S., RANGE 19 E..

LESS THAT PART OF SAID SECTION 33 LYING NORTHERLY AND EASTERLY OF STATE ROAD NO. 64, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 33, TOWNSHIP 34 S., RANGE 19 E.; THENCE N 00°26'29" E, ALONG THE EASTERLY LINE OF SAID SECTION 33, A DISTANCE OF 271.42 FT. TO THE INTERSECTION WITH THE SOUTHERLY R/W OF STATE ROAD NO. 64, FOR A POINT OF BEGINNING, SAID POINT BEING ON THE ARC OF A CURVE WHOSE RADIUS POINT LIES N 32°05'10" E, 2148.59 FT.; THENCE RUN NORTHWESTERLY, ALONG THE SOUTHERLY R/W OF SAID STATE ROAD NO. 64 AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 28°24'36", A DISTANCE OF 1090.17 FT. TO THE P.T. OF SAID CURVE; THENCE N 29°30'13" W, ALONG SAID SOUTHERLY R/W, A DISTANCE OF 702.02 FT. TO THE P.C. OF A CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 2814.79 FT.; THENCE RUN NORTHWESTERLY ALONG SAID SOUTHERLY R/W AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 60°07'36", A DISTANCE OF 2953.87 FT. TO THE P.T. OF SAID CURVE; THENCE S 89°37'49" E, ALONG SAID SOUTHERLY R/W, A DISTANCE OF 1763.88 FT. TO THE INTERSECTION WITH THE WESTERLY LINE OF SAID SECTION 33; THENCE N 00°42'36" E, ALONG THE WESTERLY LINE OF SAID SECTION 33, A DISTANCE OF 56.65 FT. TO THE NORTHWEST CORNER OF SAID SECTION 33; THENCE S 89°22'14" E, ALONG THE NORTHERLY LINE OF SAID SECTION 33, A DISTANCE OF 2660.61 FT. TO THE NORTH 1/4 CORNER OF SAID SECTION 33; THENCE S 89°13'17" E, ALONG THE NORTHERLY LINE OF SAID SECTION 33, A DISTANCE OF 2647.63 FT. TO THE NORTHEAST CORNER OF SAID SECTION 33; THENCE S 00°26'29" W, ALONG THE EASTERLY LINE OF SAID SECTION 33, A DISTANCE OF 2822.38 FT. TO THE POINT OF BEGINNING.

ALSO, LESS THAT PART OF SECTION 33 LYING WITHIN THE FOLLOWING DESCRIBED PARCEL OF LAND:

COMMENCE AT A CONCRETE MONUMENT FOUND MARKING THE SOUTHEAST CORNER OF THE SOUTHWEST 1/4 OF SECTION 33, TOWNSHIP 34 S., RANGE 19 E.; THENCE N 89°09'33" W, ALONG THE SOUTH LINE OF SAID SOUTHWEST 1/4, A DISTANCE OF 1330.06 FT. TO THE SOUTHEAST CORNER OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 33; THENCE N 00°42'52" E, ALONG THE EAST LINE OF SAID SOUTHWEST 1/4 OF THE SOUTHWEST 1/4, A DISTANCE OF 724.33 FT. FOR A POINT OF BEGINNING; THENCE CONTINUE N 00°42'52" E, ALONG SAID EAST LINE, 40.00 FT.; THENCE N 89°28'01" W, A DISTANCE OF 1330.13 FT. TO THE INTERSECTION WITH THE SECTION LINE COMMON TO SECTIONS 32 AND 33, TOWNSHIP 34 S., RANGE 19 E., SAID POINT LYING N 00°42'36" E, A DISTANCE OF 758.53 FT. FROM THE SOUTH SECTION CORNER COMMON TO SAID SECTIONS 32 AND 33; THENCE CONTINUE N 89°28'01" W,

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1337.10 FT.; THENCE S 00°47'20" W, 40.00 FT.; THENCE S 89°28'01" E, A DISTANCE OF 1337.16 FT. TO THE INTERSECTION WITH THE ABOVE DESCRIBED COMMON SECTION LINE; THENCE CONTINUE S 89°28'01" E, A DISTANCE OF 1330.12 FT. TO THE POINT OF BEGINNING,

TOGETHER WITH AN 84 FT. WIDE EASEMENT FOR INGRESS-EGRESS LYING 42.0 FT. ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE, TO WIT: COMMENCE AT THE NORTHEAST CORNER OF SECTION 33, TOWNSHIP 34 S., RANGE 19 E.; THENCE SOUTH ALONG THE EASTERLY LINE OF SAID SECTION 33, A DISTANCE OF 42.0 FT. FOR A POINT OF BEGINNING; THENCE WEST PARALLEL WITH THE NORTHERLY LINE OF SAID SECTION 33 AND 42.0 FT. SOUTHERLY THEREFROM, A DISTANCE OF 400 FT. MORE OR LESS TO THE INTERSECTION WITH THE EASTERLY R/W OF "RYE ROAD", FOR THE TERMINUS POINT OF SAID EASEMENT CENTERLINE, BEING AND LYING IN SECTION 33, TOWNSHIP 34 S., RANGE 19 E.,

IN SECTION 34:

SECTION 34, TOWNSHIP 34 SOUTH, RANGE 19 EAST.

LESS THE SE 1/4 OF THE SW 1/4 AND LESS THE S 1/2 OF THE SE 1/4.

IN SECTION 35:

THE SOUTH 1/2 OF THE NE 1/4 AND THE EAST 1/2 OF THE SE 1/4 OF SECTION 35, TOWNSHIP 34 S., RANGE 19 E.

IN SECTION 36:

SECTION 36, TOWNSHIP 34 S., RANGE 19 E..

LESS THE NE 1/4 OF THE NE 1/4 AND LESS THE W 1/2 OF THE NW 1/4.

TOGETHER WITH:

**LANDS IN TOWNSHIP 35 SOUTH, RANGE 19 EAST, MANATEE COUNTY, FLORIDA:**

ALL OF SECTION 1, TOWNSHIP 35 S., RANGE 19 E.

IN SECTION 2:

SECTION 2, TOWNSHIP 35 S., RANGE 19 E..

LESS THE NW 1/4 OF THE NE 1/4 AND THE N 1/2 OF THE NW 1/4.

IN SECTION 3:

THE S 1/2 OF THE N 1/2 AND THE SE 1/4 OF THE SW 1/4 AND THE SE 1/4 OF SECTION 3, TOWNSHIP 35 S., RANGE 19 E.

IN SECTION 4:

THE NW 1/4 OF THE NE 1/4 AND THE SOUTH 1/2 OF THE NE 1/4 AND THE EAST 1/2 OF THE NE 1/4 OF THE NW 1/4 AND THE SE 1/4 OF THE NW 1/4 AND THE SOUTH 1/2 OF THE SW 1/4 OF THE NW 1/4 AND THE NORTH 1/2 OF THE SW 1/4 AND THE SE 1/4 OF THE SW 1/4 AND THE SE 1/4 OF SECTION 4, TOWNSHIP 35 S., RANGE 19 E.

ALL OF SECTION 5, TOWNSHIP 35 S., RANGE 19 E.

IN SECTION 6:

PARCEL NO. 5

THAT PART OF SECTION 6, TOWNSHIP 35 S., RANGE 19 E., MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
COMMENCE AT THE NORTHEAST CORNER OF SECTION 6, TOWNSHIP 35 S., RANGE 19 E. FOR A POINT OF BEGINNING; THENCE N 89°19'56" W, ALONG THE NORTHERLY LINE OF SAID SECTION 6, A DISTANCE OF 559.87 FT. TO THE EASTERLY LINE OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED IN OFFICIAL RECORDS BOOK 1166, PAGE 3575 AND OFFICIAL RECORDS BOOK 1166, PAGE 3590, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE S 00°16'06" W, ALONG THE EASTERLY LINE OF SAID CERTAIN PARCEL, A DISTANCE OF 3913.12 FT. MORE OR LESS TO THE NORTHERLY LINE OF AN EXISTING 30 FT. WIDE GAS LINE EASEMENT; THENCE S 59°35'19" W, ALONG THE NORTHERLY LINE OF SAID GAS LINE EASEMENT, A DISTANCE OF 2688.74 FT. MORE OR LESS TO THE INTERSECTION WITH THE SOUTHERLY LINE OF AFORESAID SECTION 6; THENCE S 88°50'07" E, ALONG THE SOUTHERLY LINE OF SAID SECTION 6, A DISTANCE OF 2872.61 FT. TO THE SOUTHEAST CORNER OF SAID SECTION 6; THENCE N 00°16'06" E, ALONG THE EASTERLY LINE OF SAID SECTION 6, A DISTANCE OF 5326.07 FT. TO THE POINT OF BEGINNING.

IN SECTION 7:

SECTION 7, TOWNSHIP 35 S., RANGE 19 E., LESS THAT PORTION OF SECTION 7, TOWNSHIP 35 S., RANGE 19 E., MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SECTION 7, TOWNSHIP 35 S., RANGE 19 E. FOR A POINT OF BEGINNING; THENCE S 88°50'07" E, ALONG THE NORTHERLY LINE OF SAID SECTION 7, A DISTANCE OF 1626.80 FT. MORE OR LESS TO THE INTERSECTION WITH THE NORTHERLY LINE OF AN EXISTING 30 FT. WIDE GAS LINE EASEMENT; THENCE S 59°35'19" W, ALONG

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THE NORTHERLY LINE OF SAID GAS LINE EASEMENT, A DISTANCE OF 1878.88 FT. MORE OR LESS TO THE INTERSECTION WITH THE WESTERLY LINE OF SAID SECTION 7; THENCE N 00°21'16" W, ALONG THE WESTERLY LINE OF SAID SECTION 7, A DISTANCE OF 984.19 FT. MORE OR LESS TO THE POINT OF BEGINNING. BEING AND LYING IN SECTION 7, TOWNSHIP 35 S., RANGE 19 E..

ALL OF SECTION 8, TOWNSHIP 35 S., RANGE 19 E.

ALL OF SECTION 9, TOWNSHIP 35 S., RANGE 19 E.

IN SECTION 10:

THE N 1/2 AND THE SE 1/4 OF SECTION 10, TOWNSHIP 35 S., RANGE 19 E.

ALL OF SECTION 11, TOWNSHIP 35 S., RANGE 19 E.

ALL OF SECTION 12, TOWNSHIP 35 S., RANGE 19 E.

ALL OF SECTION 13, TOWNSHIP 35 S., RANGE 19 E.

ALL OF SECTION 14, TOWNSHIP 35 S., RANGE 19 E.

IN SECTION 15:

THE NE 1/4 AND THE SE 1/4 AND THE NW 1/4 OF THE SW 1/4 OF THE NW 1/4, AND THE SW 1/4 OF THE SW 1/4 OF THE NW 1/4 AND THE EAST 1/2 OF THE SW 1/4, AND THE SE 1/4 OF THE SW 1/4 OF THE NW 1/4, LESS THE WEST 33.0 FT. FOR ROAD RIGHT-OF-WAY AND LESS ROAD RIGHT-OF-WAY FOR STATE ROAD NO. 70.

TOGETHER WITH:

PARCEL NO. 6

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 15, TOWNSHIP 35 S., RANGE 19 E.; THENCE S 89°16'51" E, ALONG THE SOUTHERLY LINE OF SAID SECTION 15, A DISTANCE OF 1295.12 FT. TO THE INTERSECTION WITH THE SOUTHERLY EXTENSION OF THE WESTERLY RIGHT-OF-WAY OF "LORRAINE ROAD"; THENCE N 00°04'29" W, ALONG SAID SOUTHERLY EXTENSION AND THE WESTERLY RIGHT-OF-WAY OF SAID "LORRAINE ROAD", A DISTANCE OF 1056.70 FT. FOR A POINT OF BEGINNING; THENCE CONTINUE N 00°04'29" W, ALONG SAID WESTERLY RIGHT-OF-WAY 100.05 FT.; THENCE N 89°31'03" W, 117.29 FT.; THENCE S 00°04'29" E, 100.05 FT.; THENCE S 89°31'03" E, 117.29 FT. TO THE POINT OF BEGINNING, BEING AND LYING IN SECTION 15, TOWNSHIP 34 S., RANGE 19 E.

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TOGETHER WITH:

PARCEL NO. 7

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 15, TOWNSHIP 35 S., RANGE 19 E.; THENCE S 89°16'51" E, ALONG THE SOUTHERLY LINE OF SAID SECTION 15, A DISTANCE OF 1295.12 FT. TO THE INTERSECTION WITH THE SOUTHERLY EXTENSION OF THE WESTERLY RIGHT-OF-WAY OF "LORRAINE ROAD"; THENCE N 00°04'29" W, ALONG SAID SOUTHERLY EXTENSION, A DISTANCE OF 67.61 FT. TO THE INTERSECTION WITH THE WESTERLY RIGHT-OF-WAY OF SAID "LORRAINE ROAD" WITH THE SOUTHERLY RIGHT-OF-WAY OF STATE ROAD NO. 70 FOR A POINT OF BEGINNING; THENCE CONTINUE N 00°04'29" W, ALONG SAID WESTERLY RIGHT-OF-WAY OF SAID "LORRAINE ROAD", 340.00 FT.; THENCE N 89°20'59" W, 641.39 FT.; THENCE S 00°05'43" W, A DISTANCE OF 340.00 FT. TO THE INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY OF SAID STATE ROAD NO. 70; THENCE N 89°20'59" W, ALONG SAID SOUTHERLY RIGHT-OF-WAY, A DISTANCE OF 642.40 FT. TO THE POINT OF BEGINNING, BEING AND LYING IN SECTION 15, TOWNSHIP 35 S., RANGE 19 E..

IN SECTION 16:

SECTION 16, TOWNSHIP 35 S., RANGE 19 E..  
LESS THE EAST 1/2 OF THE SE 1/4 OF THE SW 1/4.

IN SECTION 17:

SECTION 17, TOWNSHIP 35 S., RANGE 19 E., LESS THAT PART OF SECTION 17 LYING WITHIN THE FOLLOWING DESCRIBED PARCEL OF LAND:  
COMMENCE AT THE SOUTHWEST CORNER OF SECTION 17, TOWNSHIP 35 S., RANGE 19 E., (SAME BEING THE NORTHWEST CORNER OF SECTION 20, TOWNSHIP 35 S., RANGE 19 E.) FOR A POINT OF BEGINNING; THENCE N 00°34'52" E, ALONG THE WEST LINE OF SAID SECTION 17, A DISTANCE OF 140.69 FT. TO THE INTERSECTION WITH THE SOUTHERLY R/W OF STATE ROAD NO. 70 AS SHOWN ON THE FDOT R/W MAPS SECTION 1316-102; THENCE S 70°25'14" E, ALONG THE SOUTHERLY R/W OF SAID STATE ROAD NO. 70, A DISTANCE OF 373.40 FT. TO THE P.C. OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 2041.86 FT.; THENCE RUN SOUTHEASTERLY ALONG SAID SOUTHERLY R/W AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 04°32'25", A DISTANCE OF 161.80 FT.; THENCE S 00°36'02" W, 615.59 FT.; THENCE N 89°00'05" W, A DISTANCE OF 508.00 FT. TO THE INTERSECTION WITH THE WEST LINE OF SECTION 20, TOWNSHIP 35 S., RANGE 19 E.; THENCE N 00°36'02" E, ALONG THE WEST LINE OF SAID SECTION 20, A DISTANCE OF 639.31 FT. TO THE POINT OF BEGINNING, BEING AND LYING IN SECTIONS 17 AND 20, TOWNSHIP 35 S., RANGE 19 E..

IN SECTION 18:

THE N 1/2 OF SECTION 18, TOWNSHIP 35 S., RANGE 19 E.;

IN SECTION 20:

SECTION 20, TOWNSHIP 35 S., RANGE 19 E., LESS THAT PART OF SECTION 20 LYING WITHIN THE FOLLOWING DESCRIBED PARCEL OF LAND:  
COMMENCE AT THE SOUTHWEST CORNER OF SECTION 17, TOWNSHIP 35 S., RANGE 19 E., (SAME BEING THE NORTHWEST CORNER OF SECTION 20, TOWNSHIP 35 S., RANGE 19 E.) FOR A POINT OF BEGINNING; THENCE N 00°34'52" E, ALONG THE WEST LINE OF SAID SECTION 17, A DISTANCE OF 140.69 FT. TO THE INTERSECTION WITH THE SOUTHERLY R/W OF STATE ROAD NO. 70 AS SHOWN ON THE FDOT R/W MAPS SECTION 1316-102; THENCE S 70°25'14" E, ALONG THE SOUTHERLY R/W OF SAID STATE ROAD NO. 70, A DISTANCE OF 373.40 FT. TO THE P.C. OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 2041.86 FT.; THENCE RUN SOUTHEASTERLY ALONG SAID SOUTHERLY R/W AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 04°32'25", A DISTANCE OF 161.80 FT.; THENCE S 00°36'02" W, 615.59 FT.; THENCE N 89°00'05" W, A DISTANCE OF 508.00 FT. TO THE INTERSECTION WITH THE WEST LINE OF SECTION 20, TOWNSHIP 35 S., RANGE 19 E.; THENCE N 00°36'02" E, ALONG THE WEST LINE OF SAID SECTION 20, A DISTANCE OF 639.31 FT. TO THE POINT OF BEGINNING, BEING AND LYING IN SECTIONS 17 AND 20, TOWNSHIP 35 S., RANGE 19 E..

ALL OF SECTION 21, TOWNSHIP 35 S., RANGE 19 E.

ALL OF SECTION 22, TOWNSHIP 35 S., RANGE 19 E..  
LESS THE WEST 30 FT. OF THE SW 1/4 OF THE SW 1/4 OF SECTION 22, TOWNSHIP 35 S., RANGE 19 E., LYING SOUTHERLY OF THE THREAD OF THE "BRADEN RIVER".

ALL OF SECTION 23, TOWNSHIP 35 S., RANGE 19 E.

ALL OF SECTION 24, TOWNSHIP 35 S., RANGE 19 E.

ALL OF SECTION 25, TOWNSHIP 35 S., RANGE 19 E.

ALL OF SECTION 26, TOWNSHIP 35 S., RANGE 19 E.

ALL OF SECTION 27, TOWNSHIP 35 S., RANGE 19 E..  
LESS THE WEST 30 FT. OF THE NW 1/4 OF SECTION 27, TOWNSHIP 35 S., RANGE 19 E..

IN SECTION 28:

THE WEST 1/2 OF SECTION 28, TOWNSHIP 35 S., RANGE 19 E.;

IN SECTION 29:

PARCEL NO. 8

THAT PART OF SECTION 29, TOWNSHIP 35 S., RANGE 19 E., MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
COMMENCE AT THE NORTHEAST CORNER OF SECTION 29, TOWNSHIP 35 S., RANGE 19 E., FOR A POINT OF BEGINNING; THENCE N 89°30'34" W, ALONG THE NORTHERLY LINE OF SAID SECTION 29, A DISTANCE OF 5364.34 FT. TO THE NORTHWEST CORNER OF SAID SECTION 29; THENCE S 00°22'41" W, ALONG THE WESTERLY LINE OF SAID SECTION 29, A DISTANCE OF 5313.12 FT. TO THE SOUTHWEST CORNER OF SAID SECTION 29; THENCE S 89°30'25" E, ALONG THE SOUTHERLY LINE OF SAID SECTION 29, A DISTANCE OF 1334.35 FT. TO THE INTERSECTION WITH THE WESTERLY LINE OF THAT CERTAIN BOUNDARY LINE AGREEMENT AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 1323, PAGE 1536, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE ALONG THE WESTERLY AND NORTHERLY LINE OF SAID BOUNDARY LINE AGREEMENT, THE FOLLOWING COURSES: N 00°29'12" E, 2658.58 FT. ;THENCE S 89°28'47 E, 1339.39 FT.; THENCE N 00°35'44" E, 1327.65 FT.; THENCE S 89°29'40" E, 2645.79 FT.; THENCE S 00°40'07" E, 16.00 FT; THENCE S 89°29'40" E, A DISTANCE OF 28.00 FT. TO THE INTERSECTION WITH THE EASTERLY LINE OF SAID SECTION 29; THENCE N 00°40'07" E, ALONG THE EASTERLY LINE OF SAID SECTION 29, A DISTANCE OF 1344.34 FT. TO THE POINT OF BEGINNING, BEING AND LYING IN SECTION 29, TOWNSHIP 35 S., RANGE 19 E..

IN SECTION 31:

SECTION 31, TOWNSHIP 35 S., RANGE 19 E..

LESS:

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 30, TOWNSHIP 35 S., RANGE 19 E., SAME BEING THE NORTHWEST CORNER OF SECTION 31, TOWNSHIP 35 S., RANGE 19 E. FOR A POINT OF BEGINNING; THENCE S 01°15'34" W, ALONG THE WEST LINE OF SAID SECTION 31, 1532.73 FT.; THENCE S 89°40'44" E, 1438.64 FT.; THENCE N 01°15'34" E, A DISTANCE OF 1532.73 FT. TO THE INTERSECTION WITH THE NORTH LINE OF SAID SECTION 31; THENCE N 89°40'44" W, ALONG THE NORTH LINE OF SAID SECTION 31, A DISTANCE OF 1438.64 FT. TO THE POINT OF BEGINNING, BEING AND LYING IN SECTION 31, TOWNSHIP 35 S., RANGE 19 E..

ALL OF SECTION 32, TOWNSHIP 35 S., RANGE 19 E.;

ALL OF SECTION 33, TOWNSHIP 35 S., RANGE 19 E.;

ALL OF SECTION 34, TOWNSHIP 35 S., RANGE 19 E.;

ALL OF SECTION 35, TOWNSHIP 35 S., RANGE 19 E.;

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ALL OF SECTION 36, TOWNSHIP 35 S., RANGE 19 E.;

TOGETHER WITH:

**LANDS IN TOWNSHIP 36 SOUTH, RANGE 19 E., SARASOTA COUNTY, FLORIDA:**

- ALL OF SECTION 1, TOWNSHIP 36 S., RANGE 19 E;
- ALL OF SECTION 2, TOWNSHIP 36 S., RANGE 19 E;
- ALL OF SECTION 3, TOWNSHIP 36 S., RANGE 19 E;
- ALL OF SECTION 4, TOWNSHIP 36 S., RANGE 19 E;
- ALL OF SECTION 5, TOWNSHIP 36 S., RANGE 19 E;
- ALL OF SECTION 6, TOWNSHIP 36 S., RANGE 19 E;
- ALL OF SECTION 7, TOWNSHIP 36 S., RANGE 19 E;
- ALL OF SECTION 8, TOWNSHIP 36 S., RANGE 19 E;
- ALL OF SECTION 9, TOWNSHIP 36 S., RANGE 19 E;
- ALL OF SECTION 10, TOWNSHIP 36 S., RANGE 19 E;
- ALL OF SECTION 11, TOWNSHIP 36 S., RANGE 19 E.

BRADEN RIVER UTILITIES, INC.  
Schedule of Water Rate Base  
At 80% of Design Capacity

DOCKET NO. 950120-WU  
Schedule No. 1

<u>Description</u>	<u>Balance Per Filing</u>	<u>Commission Adjust.</u>	<u>Balance Per Commission</u>
Utility Plant in Service	100,450	750 A	101,200
Land	0	0	0
Accumulated Depreciation	(9,215)	3,188 B	(6,027)
Contributions-in-aid- of-Construction	(13,200)	0	(13,200)
Accumulated Amortization of C.I.A.C.	776	388 C	1,164
Plant Held for Future Use	0	0	0
Working Capital Allowance	<u>3,432</u>	<u>0</u>	<u>3,432</u>
TOTAL	<u>82,243</u>	<u>4,326</u>	<u>86,569</u>

BRADEN RIVER UTILITIES, INC.  
Adjustments to Rate Base

DOCKET NO. 950120-WU  
Schedule No. 1-A

ADJUSTMENTS TO RATE BASE

A. UTILITY PLANT IN SERVICE

WATER

1. To reflect appropriate application  
filing fee

\$ 750

B. ACCUMULATED DEPRECIATION

1. To reflect appropriate depreciation  
rate for organization costs

\$ 3,188

C. AMORTIZATION OF CIAC

1. To reflect the appropriate amortization  
rate for the contributed master meter

\$ 388

BRADEN RIVER UTILITIES, INC.  
Schedule of Water Operations  
At 80% of Design Capacity

DOCKET NO. 950120-WU  
Schedule No. 2

<u>Description</u>	<u>Balance Per Utility</u>	<u>Commission Adjust.</u>	<u>Balance Per Commission</u>
Operating Revenues	<u>53,694</u>	<u>(8,289)A</u>	<u>45,405</u>
Operating and Maintenance	27,459	0	27,459
Depreciation Expense	9,215	(5,973)B	3,242
Taxes Other Than Income	2,416	(373)C	2,043
Income Taxes	<u>6,081</u>	<u>(2,233)D</u>	3,848
Total Operating Expenses	<u>45,171</u>	<u>(8,579)</u>	<u>36,593</u>
Net Operating Income	<u>8,523</u>	<u>290</u>	<u>8,812</u>
Rate Base	<u>82,243</u>		<u>86,569</u>
Rate of Return	<u>10.36%</u>		<u>10.18%</u>

BRADEN RIVER UTILITIES, INC.  
Adjustments to Operating Income

DOCKET NO. 950120-WU  
Schedule No. 2-A

ADJUSTMENTS TO OPERATING INCOME

A. <u>OPERATING REVENUES</u>	<u>WATER</u>
1. To adjust the requested operating income to a level which will allow the utility the opportunity to earn a 10.18% overall rate of return	<u>\$(8,289)</u>
B. <u>DEPRECIATION EXPENSE</u>	
1. To reflect the appropriate annual depreciation and amortization expenses	<u>\$(5,973)</u>
C. <u>TAXES OTHER THAN INCOME</u>	
1. To reflect the decrease in regulatory assessment fees related to the decrease in operating revenues	<u>\$(373)</u>
D. <u>INCOME TAXES</u>	
1. To reflect staff's calculation of state and federal income taxes at the recommended operating revenue level	<u>\$(2,233)</u>

BRADEN RIVER UTILITIES, INC.  
 Schedule of Capital Structure  
 At 80% of Design Capacity

DOCKET NO. 950120-WU  
 Schedule No. 3

<u>Description</u>	<u>Balance Per Filing</u>	<u>Commission Adjust.</u>	<u>Balance Per Commission</u>	<u>Recon. Adjust.</u>	<u>Recon. Balance</u>	<u>Weight</u>	<u>Cost Rate</u>	<u>Weighted Cost</u>
Common Equity	88,350	0	88,350	(1,781)	86,569	100.00%	10.18%	10.18%
Long and Short- Term Debt	0	0	0	0	0	0.00%	0.00%	0.00%
Customer Deposits	0	0	0	0	0	0.00%	6.00%	0.00%
Advances from Associated Companies	0	0	0	0	0	0.00%	0.00%	0.00%
Other	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0.00%</u>	<u>0.00%</u>	<u>0.00%</u>
	<u>88,350</u>	<u>0</u>	<u>88,350</u>	<u>(1,781)</u>	<u>86,569</u>	<u>100.00%</u>		<u>10.18%</u>

Range of Reasonableness:

	<u>High</u>	<u>Low</u>
Common Equity	11.18%	9.18%
Overall Rate of Return	11.18%	9.18%

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MONTHLY RATES AND CHARGES OF  
BRADEN RIVER UTILITIES, INC.

Monthly Service Rates

NON-POTABLE WATER

	<u>Utility Proposed Rates</u>	<u>Commission Approved Rates</u>
<u>Residential Service</u>		
<u>Base Facility Charge</u>		
<u>Meter Size:</u>		
5/8" x 3/4"	\$ 14.69	\$ 11.88
1"	36.71	29.70
1-1/2"	73.43	59.40
2"	117.49	95.04
3"	220.29	190.08
4"	317.49	297.00
6"	734.30	594.00
Gallonage Charge per 1,000 gallons:	\$ .51	\$ .47

Typical Residential Bills

<u>5/8" x 3/4" meter:</u>		
3 M	\$ 16.22	\$ 13.29
5 M	\$ 17.24	\$ 14.23
10 M	\$ 19.79	\$ 16.58

Monthly Service Rates (Continued)

NON-POTABLE WATER (Continued)

	<u>Utility Proposed Rates</u>	<u>Commission Approved Rates</u>
<u>General Service</u>		
<u>Base Facility Charge</u>		
<u>Meter Size:</u>		
5/8" x 3/4"	\$ 14.69	\$ 11.88
1"	36.71	29.70
1-1/2"	73.43	59.40
2"	117.49	95.04
3"	220.29	190.08
4"	317.49	297.00
6"	734.30	594.00
Gallonge Charge per 1,000 gallons:	\$ .51	\$ .47
<u>Bulk Water Service</u>		
<u>Base Facility Charge</u>		
<u>Meter Size:</u>		
5/8" x 3/4"	\$ 14.69	\$ 11.88
1"	36.71	29.70
1-1/2"	73.43	59.40
2"	117.49	95.04
3"	220.29	190.08
4"	317.49	297.00
6"	734.30	594.00
Gallonge Charge per 1,000 gallons:	\$ .51	\$ .47

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MISCELLANEOUS SERVICE CHARGES

	<u>Utility Proposed Rates</u>	<u>Commission Approved Rates</u>
Initial Connection	\$ 15.00	\$ 15.00
Normal Reconnection	\$ 15.00	\$ 15.00
Violation Reconnection	\$ 15.00	\$ 15.00
Premises Visit (in lieu of disconnection)	\$ 10.00	\$ 10.00