

SERVICE CUMMISSION

99 NAY -6 PN 12: L

## Via Federal Express

May 5, 1999

Ms. Blanca Bayo Records & Reporting Florida Public Service Commission 2540 Shumard Oak Boulevard Tallahassee, FL 32399-0850

Re: 990054-WU; Application by Florida Water Services Corporation for amendment of Water Certificate No. 106-W to add and delete territory in Lake County, Florida.

Dear Ms. Bayo:

On behalf of Florida Water Services Corporation ("Florida Water"), I write to provide the additional information Mr. Redemann requested by letter dated April 7, 1999, regarding the above docket. An original and 12 copies of this letter and the attached Late-Filed Appendix O-5 are enclosed for filing.

Late-Filed Appendix O-5 addresses Mr. Redemann's questions regarding the notices Florida Water was required to provide to the entities listed by the Commission pursuant to Rule 25-30.030(2), Florida Administrative Code. In particular, said Appendix shows that at this point, it appears that direct mail notice may not have been provided to Crystal River Utilities, Inc. through no fault of Florida Water's. Direct mail notice was provided to all other entities on the Commission-supplied list.

Be advised that the number of customers on the previously filed documents Appendix P-2 and Supplemental Appendix P-3 do indeed match. The confusion regarding the data on Appendix P-2 arises from the fact that only the first and fourth pages of that Appendix list the customer number, customer name, and address for those noticed. All of the other pages for that Appendix show supererogatory or redundant information for the same persons listed on the first and fourth pages. For example, you can see that the addresses on pages one and three of this Appendix are identical (redundant).

Map to WAW

AFA

APP

CAF

CMU

CTR EAG

LEG

1145

OPC RRR SEC

DOCUMENT NUMBER-DATE

Ms. Blanca Bayo May 5, 1999 Page 2

An original map with the information Mr. Redemann requested is enclosed. Please forward this map to Mr. Redemann in the Water and Wastewater Division. The overlap with the Haines Creek description provided is also displayed on this map.

In this case, Florida Water acknowledges that it has provided service to a finite area outside of its Commission-approved territory. Records show that some of the customers in this area have been connected since before 1994, and others were connected thereafter. It does not appear that service was provided to this area with the intent of avoiding the Commission's filing and approval requirements, but rather, out of inadvertence on the part of the utility. Florida Water asserts that such cases of inadvertence are not uncommon for any water and wastewater utility regulated by the Commission. Since 1994, an immense amount of Florida Water's and the Commission's time and energy have been devoted to regulatory endeavors other than territory description corrections -- specifically to rate and revenue matters. Therefore, an application to correct the error in this case was not filed prior to the opening of the instant docket. Recently, Florida Water has made reasonable and practical steps toward insuring that instances of providing service outside of its territories are minimized. An improved database is now used to track developer projects such that projects outside of Commission-approved boundaries are flagged. Further, Florida Water undertakes a thorough examination of its territory legal descriptions whenever circumstances dictate or allow, as illustrated by several recent incidents of Florida Water's filing requests for corrections to various territory descriptions. For these reasons, no adverse action should be taken against Florida Water in this case for serving outside its territory, just as there has been no adverse action taken against any other utilities who have provided service outside their territory or who have effected transfers of ownership prior to Commission approval.

Sincerely yours,

Matthew J. Feil Staff Attorney

Attachments

cc: Martin S. Friedman

tthew()

# **Late-Filed Appendix O-5**

### **Affidavit**

STATE OF FLORIDA		
COUNTY OF ORANGE	)	

Before me, the undersigned authority, personally appeared Donna L. Henry as Executive Legal Assistant for Florida Water Services Corporation ("Florida Water") and after being duly sworn, said:

- 1. That she has personal knowledge of the matters contained herein.
- 2. Attached hereto and identified as "Attachment A" is a copy of the request Florida Water sent to the Public Service Commission ("Commission") pursuant to Rule 25-30.030(2), Florida Administrative Code.
- 3. Attached hereto and identified as "Attachment B" is a copy of the Commission's reply to Florida Water's aforementioned request.
- 4. Copies of the notice of application attached hereto and identified as "Attachment C" were sent by certified mail on December 31, 1998, to all of the entities listed on Attachment B, including the following entities: East Central Florida Planning Council, Mayor, City of Fruitland Park and Lake Groves Utilities, Inc. Copies of the certified mail return receipt cards for the aforesaid entities are attached as "Attachment D."
- 5. A copy of the notice of application attached hereto and identified as "Attachment C" was also sent by certified mail on December 31, 1998, to Crystal River Utilities, Inc. as an entity identified by the Commission to be noticed on the aforesaid Attachment B.
- 6. As of this date, Florida Water has not received the certified mail return receipt card as proof of direct mail noticing for the Crystal River Utilities, Inc. nor has Florida Water received the letter returned by the U.S. Post Office as undeliverable.
- 7. On January 29, 1999, Florida Water submitted its first request with the U.S. Post Office to trace the certified mail letter sent to Crystal River Utilities, Inc., and on March 19, 1999, Florida Water submitted its second request with the U.S. Post Office to trace the certified mail letter sent to Crystal River Utilities, Inc. On April 22, 1999, Florida Water submitted its third request and received a faxed copy of the certified mail return receipt card marked "delivery was not made." A copy of this return receipt card is attached hereto as "Attachment E."
- 8. On April 29, 1999, the Lockhart Branch of the U.S. Post Office sent a letter to the Longwood Branch of the U.S. Post Office requesting one more search for the

missing letter and/or return receipt card. The letter is attached hereto as "Attachment F."

Further Affiant sayeth not.

Donna L. Henry

Executive Legal Assistant

Florida Water Services Corporation

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of May 1999, by Donna L. Henry as Executive Legal Assistant for Florida Water Services Corporation who is personally known to me and did take an oath.

SARAH CROCKETT

NOTARY OF MY Comm Exp. 6/4/2002

No. CC 748361

Personally Known 11 Other LD.

Sarah Crockett

Notary Public, State of Florida at Large

Commission Number CC748361 My Commission Expires: 6/4/02

## **Attachment A**

**Letter to Commission** 



December 23, 1998

Via Facsimile: (850) 413-7000

Mr. Richard Redemann Florida Public Service Commission 2540 Shumard Oak Boulevard Tallahassee, FL 32399-0850

Re:

Silver Lake Certificate Amendment

Dear Mr. Redemann:

In accordance with the terms of the application for amendment of certificate, please forward to me a listing of the entities to be noticed pursuant to Section 367.045(1)(a), Florida Statutes, and Rule 25-30.030, Florida Administrative Code.

I have attached the legal descriptions for the proposed water territory in Lake County.

Please return the list via fax (407/880-1395) if possible.

hinboth

If you should need any additional information in order to process this request, please call me at (407) 880-0058, ext. 399. Thank you for your assistance.

Sincerely,

Sarah Crockett

Legal Assistant

Attachment



December 23, 1998

Via Facsimile (850) 413-7000

Mr. Richard Redemann Florida Public Service Commission 2540 Shumard Oak Boulevard Tallahassee, FL 32399-0850

Re: Silver Lake Certificate Amendment

Dear Mr. Redemann:

I have attached another legal description for the proposed water territory in Lake County. Please disregard the previous description sent this morning, as there were some inadvertent errors on it. Thank you for your assistance.

Sincerely,

Sarah Crockett

Legal Assistant

Attachment

## Exhibit L .

An accurate description of the territory proposed to be added or deleted, using township, range, and section references as specified in Rule 25-30.030(2), F.A.C. If the water and wastewater territory is different, provide separate descriptions.

The territory proposed to be added is described as follows:

That portion of Township 19 South, Range 25 East, Lake County, Florida described as follows:

The portion of the West % of Section 1 lying South and West of Haines Creek.

The South % of Section 2.

The Northwest ¼ of the Southwest ¼ of Section 11.

The Northwest ¼ of Section 11.

The North % of the Northeast % of Section 11 less and except the area described as follows: Beginning at the Northeast corner of said Section 11, run South 00°43′58″ West a distance of 1332.51 feet; thence run North 89°56′23″ West a distance of 788.83 feet; thence run North 00°07′50″ East a distance of 183.67 feet; thence run North 36°22′38″ East a distance of 501.98 feet; thence run North 86°18′09″ East a distance of 364.00 feet; thence run North 00°07′47″ East a distance of 720.08 feet; thence run North 89°55′30″ East a distance of 142.86 feet to the Point of Beginning No. 1.

The South  $\frac{1}{2}$  of the Southeast  $\frac{1}{2}$  of Section 12 less and except the North 200 feet of the South  $\frac{1}{2}$  of the Southeast  $\frac{1}{2}$  of Section 12.

The South % of the Northwest % of Section 13.

The Northeast % of Section 1.3.

The East  $\frac{1}{2}$  of the Northeast  $\frac{1}{2}$  of Section 15 less and except the North 700 feet of the East  $\frac{1}{2}$  of the Northeast  $\frac{1}{2}$  of Section 15.

The territory proposed to be deleted is described as follows:

That portion of Township 19 South, Range 25 East, Lake County, Florida described as follows:

Commencing at the Northwest corner of Section 12, run South 00°43′58″ West a distance of 1332.51 feet to the Point of Beginning No.2; thence run South 89°30′48″ East a distance of 241.60 feet; thence meandering along Haines Creek 538 feet more or less; thence run South 00°00′00″ West a distance of 490.91 feet; thence run North 87°10′57″ West a distance of 649.81 feet; thence run North 00°43′58″ East a distance of 546.00 feet to the Point of Beginning No.2.

## **Attachment B**

List of Entities Provided by the Florida Public Service Commission

## STATE OF FLORIDA

RECEIVEL

Commissioners:
Julia L. Johnson, Chairman
J. Terry Deason
Susan F. Clark
Joe Garcia
E. Leon Jacobs, Jr.



DIVISION OF WAN & WASTELLINGS
CHARLES H. HILL
DIRECTOR
(850) 413-6900

# Public Service Commission

December 28, 1998

Ms. Donna Henry, Executive Legal Assistant Florida Water Services P.O. Box 609520 Orlando, FL 32860-9520

Re: Noticing List for the Application of Amendment by Florida Water Services in Lake County for the Silver Lake/Western Shore System.

Dear Ms. Henry:

Enclosed is the list of water and wastewater utilities and governmental/regulatory agencies in the above mentioned counties. Please refer to Commission Rule 25-30.030, Florida Administrative Code, for the noticing requirements. Noticing must be done in the proper format, consistent with the rule. If your notice is not in the proper format, you will be required to renotice and your application will be delayed. Instructions for preparation of a territory description are available upon request.

Please note that if your county list includes two Department of Environmental Protection offices or two Water Management District offices, you must identify which is the proper district office for your notice.

You will note that the county list is dated and is valid for sixty days from that date. If you have not performed the noticing by this date, you must request an updated list.

If you have any questions, please contact the undersigned.

Sincerely,

John D. Williams, Chief

Bureau of Policy and Industry Structure

C:\wp6\fwsclali.rpr Enclosures

### (VALID FOR 60 DAYS) 12/28/1998-02/25/1999

## UTILITY NAME

MANAGER

### LAKE COUNTY

BRENDENWOOD WATER SYSTEM (WU020) P. O. BOX 350294 GRAND ISLAND. FL 32735-0294	PAUL E. DAY (352) 357-9466
CENTURY ESTATES UTILITIES, INC. (WU725) 325 SOUTH ORLANDO AVENUE WINTER PARK, FL 32789-3660	JOSEPH LINARTAS (407) 644-2804
CRYSTAL RIVER UTILITIES. INC. (WU766) P. O. BOX 520247 LONGWOOD. FL 32752-0247	RICHARD BOWLES (407) 260-2214
FLORIDA WATER SERVICES CORPORATION (WS227) P. O. BOX 609520 ORLANDO, FL 32860-9520	8RIAN P. ARMSTRONG (407) 880-0058
HARBOR HILLS UTILITIES, L.P. (WU727) 6538 LAKE GRIFFIN ROAD LADY LAKE, FL 32159-2900	R.S. HUTCHESON (352) 753-7000
J. SWIDERSKI UTILITIES. INC. (WS543) 9800 U.S. HIGHWAY 441. SUITE 102 LEESBURG. FL 34788-3918	JOE SWIDERSKI (352) 326-8981
LAKE GROVES UTILITIES. INC. (WS641) P. O. BOX 915505 LONGWOOD. FL 32791-5505	JERRY SALSANO (407) 862-9688
LAKE UTILITY COMPANY (WS619) 25201 U.S. HIGHWAY 27 LEESBURG. FL 34748-9099	EARL THIELE (352) 326-4170
LAKE UTILITY SERVICES. INC. (WU553) 200 WEATHERSFIELD AVENUE ALTAMONTE SPRINGS. FL 32714-4027	DON RASMUSSEN (407) 869-1919
LAKE YALE UTILITY COMPANY (LAKE YALE CORPORATION D/B/A) (WS700) 11643 MARTEL COURT LEESBURG. FL 34788-8103	LEROY K. NEW (352) 483-1377
PENNBROOKE UTILITIES. INC. (WS677) 146 HORIZON COURT LAKELAND, FL 33813-1742	FRANK H. HAAS (941) 646-2904

#### (VALID FOR 60 DAYS) 12/28/1998-02/25/1999

#### UTILITY NAME MANAGER

#### LAKE COUNTY (continued)

PINE HARBOUR WATER UTILITIES (WU635)
P. O. BOX 447

JIM C. BRANHAM
(352) 787-2944

FRUITLAND PARK, FL 34731-0477

RAINTREE UTILITIES. INC. (WU663)

37731 STATE ROAD 19

UMATILLA. FL 32784-9618

DON MONN

(904) 357-3767

ROUTE 19A NORTH JOINT VENTURE (CENTURY REALTY FUNDS/HASELT (WS577)
P. O. BOX 5252
(941) 647-1581
LAKELAND. FL 33807-5252

SHANGRI-LA BY THE LAKE UTILITIES. INC. (WS728)

11654 LONG LAKE DRIVE

SPARTA, MI 49345

WILLIAM E. WERNER
(616) 887-8888

 SOUTHLAKE UTILITIES, INC. (WS638)
 ROBERT L. CHAPMAN, III

 P. O. BOX 6209
 (888) 876-3569

 TALLAHASSEE, FL 32314-6209
 (888) 876-3569

SUN COMMUNITIES FINANCE LIMITED PARTNERSHIP (WS755)

31700 MIDDLEBELT ROAD. SUITE 145

FARMINGTON HILLS. MI 48334

JOSE A. DIEZ-ARGUELLES
(850) 224-9634

W.B.B. UTILITIES. INC. (WU639)

RICHARD E. BAIR
4116 BAIR AVENUE

(352) 787-4347

FRUITLAND PARK, FL 34731-9647

#### (VALID FOR 60 DAYS) 12/28/1998-02/25/1999

#### UTILITY NAME

MANAGER

#### GOVERNMENTAL AGENCIES

ADMINISTRATOR, CITY OF UMATILLA P. O. BOX 2286 UMATILLA, FL 32784-2286

CLERK. 80ARD OF COUNTY COMMISSIONERS, LAKE COUNTY P. O. BOX 7800
TAVARES. FL 32778-7800

DEP CENTRAL DISTRICT 3319 MAGUIRE BLVD., SUITE 232 ORLANDO, FL 32803-3767

DEP SOUTHWEST DISTRICT 3804 COCONUT PALM DRIVE TAMPA, FL 33618-8318

EAST CENTRAL FLORIDA PLANNING COUNCIL 1011 WYMORE ROAD, SUITE 105 WINTER PARK, FL 32789

MAYOR, CITY OF CLERMONT P. O. BOX 120219 CLERMONT, FL 32712-0219

MAYOR, CITY OF EUSTIS P. O. DRAWER 68 EUSTIS, FL 32727-0068

MAYOR, CITY OF FRUITLAND PARK 506 WEST BERCKMAN STREET FRUITLAND PARK, FL 34731-3200

MAYOR. CITY OF GROVELAND 156 SOUTH LAKE AVENUE GROVELAND. FL 34736-2597

### (VALID FOR 60 DAYS) 12/28/1998-02/25/1999

UTILITY NAME MANAGER

MAYOR, CITY OF LEESBURG P. O. BOX 490630 LEESBURG, FL 32749-0630

MAYOR, CITY OF MASCOTTE P. O. BOX 56 MASCOTTE, FL 34753-0056

MAYOR, CITY OF MINNEOLA P. O. BOX 678 MINNEOLA, FL 34755-0678

MAYOR, CITY OF MOUNT DORA P. O. BOX 176 MOUNT DORA. FL 32756-0176

MAYOR. CITY OF TAVARES
P. O. BOX 1068
TAVARES. FL 32778-1068

MAYOR, TOWN OF ASTATULA P. O. BOX 609 ASTATULA, FL 34705-0609

MAYOR, TOWN OF HOWEY-IN-THE-HILLS P. O. BOX 67 HOWEY-IN-THE-HILLS. FL 34737-0067

MAYOR, TOWN OF LADY LAKE 225 WEST GUAVA STREET LADY LAKE, FL 32159-3735

MAYOR, TOWN OF MONTVERDE P. O. BOX 560008 MONTVERDE. FL 34729-0008

#### (VALID FOR 60 DAYS) 12/28/1998-02/25/1999

#### UTILITY NAME

MANAGER

ST. JOHNS RIVER WTR MANAGEMENT DISTRICT P.O. BOX 1429 PALATKA. FL 32178-1429

### STATE OFFICIALS

STATE OF FLORIDA PUBLIC COUNSEL C/O THE HOUSE OF REPRESENTATIVES THE CAPITOL TALLAHASSEE. FL 32399-1300

DIVISION OF RECORDS AND REPORTING FLORIDA PUBLIC SERVICE COMMISSION 2540 SHUMARD OAK BOULEVARD TALLAHASSEE. FL 32399-0850

## **Attachment C**

**Copy of Notice** 

## NOTICE OF APPLICATION FOR AN EXTENSION OF SERVICE AREA

Notice is hereby given on December 31, 1998, pursuant to Section 367.045, Florida Statutes, of the Application of Florida Water Services Corporation to amend its Water Certificate No. 106-W to add and delete territory in Lake County, Florida, as follows:

#### LAKE COUNTY

# SILVER LAKES/WESTERN SHORES PROPOSED ADDITION TO WATER SERVICE TERRITORY:

That portion of Township 19 South, Range 25 East, Lake County, Florida described as follows:

The portion of the West ½ of Section 1 lying south and west of Haines Creek.

The South ½ of Section 2.

The Northwest 1/4 of the Southwest 1/4 of Section 11.

The Northwest 1/4 of Section 11.

The North ½ of the Northeast ¼ of Section 11 less and except the area described as follows: Beginning at the Northeast corner of said Section 11, run South 00°43′58" West a distance of 1332.51 feet; thence run North 89°56′23" West a distance of 788.83 feet; thence run North 00°07′50" East a distance of 183.67 feet; thence run North 36°22′38" East a distance of 501.98 feet; thence run North 86°18′09" East a distance of 364.00 feet; thence run South 00°07′47" West a distance of 720.08 feet; thence run North 89°55′30" East a distance of 142.86 feet to the Point of Beginning No. 1.

The South ½ of the Southeast ¼ of Section 12 less and except the north 200 feet of the South ½ of the Southeast ¼ of Section 12.

The South ½ of the Northwest ¼ of Section 13.

The Northeast 1/4 of Section 13.

The East ½ of the Northeast ¼ of Section 15 less and except the North 700 feet of the East ½ of the Northeast ¼ of Section 15.

## The territory proposed to be deleted is described as follows:

That portion of Township 19 South, Range 25 East, Lake County, Florida described as follows:

Commencing at the northwest ¼ of Section 12, run South 00°43'58" West a distance of 1332.51 feet to the Point of Beginning No.2; thence run South 89°30'48" East a distance of 241.60 feet; thence meandering along Haines Creek 538 feet more or less; thence run South 00°00'00" West a distance of 490.91 feet; thence run North 87°10'57" West a distance of 649.81 feet; thence run North 00°43'58" East a distance of 546.00 feet to the Point of Beginning No.2.

Any objection to the said application must be made in writing within thirty days from this date to: Director, Division of Records and Reporting, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida, 32399-0870. A copy of said objection should be mailed to the application, whose address is: Florida Water Services Corporation, Attn: Matthew J. Feil, Esquire, P.O. Box 609520, Orlando, Florida 32860-9520.

## **Attachment D**

Certified Mail Return Receipt Cards for Entities

Domestic Return Receipt

PS Form 3814, December 1994

## **Attachment E**

Crystal River Utilities, Inc. Return Receipt Card A-TIN: MICHELLE

MAILING OFFICE POSTRUM I REVENT REVENT	COURTERIER: Complete unshaded area (flams 1-6) and enter your name and address on the reverse.
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·	C 25. Return recorpt showing addressee's address WAS paid for at time of mailing.
	3. Ancie Addressed To.
	CRYSTAL RIVER UTILITIES
Artzun fee sa srown in DMM if ratum receipt was not baid for at time of mailing.	PO Box 520247
P123394551	Longwood, FL 32752
5. Mail , Cale 6. Type of Service C COO C Co	riflied Numbered Insured Perum Receipt  The Committee Perum Receipt  The C
7. Dec postado 3. Delivered to the to	Rowing individual, company, or organization; 11, Postal Records Show;
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22	Delivery was not
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PS Form 3811-A, December 199	4 Lomestic Return Receipt (After Mailing)
ORLANDO	
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F. 0

## **Attachment F**

Letter to Longwood Branch United States Post Office



4/29/99

Postmaster Longwood Branch

#### Dear Postmaster:

This letter is in reference to a Customer inquiry. We have sent two inquiries to the Longwood Office for a certified letter # P 123 394 551, which was mail by Florida Water Services on 12/31/98. The letter was addressed to Crystal River Utilities, Inc, PO Box 520247, Longwood, FI, 32752-0247. This letter has not been returned to the sender and the customer states they have not received it. Can you please check one final time for the PS form 3849. If you have any questions please call the Lockhart Branch Post Office at (407) 293-2681.

Julie Vaccarella

Manager Customer Services

United States Postal Service



First-Class Mail Postage & Fees Paid USPS Permit No. G-10

Print name and address of delivery office in this box

## **POSTMASTER**

Longwood, Fl 32752-0247

1 st request - 1.2	0,99
1 st request - 1.2 200 request - 3.	19.99
MAILING OFFICE: Postmark if Return Receipt was paid for at time of mailing.	CUSTOMER: Complete unshaded area (items 1-6) and enter your name and address on the reverse.  1. Return receipt WAS NOT paid for at time of mailing.
OLANDO S	2a. Return receipt WAS paid for at time of mailing.
ORCE	2b. Return receipt showing addressee's address WAS paid for at time of mailing.
/	3. Article Addressed To:
APR 2 2 1999	Crystal River Utilities, Inc
Albert Pergs shown to DMM if return receipt	P.O. BOX 520247
was not paid for at time of mailing.	Longwood, Flancia
4. Article Number	Longwood, FL 32752-0247
P123394551	
5. Mailing Date 6. Type of Service	Datum Resoint
12 3 1 0 Ch S 1 CO S 1 CO	ertified Numbered Insured Return Receipt Express Mail Registered
7. Delivery Tribe 200 Delivered to the fo	llowing individual, company, or organization:   11. Postal Records
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PS Form 3811-A, December 199	Domestic Return Receipt (After Mailing)

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