

State of Florida



## Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD  
TALLAHASSEE, FLORIDA 32399-0850

**-M-E-M-O-R-A-N-D-U-M-**

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**DATE:** January 29, 2008  
**TO:** Ann Cole, Commission Clerk, Office of Commission Clerk  
**FROM:** Martha Brown, Senior Attorney, Office of the General Counsel *MCB*  
**RE:** Docket Number 060433-WU

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Please place the attached document in the above-referenced docket file. Thank you.

MCB/tfw

DOCUMENT NUMBER-DATE

00717 JAN 29 08

FPSC-COMMISSION CLERK

IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT,  
IN AND FOR LAKE COUNTY, FLORIDA

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION,

Plaintiff,

vs.

Case No.: 07 CA 948

SOUTH UMATILLA WATER, INC.,

Defendant.

CONSENT FINAL JUDGMENT

The parties to this action, Plaintiff, State of Florida Department of Environmental Protection ("Department"), and Defendant, South Umatilla Water, Inc. ("South Umatilla"), agree and consent to the entry of this Consent Final Judgment ("Judgment"), and the Court, having reviewed the pleadings, and the record, and being otherwise duly informed, finds that:

1. This Court has jurisdiction over the subject matter and the parties hereto.
2. This Judgment shall constitute the complete settlement for the parties of all issues raised in this litigation.
3. The Department is the administrative agency of the State of Florida, created by Section 20.255, Florida Statutes, which is authorized to enforce the environmental laws of the State of Florida, including Chapter 403, Florida Statutes, and the rules promulgated thereunder in Title 62 Florida Administrative Code. The Department is headquartered at 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000, and its Central District Office is located at 3319 Maguire Boulevard, Suite 232, Orlando, Florida, 32803.
4. South Umatilla is a corporation that owns and operates a public water system, PWS Id. No. 3351221, consisting of two drinking water treatment plants, and their associated

pipng, which supplies drinking water to over 400 citizens of the State, located in Umatilla, Lake County, Florida ("water system").

5. South Umatilla has decided to abandon the water system effective October 1, 2007, and has agreed to transfer all property and assets regarding the water system over to Lake County, a political subdivision of the State of Florida, ("Lake County"), in accordance with Section 367.165, Florida Statutes.

6. Lake County has agreed to own and operate the water system effective October 1, 2007, and comply with the requirements set forth in Chapters 62-550, and 62-555, Florida Administrative Code.

7. All parties have agreed to bear their own costs and fees associated with this action and the Department shall hold South Umatilla, its officers, directors, and shareholders faultless from any liability regarding fees, penalties, or other assessments made by the Department regarding this action.

8. Based on these findings and the stipulation of the parties, it is, therefore,  
ORDERED AND ADJUDGED:

9. By October 1, 2007, South Umatilla shall abandon the water system and transfer all assets of the water system to Lake County.

10. Lake County will own and operate the water system effective October 1, 2007, and comply with the requirements set forth in Chapters 62-550, and 62-555, Florida Administrative Code.

11. If South Umatilla fails to comply with any provision of this Judgment, the Department may seek any and all judicial remedies available and shall be entitled to the payment

of reasonable attorney's fees incurred by the Department to enforce any provision of this Judgment. Otherwise, each party shall bear its own cost, expenses, and attorney's fees.

12. Entry of this Judgment does not relieve South Umatilla of the need to comply with all applicable federal, state, or local laws, regulations, or ordinances.

13. No modifications of the terms of this Judgment shall be effective until reduced to writing, executed by the Department and South Umatilla, and approved by the Court.

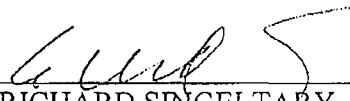
14. The provisions of this Judgment shall apply to and be binding upon the Department, South Umatilla, and their agents, successors, and assigns.

15. The petitioning for relief under the federal bankruptcy code by South Umatilla shall not affect or be construed to affect South Umatilla's obligations under this Judgment.

16. The Court retains jurisdiction to enforce the terms of this Judgment by contempt or other appropriate sanctions and issue such other and further orders as may be appropriate until completion of all corrective actions contained herein.

DONE AND ORDERED in Tavares, Lake County, Florida this 29 day of

September, 2007.

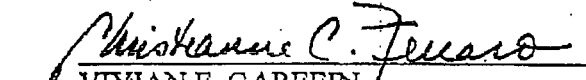
  
\_\_\_\_\_  
G. RICHARD SINGELTARY  
CIRCUIT COURT JUDGE -

CONSENT TO ENTRY WITHOUT FURTHER NOTICE OR HEARING

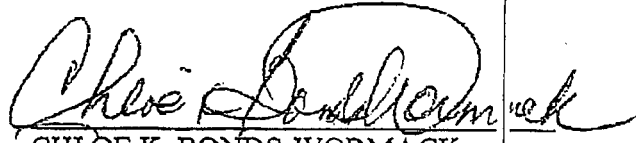
The parties hereby agree and consent to the Court's entry of the proposed Consent Final Judgment without further litigation in complete satisfaction of all of the claims arising out of the Petition for Enforcement and Complaint in this case.

FOR PLAINTIFF, STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL  
PROTECTION


FOR DEFENDANT, SOUTH UMATILLA  
WATER, INC.

  
VIVIAN F. GARFEIN  
District Director  
Central District Office  
Maguire Boulevard, Suite 232  
Orlando, Florida, 32803


9/21/07  
Date

  
CHLOE K. BONDS-WORMACK, as  
President of South Umatilla Water, Inc.  
P. O. Box 492  
Umatilla, FL 32784

9/21/07  
Date

  
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9/21/07  
Date

cc. Ronda L. Moore  
C. Michael Duncan