



**STATE OF FLORIDA
OFFICE OF PUBLIC COUNSEL**

C/O THE FLORIDA LEGISLATURE
111 WEST MADISON ST.
ROOM 812
TALLAHASSEE, FLORIDA 32399-1400
1-800-342-0222

EMAIL: OPC_WEBSITE@LEG.STATE.FL.US
WWW.FLORIDAOPC.GOV



WILL WEATHERFORD
*Speaker of the House of
Representatives*

DON GAETZ
President of the Senate

J.R. Kelly
Public Counsel

November 4, 2014

Kathryn G.W. Cowdery
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

RE: Docket No. 140000

IN RE: PROPOSED ADOPTION OF RULES 25-30.029 AND 25-30.038 AND AMENDMENT OF RULES 25-30.030, 25-30.032, 25-30.033, 25-30.034, 25-30.035, 25-30.036, 25-30.037, 25-30.039, AND 25-30.090, FLORIDA ADMINISTRATIVE CODE

Dear Ms. Cowdery:

In response to the Staff Workshop held October 21, 2014, the Office of the Public Counsel (OPC or Citizens), submits these comments and the attached type and strike rule changes. The additional changes that Citizens are proposing affect Rules 25-30.30, 25-30.33, 25-30.34, 25-30.035, 25-30.036, and 25-30.037, Florida Administrative Code. If you have questions, please do not hesitate to contact me.

A handwritten signature in blue ink, appearing to read "Patricia A. Christensen".

Patricia A. Christensen
Associate Public Counsel

PAC:pd

cc: Office of General Counsel (Rosanne Gervasi via email)
Office of Commission Clerk
Troy Rendell (via email)

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: PROPOSED ADOPTION OF RULES
25-30.029 AND 25-30.038 AND
AMENDMENT OF RULES 25-30.030, 25-
30.032, 25-30.033, 25-30.034, 25-30.035, 25-
30.036, 25-30.037, 25-30.039, AND 25-
30.090, FLORIDA ADMINISTRATIVE
CODE

FILED: 140000-UNDOCKETED

DATE: NOVEMBER 4, 2014

COMMENTS TO THE NOTICED STAFF WORKSHOP

In response to the Staff Workshop held October 21, 2014, the Office of the Public Counsel (OPC or Citizens), through undersigned counsel, submits these comments and the attached type and strike rule changes. The additional changes that Citizens are proposing affect Rules 25-30.30, 25-30.33, 25-30.34, 25-30.035, 25-30.036, and 25-30.037, Florida Administrative Code. Below is a summary of these changes and explanation for the suggested changes. To the extent that the same proposed change affects multiple rules, a single explanation has been provided. The language in the forms will need to be changed to be consistent with the recommendations OPC has proposed for the rules discussed below.

I. Rule 25-30.30, Notice of Application and Customer Meeting

Citizens are proposing a change to Section (4)(h) to delete the requirement that a copy of any objection be provided to the utility. The requirement to notify the utility is unnecessary since the utility can easily access the Commission's electronic Docket File to obtain and review any objections. Citizens also believe that such requirement might unnecessarily complicate and defeat an otherwise timely objection.

II. Rule 25-30.33, Application for Original Certificate of Authorization and Initial Rates and Charges

A. Citizens are proposing multiple changes to section (1)(h) as follows:

1. (h) 2. If the utility or any parent entity of the utility has not operated for a full year, then the financial statements of all persons or entities with at least five percent (5%) ownership interest in the utility shall be provided;

Citizens believe that this addition is necessary. If an applicant is a recently created “shell” entity, it is important for the Commission to verify the financial ability of the real parties in interest. For purposes of consistency, OPC proposes the same language be added in Rules 25-30.034 and 25-30.037, Florida Administrative Code. Further, Forms - Part II, Section B, Financial Ability, needs to add a check off box to address the financial statements for all 5% owners.

2. (h) 3. A list of all entities, including affiliates and related parties, upon which the applicant is relying to provide funding to the utility and a copy of all mortgage and loan agreements, surety bonds, contracts and any other financial agreements documenting the sources of funding or a copy of each entity’s financial statements;

OPC suggests adding the highlighted language to clarify and further define the financial arrangements and agreements that should be provided to demonstrate the applicants’ contention that they have the required financial ability. This section also works in conjunction with Section (h)2 to reveal and codify the real parties in interest financial arrangements. For purposes of consistency, OPC proposes the same language be added in Rules 25-30.034 and 25-30.037, Florida Administrative Code. Further, Forms - Part II, Section B, Financial Ability, needs to change the check off box from 2) to 3) and to amend the language to add the additional language.

(h)4. As defined by the Financial Accounting Standards Board (“FASB”), Accounting Standards Codification (“ASC”) Master Glossary, an “affiliate” is a party that, directly or indirectly through one or more intermediaries, controls, is controlled by, or is under common control with an entity. An affiliated entity is defined as an entity that directly or indirectly controls, is controlled by or is under common control with another entity; also, a party with which the entity may deal if one party has the ability to exercise significant influence over the other’s operating and financial policies.

Citizens believe that it is important to include a definition of “affiliate” in relation to the rule. The inclusion of the accounting definition into the rule clarifies any potential confusion of the general public as to who is included under the rule when the term “affiliate” is used. For

purposes of consistency, OPC proposes the same language be referenced in Rules 25-30.034 and 25-30.037, Florida Administrative Code, as follows: “Affiliate and related party are defined in Rule 25-30.033(1)(h)4 and 5, F.A.C.”

3. (h)5. As defined by the FASB, ASC Master Glossary, “related parties” include:
 - a. Affiliates of the entity;
 - b. Entities for which investments in their equity securities would be required, absent the election of the fair value option under the Fair Value Option ASC Subsection of Section 825-10-15, to be accounted for by the equity method by the investing entity;
 - c. Trusts for the benefit of employees, such as pension and profit-sharing trusts that are managed by or under the trusteeship of management;
 - d. Principal owners of the entity and members of their immediate families;
 - e. Management of the entity and members of their immediate families;
 - f. Other parties with which the entity may deal if one party controls or can significantly influence the management or operating policies of the other to an extent that one of the transaction parties might be prevented from fully pursuing its own separate interests; or
 - g. Other parties that can significantly influence the management or operating policies of the transacting parties or that have an ownership interest in one of the transacting parties and can significantly influence the other to an extent that one or more of the transacting parties might be prevented from fully pursuing its own separate interests

Citizens believe that it is important to include a definition of “related party” in relation to the rule. The inclusion of the accounting definition into the rule clarifies any potential confusion of the general public as to who is included under the rule when the term “related party” is used. For purposes of consistency, OPC proposes the same language be referenced in Rules 25-30.034 and 25-30.037, Florida Administrative Code, as follows “Affiliate and related party are defined in Rule 25-30.033(1)(h)4 and 5, F.A.C.”

B. Citizens are proposing changes to Section (i) as follows:

(i) 2. A copy of all current permits from the Department of Environmental Protection (DEP) and the water management district when the applicant’s water and wastewater system is providing service;
3. A copy of the most

recent DEP and/or county health department sanitary survey, compliance inspection report, and secondary standards drinking water report when the applicant's water and wastewater system is providing service; and
4. A copy of all correspondence with the DEP, county health department, and water management district, including consent orders and warning letters, and the utility's responses to the same, for the past five years when the applicant's water and wastewater system is providing service;

OPC believes the highlighted additional language clarifies any potential confusion regarding the information an original certificate applicant is required to provide. For purposes of consistency, OPC proposes the same language be added in Rule 25-30.034, Florida Administrative Code. Further, Forms - Part II, Section C, Technical Ability, needs to be amended to add the additional language.

C. Citizens are proposing changes to Section (1)(m) as follows:

(m)(j) Documentation of the utility's right to continued long-term use of
~~Evidence, in the form of a warranty deed, that the utility owns the land upon which the utility treatment facilities are or will be located. This documentation shall be in the form of a recorded warranty deed, recorded quit claim deed accompanied by title insurance, recorded long-term lease, or a copy of an agreement which provides for the continued use of the land, such as a 99-year lease, or any recorded easement, if necessary, to guarantee the utility's continued access to the utility's treatment facilities. The Commission may consider a written easement or other cost effective alternative.~~ The applicant may submit a contract for the long-term use purchase and sale of land with an unexecuted or unrecorded copy of the instrument ~~warranty deed,~~ provided the applicant files a an executed and recorded copy of the deed, or executed copy of the lease, within the time required in 30 days after the order granting the certificate;

Citizens propose addition of the highlighted language to clarify the need to demonstrate the applicant has ownership or continued access to the land. However, easements while granting access to the property, are no substitute for fee simple ownership or long-term lease of the land upon which the treatment facilities are located. Citizens question the value of possessing a valid easement guaranteeing the utility's access to the land which is "owned" by another. For purposes of consistency, OPC proposes the same language be added in Rules 25-30.034, 25-30.035, 25-30.36, and 25-30.037, Florida Administrative Code. Further, Forms - Part II, Section

E, Territory Description, Facilities, and Maps, needs to be amended to add the additional language. Regarding the forms for Rules 25-30.035 and 25-30.36, the change needs to be made in Part II, Section B; and for the form in Rule 25-30.037(2) and (3) forms, the changes needs to be made in Part II, Section D (4).

III. Economic Impact

Citizens believe that the additional suggestions addressed above will have no or de minimus economic impact to applicants. Most of these suggestions clarify or further define the information that the Commission rules currently require. With respect to the additional requirement from adding Section (h) 2 that a utility which has not operated for a full year provide financial statements of all persons or entities with at least five percent (5%) ownership interests, OPC understands that it has been the Commission's customary practice to obtain this information through informal methods; thus, this requirement will only impact the timing.

Respectfully submitted,

J.R. Kelly
Public Counsel



Patricia A. Christensen
Associate Public Counsel

c/o The Florida Legislature
Office of Public Counsel
111 W. Madison Street
Room 812
Tallahassee, FL 32399-1400

Attorney for the Citizens
of the State of Florida

1 25-30.030 Notice of Application and of Customer Meeting.

2 (1) ~~When Aa utility applies for a certificate of authorization, an extension or deletion of its~~
3 ~~service area, or a sale, assignment or transfer of its certificate of authorization, facilities or any~~
4 ~~portion thereof or majority organizational control, it shall provide notice of its application in the~~
5 ~~manner and to the entities described in this rule when it applies for any of the following: section.~~

6 (a) An original certificate of authorization and initial rates and charges as provided in Rule 25-
7 30.033, F.A.C.;

8 (b) An original certificate of authorization for existing utility currently charging for service as
9 provided in Rule 25-30.034, F.A.C.;

10 (c) An extension of service area as provided in Rule 25-30.036(2) or (3), F.A.C.;

11 (d) A deletion of service area as provided in Rule 25-30.036(4), F.A.C.;

12 (e) A transfer of a regulated utility to another regulated utility as provided in Rule 25-30.037(2),
13 F.A.C.;

14 (f) A transfer of an exempt entity or a utility in a nonjurisdictional county to a regulated utility
15 as provided in Rule 25-30.037(3), F.A.C.;

16 (g) A transfer of majority organizational control of a regulated utility as provided in Rule 25-
17 30.037(4), F.A.C.; or

18 (h) A transfer of a regulated utility to an exempt entity other than a governmental authority as
19 provided in Rule 25-30.037(5), F.A.C.

20 (2) After filing an application as described in subsection (1) above, and bBefore providing
21 notice in accordance with this section, a utility shall obtain from the Commission staff a list of
22 the names and addresses of the governing body of the county(ies) or municipality(ies) affected,
23 municipalities, the county or counties, the appropriate regional planning council, the Office of
24 Public Counsel, the Commission's Office of Commission Clerk, the appropriate regional office

1 of the Department of Environmental Protection, the appropriate water management district, and
2 privately-owned water and wastewater utilities that hold a certificate granted by the Public
3 Service Commission and that are located within the county in which the utility or the territory
4 proposed to be served is located. ~~In addition, if any portion of the proposed territory is within~~
5 ~~one mile of a county boundary, the utility shall obtain from the Commission a list shall include~~
6 ~~of the names and addresses of the privately-owned utilities located in the bordering county~~
7 ~~counties and holding a certificate granted by the Commission. The utility's request for the list~~
8 ~~shall include a complete legal description of the territory to be requested in the application that~~
9 ~~includes:~~

10 ~~(a) A reference to township(s), range(s), land section(s) and county; and~~
11 ~~(b) A complete and accurate description of the territory served or proposed to be served in one of~~
12 ~~the following formats. The description may reference interstates, state roads, and major bodies of~~
13 ~~water. The description shall not rely on references to government lots, local streets, recorded~~
14 ~~plats or lots, tracts, or other recorded instruments.~~

15 ~~1. Sections: If the territory includes complete sections, the description shall only include the~~
16 ~~township, range, and section reference. If the territory includes partial sections, the description~~
17 ~~shall either identify the subsections included or excluded.~~

18 ~~2. Metes and bounds: A point of beginning which is referenced from either a section corner or a~~
19 ~~subsection corner, such as a quarter corner. The perimeter shall be described by traversing the~~
20 ~~proposed territory and closing at the point of beginning. The description shall include all~~
21 ~~bearings and distances necessary to provide a continuous description.~~

22 (3) The notice shall be titled, as applicable appropriately styled:

23 (a) Notice of Application for Original an Initial Certificate of Authorization and Initial Rates and
24 Charges for Water, Wastewater, or Water and Wastewater Service Certificate;

- 1 (b) Notice of Application for Original Certificate of Authorization for Existing Utility Currently
2 Charging for Water, Wastewater, or Water and Wastewater Service;
- 3 (c)(b) Notice of Application for Amendment to Certificate of Authorization To Extend an
4 Extension of Service Area;
- 5 (d)(e) Notice of Application for Amendment to Certificate of Authorization To Delete Deletion
6 of Service Area;
- 7 (e)(d) Notice of Application for Authority to a Transfer of Water, Wastewater, or Water and
8 Wastewater Certificate(s) of Authorization, to Another Regulated Utility; or
- 9 (f) Notice of Application for Authority to Transfer an Exempt Entity or a Utility in a Non-
10 jurisdictional County To a Regulated Utility That Results in a System Whose Service
11 Transverses County Boundaries;
- 12 (g)(e) Notice of Application for Authority to a Transfer of Majority Organizational Control
13 of a Regulated Utility; or
- 14 (h) Notice of Application for Authority to Transfer a Regulated Utility to an Exempt Entity
15 Other than a Governmental Authority.
- 16 (4) The Notice of Application notice shall be provided to the Office of Commission Clerk, for
17 Commission staff approval prior to distribution and shall state include the following:
- 18 (a) The date the notice is given;
- 19 (b) The name, and address, telephone number, and, if available, e-mail address, and fax number
20 of the applicant;
- 21 (c) The common name of developments served by the utility;
- 22 (d) The application docket number and title, if available;
- 23 (e) The common reference of street names bordering the area served by the utility, as applicable;
- 24 (f)(e) A description, using township, range and section references, of the service area territory

1 proposed to be either served, extended, added, deleted, or transferred as provided by Rule 25-
2 30.029, F.A.C. An abbreviated description using section, township, and range of the subject
3 service area may be provided so long as the notice contains a disclosure that the legal description
4 has been simplified and that a complete legal description can be obtained from the applicant; and
5 (g) If applicable, the notice shall include a statement that the utility is not requesting any changes
6 to its rates, classifications, charges, rules, and regulations in the application; and
7 (h)(d) A statement that any objections to the application must be filed with the Director, Office
8 of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, and a
9 copy provided to the utility, no later than 30 days after the last date that the notice was mailed or
10 published, whichever is later.
11 (5) Within 7 days of filing its application, the utility shall provide a copy of the notice of the
12 service area proposed to be served, extended, deleted, or transferred as follows by regular mail
13 to:
14 (a) By regular mail to the governmental entities and utilities identified on the list described in
15 subsection (2) above;
16 (a) The governing body of the county in which the utility system or the territory proposed to be
17 served is located;
18 (b) The governing body of any municipality contained on the list obtained pursuant to subsection
19 (2) above;
20 (c) The regional planning council designated by the Clean Water Act, 33 U.S.C. 1288(2);
21 (d) All water or wastewater utilities contained on the list(s) obtained pursuant to subsection (2)
22 above;
23 (e) The office of Public Counsel;
24 (f) The Commission's Office of Commission Clerk;

1 ~~(g) The appropriate regional office of the Department of Environmental Protection; and~~

2 ~~(h) The appropriate Water Management District.~~

3 ~~(b)(6) No sooner than 21 days before the application is filed and no later than 7 days after the~~
4 ~~application is filed, the utility shall also provide a copy of the Notice, By regular mail or~~
5 ~~personal service, to each customer and owner of property located within the service area to be~~
6 ~~served, extended, deleted or transferred; and, of the system to be certificated, transferred,~~
7 ~~aequired, or deleted.~~

8 ~~(c)(7) By publication The Notice shall be published once in a newspaper of general circulation in~~
9 ~~the proposed service area. If the utility service area crosses county lines, notice shall be~~
10 ~~published in a newspaper of general circulation in each county, territory proposed to be served,~~
11 ~~added, deleted, or transferred. The publication shall be within 7 days of filing the application.~~

12 ~~(6) All applications requiring noticing shall be deemed deficient until affidavits of noticing~~
13 ~~required by Sections 367.045(1)(e) and (2)(f), F.S., along with a copy of the notice, are filed with~~
14 ~~the Office of Commission Clerk. The affidavits shall attest that the notices were given as~~
15 ~~prescribed in paragraphs (5)(a), (b), and (c) above. The applicant shall obtain the affidavit of~~
16 ~~notice publication, pursuant to paragraph (5)(c) above, from the newspaper(s).~~

17 ~~(8) A copy of the notice(s) and list of the entities receiving notice pursuant to this rule shall~~
18 ~~aecompany the affidavit required by Sections 367.045(1)(e) and (2)(f), F.S. The affidavit shall be~~
19 ~~filed no later than 15 days after filing the application.~~

20 ~~(7) A customer meeting will be required if an application results in a rate change for existing~~
21 ~~customers. No less that 14 days and no more than 30 days prior to the date of a customer~~
22 ~~meeting conducted by the Commission staff, the utility shall provide written notice of the date,~~
23 ~~time, location, and purpose of the customer meeting to all customers within the affected service~~
24 ~~areas. The notice shall be approved by the Commission staff prior to distribution. The notice~~

1 shall be mailed to the out-of-town address of all customers who have provided the utility with an
2 out-of-town address.

3 ~~(8)(9)~~ This rule does not apply to applications for ~~grandfather~~ certificates following rescission of
4 jurisdiction by counties filed under Section 367.171, F.S.; ~~or to applications for~~ transfers to
5 governmental authorities filed under Section 367.071, F.S.; or abandonments filed under Section
6 367.165, F.S. to name changes,

7 *Specific Authority 350.127(2), 367.045(2), 367.121(1) FS. Law Implemented 367.031, 367.045,*
8 *367.071, 367.083 FS. History—New 4-5-81, Formerly 25-10.061, 25-10.0061, Amended 11-10-*
9 *86, 1-27-91, 11-30-93, _____.*

10
11

1 25-30.033 Application for Original Certificate of Authorization and Initial Rates and Charges.

2 (1) Each applicant application for an original certificate of authorization and initial rates and
3 charges shall file with the Commission Clerk one original of ~~provide the following~~ information:
4 set forth in paragraphs (a) through (y). Form PSC/ENG 020 (XX/XX), entitled "Application for
5 Original Certificate of Authorization for a Proposed or Existing System Requesting Initial Rates
6 and Charges," which is incorporated by reference in this rule and is available at [Dept. of State
7 hyperlink], is an example application that may be completed by the applicant and filed with the
8 Office of Commission Clerk to comply with this subsection. This form is also available on the
9 Commission's Web site, www.floridapsc.com, by selecting Utility Regulation, then selecting
10 Water and Wastewater, and then selecting Water and Wastewater Application Packages.

11 (a) A filing fee pursuant to Rule 25-30.020(2)(a), F.A.C.;

12 (b) Proof of noticing pursuant to Rule 25-30.030, F.A.C.;

13 ~~(c)(a)~~ The utility's applicant's name, and address, telephone number, Federal Employer
14 Identification Number, authorized representative, and, if available, e-mail address and fax
15 number.

16 ~~(d)(b)~~ The nature of the utility's applicant's business organization, i.e., corporation, limited
17 liability company, partnership, limited partnership, sole proprietorship, association, etc.; The
18 applicant must provide documentation from the Florida Department of State, Division of
19 Corporations, showing:

20 1. The utility's business name and registration/document number for the business, unless
21 operating as a sole proprietor, and

22 2. The utility's fictitious name and registration number for the fictitious name, if operating under
23 a fictitious name;

24 (e)(e) The name(s), and address(es), and percentage of ownership of each entity or person which

owns or will own more than 5 percent interest in the utility of all corporate officers, directors, partners, or any other person(s) or entities owning an interest in the applicant's business organization;

(f)(d) The election the business has made Whether the applicant has made an election under the Internal Revenue Code for taxation purposes § 1362 to be an S corporation;

(g) A statement indicating whether the application is for water, wastewater, or both. If the applicant is applying for water or wastewater only, the statement shall include how the other service is provided;

(h)(e) To demonstrate A statement showing the financial and technical ability of the applicant to provide service, the applicant shall provide: and the need for service in the proposed area. The statement shall identify any other utilities within the area proposed to be served that could potentially provide service, and the steps the applicant took to ascertain whether such other service is available;

1. The most recent financial statements of the utility, if available, showing all utility assets, liabilities, and the most recent twelve months of income and expenses;

2. If the utility or any parent entity of the utility has not operated for a full year, then the financial statements of all persons or entities with at least five percent (5%) ownership interest in the utility shall be provided;

23. A list of all entities, including affiliates and related parties, upon which the applicant is relying to provide funding to the utility and a copy of all mortgage and loan agreements surety bonds, contracts and any other financial agreements documenting the sources of funding or a copy of each entity's financial statements;

4. As defined by the Financial Accounting Standards Board ("FASB"), Accounting Standards Codification ("ASC") Master Glossary, an "affiliate" is a party that, directly or indirectly

1 through one or more intermediaries, controls, is controlled by, or is under common control with
2 an entity. An affiliated entity is defined as an entity that directly or indirectly controls, is
3 controlled by or is under common control with another entity; also, a party with which the entity
4 may deal if one party has the ability to exercise significant influence over the other's operating
5 and financial policies.

6 5. As defined by the FASB, ASC Master Glossary, "related parties" include:

7 a. Affiliates of the entity;

8 b. Entities for which investments in their equity securities would be required, absent the
9 election of the fair value option under the Fair Value Option ASC Subsection of Section
10 825-10-15, to be accounted for by the equity method by the investing entity;

11 c. Trusts for the benefit of employees, such as pension and profit-sharing trusts that are
12 managed by or under the trusteeship of management;

13 d. Principal owners of the entity and members of their immediate families;

14 e. Management of the entity and members of their immediate families;

15 f. Other parties with which the entity may deal if one party controls or can significantly
16 influence the management or operating policies of the other to an extent that one of the
17 transaction parties might be prevented from fully pursuing its own separate interests; or

18 g. Other parties that can significantly influence the management or operating policies of the
19 transacting parties or that have an ownership interest in one of the transacting parties and
20 can significantly influence the other to an extent that one or more of the transacting
21 parties might be prevented from fully pursuing its own separate interests.

22

1 (i) To demonstrate the technical ability of the applicant to provide service, the applicant shall
2 provide:

3 1. A statement of the applicant's experience in the water or wastewater industry;

4 2. A copy of all current permits from the Department of Environmental Protection (DEP) and the
5 water management district when the applicant's water and wastewater system is providing
6 service;

7 3. A copy of the most recent DEP and/or county health department sanitary survey, compliance
8 inspection report, and secondary standards drinking water report when the applicant's water and
9 wastewater system is providing service; and

10 4. A copy of all correspondence with the DEP, county health department, and water management
11 district, including consent orders and warning letters, and the utility's responses to the same, for
12 the past three-five years when the applicant's water and wastewater system is providing service;

13 (j) A legal description of the proposed service area, including an electronic copy, in the format
14 described in Rule 25-30.029, F.A.C.;

15 (k) To demonstrate the need for service in the proposed area, the applicant shall provide:

16 1. The number of customers currently being served and proposed to be served, by customer class
17 and meter size, including a description of the types of customers currently being served and
18 anticipated to be served, i.e., single family homes, mobile homes, duplexes, golf course
19 clubhouse, or commercial. If the development will be in phases, this information shall be
20 separated by phase;

21 2. A copy of all requests for service from property owners or developers in areas not currently
22 served;

23 3. The current land use designation of the proposed service territory as described in the local
24 comprehensive plan at the time the application is filed. If the proposed development will require

1 a revision to the comprehensive plan, describe the steps taken and to be taken to facilitate those
2 changes, including changes needed to address the proposed need for service; and
3 ~~(f) A statement that to the best of the applicant's knowledge, the provision of service will be~~
4 ~~consistent with the water and wastewater sections of the local comprehensive plan as approved~~
5 ~~by the Department of Community Affairs at the time the application is filed, or, if not consistent,~~
6 ~~a statement demonstrating why granting the certificate of authorization would be in the public~~
7 ~~interest;~~
8 4. Any known land use restrictions, such as environmental restrictions imposed by governmental
9 authorities;
10 ~~(l)(g) The date applicant began or plans to begin serving customers. If already serving customers,~~
11 ~~a description of when and under what circumstances the applicant began serving;~~
12 ~~(h) The number of equivalent residential connections (ERCs) proposed to be served, by meter~~
13 ~~size and customer class. If development will be in phases, separate this information by phase;~~
14 ~~(i) A description of the types of customers anticipated, i.e., single family homes, mobile homes,~~
15 ~~duplexes, golf course clubhouse, commercial, etc.;~~
16 ~~(m)(j) Documentation of the utility's right to continued long-term use of Evidence, in the form of~~
17 ~~a warranty deed, that the utility owns the land upon which the utility treatment facilities are or~~
18 ~~will be located. This documentation shall be in the form of a recorded warranty deed, recorded~~
19 ~~quit claim deed accompanied by title insurance, recorded long-term lease, or a copy of an~~
20 ~~agreement which provides for the continued use of the land, such as a 99-year lease, or any~~
21 ~~recorded easement-, if necessary to guarantee the utility's continued access to the utility's~~
22 ~~treatment facilities. The Commission may consider a written easement or other cost effective~~
23 ~~alternative. The applicant may submit a contract for the long-term use purchase and sale of land~~
24 ~~with an unexecuted or unrecorded copy of the instrument warranty deed, provided the applicant~~

1 files ~~a an executed and recorded copy of the deed, or executed copy of the lease,~~ within the time
2 required in 30 days after the order granting the certificate;

3 ~~(n)(k)~~ One original and two copies of a sample one electronic media draft tariff; containing all
4 rates, classifications, charges, rules, and regulations; which shall be consistent with Chapter 25-9,
5 F.A.C. Form PSC/ENG 031 (XX/XX), entitled “Sample Model Water Tariff,” which is
6 incorporated by reference in this rule and is available at [Department of State hyperlink] and
7 Form PSC/ENG 032 (XX/XX), entitled “Sample Model Wastewater Tariff,” which is
8 incorporated by reference in this rule and is available at [Department of State hyperlink], are
9 example tariffs that may be completed by the applicant and included in the application. These
10 forms may also be obtained from the Commission’s website, www.floridapsc.com, by selecting
11 Utility Regulation, then selecting Water and Wastewater, and then selecting Water and
12 Wastewater Application Packages; ~~Model tariffs are available from the Division of Economics,~~
13 ~~2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850;~~

14 ~~(l)~~ A description of the territory to be served, using township, range and section references as
15 specified in subsection 25-30.030(2), F.A.C.;

16 ~~(o)(m)~~ One copy of ~~A~~ a detailed system map showing the existing and proposed lines, and
17 treatment facilities, with and the territory proposed to be served plotted thereon, consistent with
18 the legal description provided in paragraph (j) above. The map shall be of sufficient scale and
19 detail to enable correlation with the description of the territory proposed to be served;

20 ~~(p)(n)~~ An One copy of the official county tax assessment map, or other map showing township,
21 range, and section with a scale such as 1” = 200’ or 1” = 400’, with the proposed territory plotted
22 thereon, consistent with the legal description provided in paragraph (j) above; ~~by use of metes~~
23 and bounds or quarter sections, and with a defined reference point of beginning;

24 ~~(q)(e)~~ A description of statement regarding the separate capacities of the existing and proposed

1 lines and treatment facilities in terms of equivalent residential connections (ERCs) and gallons
2 per day estimated demand per ERC for water and wastewater and the basis for such estimate. If
3 the development will be in phases, separate this information shall be separated by phase;
4 ~~(r)(p) A written description of the type of water treatment, wastewater treatment, and method of~~
5 ~~effluent disposal;~~
6 ~~(q) If subsection (p) above does not include effluent disposal by means of reuse, a statement that~~
7 ~~describes with particularity the reasons for not using reuse;~~
8 ~~(r) A detailed financial statement (balance sheet and income statement), certified if available, of~~
9 ~~the financial condition of the applicant, that shows all assets and liabilities of every kind and~~
10 ~~character. The income statement shall be for the preceding calendar or fiscal year. If an applicant~~
11 ~~has not operated for a full year, then the income statement shall be for the lesser period. The~~
12 ~~financial statement shall be prepared in accordance with Rule 25-30.115, F.A.C. If available, a~~
13 ~~statement of the source and application of funds shall also be provided;~~
14 ~~(s) A list of all entities, including affiliates, upon which the applicant is relying to provide~~
15 ~~funding to the utility, and an explanation of the manner and amount of such funding, which shall~~
16 ~~include their financial statements and copies of any financial agreements with the utility. This~~
17 ~~requirement shall not apply to any person or entity holding less than 10 percent ownership~~
18 ~~interest in the utility;~~
19 ~~(t) A cost study including customer growth projections supporting the proposed rates, charges~~
20 ~~and service availability charges. A sample cost study, and assistance in preparing initial rates and~~
21 ~~charges, are available from the Division of Economics;~~
22 (s) The existing and projected cost of the system(s) and associated depreciation by year until
23 design capacity is reached using the National Association of Regulatory Utility Commissioners
24 (NARUC) Uniform System of Accounts (USOA), pursuant to Rule 25-30.115, F.A.C. The

1 applicant shall identify the year that 80 percent of design capacity is anticipated; ~~(u) A schedule~~
2 ~~showing the projected cost of the proposed system(s) by uniform system of accounts (USOA)~~
3 ~~account numbers pursuant to Rule 25-30.115, F.A.C., and the related capacity of each system in~~
4 ~~ERCs and gallons per day. If the utility will be built in phases, this shall apply to the first phase;~~
5 (t) The existing and projected annual contributions-in-aid-of-construction (CIAC) and associated
6 amortization by year including a description of assumptions regarding customer growth
7 projections using the same projections used in paragraph (k)(1) for the proposed service area.
8 The projected CIAC shall identify cash and property contributions and amortization at 100
9 percent of design capacity and identify the year when 80 percent of design capacity is
10 anticipated. The projected CIAC shall be consistent with the service availability policy and
11 charges in the proposed tariff provided in paragraph (n) above, the schedule provided in
12 paragraph (x) below, and the CIAC guidelines in 25-30.580, F.A.C.;
13 (u) The current annual operating expenses and the projected annual operating expenses at 80
14 percent of design capacity using the NARUC USOA;
15 ~~(v) A schedule showing the projected operating expenses of the proposed system by USOA~~
16 ~~account numbers, when 80 percent of the designed capacity of the system is being utilized. If the~~
17 ~~utility will be built in phases, this shall apply to the first phase; and~~
18 (v)(w) A schedule showing the projected capital structure including the methods of financing the
19 construction and operation of the utility until the utility reaches 80 percent of the design capacity
20 of the system; -
21 (w) A schedule showing how the proposed rates were developed;
22 (x) A schedule showing how the proposed service availability policy and charges were
23 developed, including meter installation, main extension, and plant capacity charges, and
24 proposed donated property; and

1 (y) A schedule showing how the customer deposits and miscellaneous service charges were
2 developed, including initial connection, normal reconnection, violation reconnection, and
3 premises visit fees, consistent with Rules 25-30.311 and 25-30.460, F.A.C.

4 (2) The base facility and usage rate structure (as defined in subsection 25-30.437(6), F.A.C.)
5 shall be utilized for metered service, unless an alternative rate structure is supported by the
6 applicant and authorized by the Commission.

7 (3) A return on common equity shall be established using the current equity leverage formula
8 established by order of this Commission pursuant to Section 367.081(4), F.S., unless there is
9 competent substantial evidence supporting the use of a different return on common equity.

10 (4) Utilities obtaining original ~~initial~~ certificates of authorization pursuant to this rule are
11 authorized to accrue allowance for funds used during construction (AFUDC) for projects found
12 eligible pursuant to subsection 25-30.116(1), F.A.C.

13 (a) The applicable AFUDC rate shall be determined as the utility's projected weighted cost of
14 capital as demonstrated in its application for original certificate and initial rates and charges.

15 (b) A discounted monthly AFUDC rate calculated in accordance with subsection 25-30.116(3),
16 F.A.C., shall be used to insure that the annual AFUDC charged does not exceed authorized
17 levels.

18 (c) The date the utility shall begin to charge the AFUDC rate shall be the date the certificate of
19 authorization is issued to the utility so that such rate can apply to the initial construction of the
20 utility facilities.

21 *Specific Authority 350.127(2), 367.045(1), 367.121, 367.1213 FS. Law Implemented 367.031,*
22 *367.045, 367.1213 FS. History—New 1-27-91, Amended 11-30-93, _____.*

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1 25-30.034 Application for Original Certificate of Authorization for Existing Utility Currently
2 Charging for Service.

3 (1) Each applicant for an original certificate of authorization for an existing utility currently
4 charging for service, which is applying for an initial certificate of authorization, other than an
5 application filed under Section 367.171, F.S., shall file with the Commission Clerk, one
6 original of provide the following information: set forth in paragraphs (a) through (q), and if
7 applicable, paragraphs (2)(a) through (c). Form PSC/ENG 021 (XX/XX), entitled
8 “Application for Original Certificate of Authorization for Existing Utility Currently Charging
9 for Service,” which is incorporated by reference in this rule and is available at [Department of
10 State hyperlink], is an example application that may be completed by the applicant and filed
11 with the Office of Commission Clerk to comply with this subsection. This form is also
12 available on the Commission’s website, www.floridapsc.com, by selecting Utility Regulation,
13 then selecting Water and Wastewater, and then selecting Water and Wastewater Application
14 Packages.

15 (a) A filing fee pursuant to Rule 25-30.020(2)(a), F.A.C.;

16 (b) Proof of noticing pursuant to Rule 25-30.030, F.A.C.;

17 (c)(a) The utility’s ~~complete~~ name, and address, telephone number, Federal Employer
18 Identification Number, authorized representative, and if available, e-mail address and fax
19 number;

20 (d)(b) The nature of the utility’s business organization, i.e., corporation, limited liability
21 company, partnership, limited partnership, sole proprietorship, association, etc.; The
22 applicant must provide documentation from the Florida Department of State, Division of
23 Corporations, showing:

24 1. The utility’s business name and registration/document number for the business, unless
25 operating as a sole proprietor, and

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- 1 2. The utility's fictitious name and registration number for the fictitious name, if operating
2 under a fictitious name;
- 3 ~~(e)(e)~~ The name(s), and address(es), and percentage of ownership of each entity or person
4 which owns or will own more than a 5 percent of all corporate officers, directors, partners, or
5 any other person(s) owning an interest in the utility;
- 6 (f) A statement indicating whether the application is for water, wastewater, or both. If the
7 applicant is applying for water or wastewater only, the statement shall include how the other
8 service is provided;
- 9 (g) A description of the types of customers served, i.e., single family homes, mobile homes,
10 duplexes, golf course clubhouse, or commercial;
- 11 (h) A schedule showing the number of customers currently served, by class and meter size, as
12 well as the number of customers projected to be served when the requested service territory is
13 fully developed;
- 14 ~~(i)(d)~~ To demonstrate A statement regarding the financial and technical ability of the
15 applicant to continue to provide service, the applicant shall provide the following:
- 16 1. The most recent financial statements of the utility, showing all utility assets and liabilities,
17 and the most recent twelve months of income and expenses; and
- 18 2. If the utility or any parent entity of the utility has not operated for a full year, the financial
19 statements of all persons or entities with at least five percent (5%) ownership interest in the
20 utility shall be provided;
- 21 3. A list of all entities and related parties, including affiliates, upon which the applicant is
22 relying to provide funding to the utility and a copy of all mortgage and loan agreements,
23 surety bonds, contracts and any other financial agreements documenting the sources of
24 funding or a copy of each entity's financial statements;
- 25 4. Affiliate and related party defined in Rule 25-30.033 (1)(h) 4 and 5, F.A.C.

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- 1 (j) To demonstrate the technical ability of the applicant to provide service, the applicant shall
2 provide the following:
- 3 1. A statement of the applicant's experience in the water and wastewater industry;
4 2. A copy of all current permits from the Department of Environmental Protection (DEP) and
5 the water management district ~~when the applicant's water and wastewater system is providing~~
6 service;
- 7 3. A copy of the most recent DEP and/or county health department sanitary survey,
8 compliance inspection report, and secondary standards drinking water report ~~when the~~
9 applicants's water and wastewater system is providing service; and
- 10 4. A copy of all correspondence with the DEP, county health department, and water
11 management district, including consent orders and warning letters, and the utility's responses
12 to the same, for the past ~~five~~ ~~three~~ years ~~when the applicant's water and wastewater system is~~
13 providing service;
- 14 (k) A legal description of the proposed service area, including an electronic copy, in the
15 format prescribed in Rule 25-30.029, F.A.C.;
- 16 (l) A statement explaining when and under what circumstances the applicant began providing
17 service prior to obtaining a certificate of authorization;
- 18 (m)(e) Documentation of the utility's right to continued long-term use of ~~Evidence that the~~
19 utility ~~owns~~ the land upon which the utility treatment facilities are located, in the form of a
20 recorded warranty deed, recorded quit claim deed accompanied by title insurance, recorded
21 long-term lease, ~~or a copy of an agreement which provides for the continued use of the land,~~
22 such as a 99-year lease, or ~~any~~ recorded easement ~~if necessary, to guarantee the utility's~~
23 continued access to the utility's treatment facilities. The applicant may submit a contract for
24 the long-term use with an unexecuted or unrecorded copy of the instrument if the applicant
25 files a recorded copy within the time required in the order granting the certificate. The
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- 1 ~~Commission may consider a written easement or other cost-effective alternative;~~
2 (n) Documentation specifying on what date and under what authority the current rates and
3 charges were established;
4 ~~(o)(f) One original and two copies~~ one electronic media draft of a model tariff, containing all
5 rates, classifications, charges, rules, and regulations, which shall be consistent with Chapter
6 25-9, F.A.C. Form PSC/ENG 031 (XX/XX), entitled "Sample Model Water Tariff," which is
7 incorporated by reference in this rule and is available at [Department of State hyperlink]and
8 Form PSC/ENG 032 (XX/XX), entitled "Sample Model Wastewater Tariff," which is
9 incorporated by reference in this rule and is available at [Department of State hyperlink], are
10 example tariffs that may be completed by the applicant and included in the application. These
11 forms may also be obtained from the Commission's website, www.floridapsc.com, by
12 selecting Utility Regulation, then selecting Water and Wastewater, and then selecting Water
13 and Wastewater Application Packages; Model tariffs are available from the Division of
14 Economics, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850;
15 ~~(g) A statement specifying on what date and under what authority the current rates and charges~~
16 ~~were established;~~
17 ~~(h) A description of the territory to be served, using township, range and section references as~~
18 ~~specified in subsection 25-30.030(2), F.A.C.;~~
19 (p)(i) One copy of Aa detailed system map showing existing and proposed the lines, and
20 treatment facilities with and the territory proposed to be served plotted thereon, consistent
21 with the legal description provided in paragraph (k) above. Any territory not served at the time
22 of the application shall be specifically identified on the system map. The map shall be of
23 sufficient scale and detail to enable correlation with the description of the territory proposed to
24 be served; and
25 (q)(j) An One copy of the official county tax assessment map, or other map showing township,
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existing law.

1 range, and section with a scale such as 1"=200' or 1"=400', with the proposed territory plotted
2 thereon, consistent with the legal description provided in paragraph (k) above. ~~by use of~~
3 ~~metes and bounds or quarter sections, and with a defined reference point of beginning;~~
4 ~~(k) The numbers and dates of any permits issued for the systems by the Department of~~
5 ~~Environmental Protection;~~
6 ~~(l) The date the utility was established;~~
7 ~~(m) A statement explaining how and why applicant began providing service prior to obtaining~~
8 ~~a certificate of authorization; and~~
9 ~~(n) A schedule showing the number of customers currently served, by class and meter size, as~~
10 ~~well as the number of customers projected to be served when the requested service territory is~~
11 ~~fully occupied.~~
12 (2) If the applicant is requesting any territory not served at the time of application, provide the
13 following:
14 (a) To demonstrate A statement showing the need for service in the proposed area, the
15 applicant shall provide the following:
16 1. The number of customers proposed to be served, by customer class and meter size,
17 including a description of the types of customers anticipated to be served, i.e., single family
18 homes, mobile homes, duplexes, golf course clubhouse, or commercial. If the development
19 will be in phases, this information shall be separated by phase; and
20 2. A copy of all requests for service from property owners or developers in areas not currently
21 served;
22 (b) The current land use designation of the proposed service territory as described in A
23 ~~statement that to the best of the applicant's knowledge, the provision of service in this territory~~
24 ~~will be consistent with the water and wastewater sections of the local comprehensive plan as~~
25 ~~approved by the Department of Community Affairs at the time the application is filed. If the~~
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existing law.

1 proposed development will require a revision to the comprehensive plan, describe the steps
2 taken and to be taken to facilitate those changes, including changes needed to address the
3 proposed need for service described in paragraph (2)(a) above; and, or, if not consistent, a
4 ~~statement demonstrating why granting the territory would be in the public interest.~~
5 (c) Any known land use restrictions, such as environmental restrictions imposed by
6 governmental authorities.

7 *Specific Authority 350.127(2), 367.045, 367.121, 367.1213 FS. Law Implemented 367.045,*
8 *367.1213 FS. History—New 1-27-91, Amended 11-30-93, _____.*

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NOTICE OF STAFF WORKSHOP
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253 law.

1 25-30.035 Application for Original Grandfather Certificate of Authorization Following
2 Rescission of Jurisdiction by a County.

3 (1) Each applicant for an original a certificate of authorization following rescission of jurisdiction
4 by a county under the provisions of Section 367.171, F.S., (commonly known as the grandfather
5 provision), shall file with the Commission Clerk one original of provide the following
6 information: set forth in paragraphs (2) through (16) below. Form PSC/ENG 022 (XX/XX),
7 entitled “Application for Original Certificate of Authorization Following Rescission of
8 Jurisdiction by a County,” which is incorporated by reference in this rule and is available at
9 [Department of State hyperlink], is an example application that may be completed by the
10 applicant and filed with the Office of Commission Clerk to comply with this subsection. This
11 form may also be obtained from the Commission’s website, www.floridapsc.com, by selecting
12 Utility Regulation, then selecting Water and Wastewater, and then selecting-Water and
13 Wastewater Application Packages;

14 (2) A filing fee pursuant to Rule 25-30.020(2)(d), F.A.C.

15 (3)(1) The utility’s complete name, and address, telephone number, Federal Employer
16 Identification Number, authorized representative, and, if available, e-mail address and fax
17 number;

18 (4)(2) The nature of the utility’s business organization, i.e., corporation, limited liability
19 company, partnership, limited partnership, sole proprietorship, association, etc. The applicant
20 must provide documentation from the Florida Department of State, Division of Corporations,
21 showing:

22 (a) The utility’s business name and registration/document number for the business, unless
23 operating as a sole proprietor, and

- 1 (b) The utility's fictitious name and registration number for the fictitious name, if operating
2 under a fictitious name;
- 3 (5)(3) The name(s), and address(es), and percentage of ownership of each entity or person which
4 owns or will own of all corporate officers, directors, partners, or any other person(s) owning
5 more than a 5 percent an interest in the utility;
- 6 (6) A statement indicating whether the application is for water, wastewater, or both. If the
7 applicant is applying for water or wastewater only, the statement shall include how the other
8 service is provided;
- 9 (7)(4) The date the utility was established;
- 10 (8)(5) A description of the types of customers served, i.e., single family homes, mobile homes,
11 duplexes, golf course clubhouse, or commercial, etc.;
- 12 (9) A schedule showing the number of customers currently served, by class and meter size, as
13 well as the number of customers projected to be served when the requested service territory is
14 fully developed;
- 15 (10) A legal description of the proposed service area, including an electronic media copy, in the
16 format prescribed in Rule 25-30.029, F.A.C. The utility must provide documentation of the
17 territory the utility was serving, or was authorized to serve, from the county which had
18 jurisdiction over the utility on the day Chapter 367, F.S., became applicable to the utility;
- 19 (11)(6) Documentation of the utility's right to continued long-term use of Evidence that the
20 utility owns the land upon which the utility treatment facilities are located, in the form of a
21 recorded warranty deed, recorded quit claim deed accompanied by title insurance, recorded long-
22 term lease or a copy of an agreement which provides for the continued use of the land, such as a
23 99-year lease, or any recorded easement—, if necessary, to guarantee the utility's continued
24 access to the utility's treatment facilities. The applicant may submit a contract for the long-term

1 use with an unexecuted or unrecorded copy of the instrument if the applicant files a recorded
2 copy within the time required in the order granting the certificate; The Commission may consider
3 a written easement or other cost effective alternative;
4 (12) Documentation, or if no documentation exists, a statement, specifying on what date and
5 under what authority the current rates and charges were established;
6 (13)(7) One original and one electronic media draft two copies of a tariff, containing all rates,
7 classifications, charges, rules, and regulations, which shall be consistent with Chapter 25-9,
8 F.A.C. Form PSC/ENG 031 (XX/XX), entitled “Sample Model Water Tariff,” which is
9 incorporated by reference in this rule and is available at [Department of State hyperlink] and
10 Form PSC/ENG 032 (XX/XX), entitled “Sample Model Wastewater Tariff,” which is
11 incorporated by reference in this rule and is available at [Department of State hyperlink], are
12 example tariffs that may be completed by the applicant and included in the application. These
13 forms may also be obtained from the Commission’s website, www.floridapsc.com, by selecting
14 Utility Regulation, then selecting Water and Wastewater, and then selecting Water and
15 Wastewater Application Packages; Sample tariffs are available from the Division of Economic
16 Regulation, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850;
17 (8) A statement specifying on what date and under what authority the current rates and charges
18 were established;
19 (9) A description using township, range, and section references as specified in subsection 25-
20 30.030(2), F.A.C., of the territory the utility was serving, or was authorized to serve by the
21 county which had jurisdiction over the utility on the day Chapter 367, F.S., became applicable to
22 the utility;
23 (14)(10) One copy of A a detailed system map showing the existing and proposed lines, and
24 treatment facilities, with and the territory proposed to be served plotted thereon, consistent with

1 the legal description provided in subsection (10) above. Any territory not served at the time of
2 the application shall be specifically identified, ~~and~~ The map shall be of sufficient scale and
3 detail to enable correlation with the description of the territory to be served;
4 ~~(15)(11) An One copy of the~~ official county tax assessment map, or other map showing
5 township, range, and section, with a scale such as 1" = 200' or 1" = 400', with the proposed
6 territory plotted thereon, consistent with the legal description provided in subsection (10) above
7 ~~by use of metes and bounds or quarter sections, and with a defined reference point of beginning;~~
8 and
9 ~~(16)(12) The numbers and dates of any~~ A copy of all current permits issued for the systems by
10 the Department of Environmental Protection and water management district. ~~;~~ and
11 ~~(13) A schedule showing the number of customers currently served, by class and meter size, as~~
12 ~~well as the number of customers projected to be served when the requested service territory is~~
13 ~~fully occupied.~~
14 *Specific Authority 350.127(2), 367.121, 367.1213 FS. Law Implemented 367.1213, 367.171 FS.*
15 *History—Amended 7-21-65, 1-7-69, 2-3-70, 3-6-71, Revised 9-12-74, Amended 3-26-81,*
16 *Formerly 25-10.02, 25-10.002, Amended 11-10-86, 1-27-91, 11-30-93, _____.*
17

1 25-30.036 Application for Amendment to Certificate of Authorization to Extend or Delete
2 Service Area.

3 (1) This rule applies to any certificated water or wastewater utility that proposes to extend its
4 service territory into an area in which there is no existing water or wastewater system or
5 proposes to delete a portion of its service territory. Form PSC/ENG 023 (XX/XX) entitled
6 “Application for Amendment of Certificate (Extension or Deletion),” which is incorporated by
7 reference in this rule and is available at [Department of State hyperlink], is an example
8 application that may be completed by the applicant and filed with the Office of Commission
9 Clerk to comply with subsection (2), (3), or (4) below. This form may also be obtained from the
10 Commission’s website, www.floridapsc.com, by selecting Utility Regulation, then selecting
11 Water and Wastewater, and then selecting Water and Wastewater Application Packages.

12 ~~(2) A request for service territory expansion and amendment of an existing certificate or issuance~~
13 ~~of a new certificate shall be considered approved under the following conditions if no protest is~~
14 ~~timely filed to the notice of application:~~

15 ~~(a) The utility has provided a written statement of an officer of the utility that the proposed new~~
16 ~~territory includes a maximum of 25 equivalent residential connections within such territory at the~~
17 ~~time the territory is at buildout; and~~

18 ~~(b)The utility has provided the written statement of an officer of the utility that, upon~~
19 ~~investigation, to the best of his or her knowledge:~~

20 ~~1. There is no other utility in the area of the proposed territory that is willing and capable of~~
21 ~~providing reasonably adequate service to the new territory; and~~

22 ~~2. The person(s) or business(es) requesting water or wastewater service have demonstrated to the~~
23 ~~utility that service is necessary because (1) a private well has been contaminated or gone dry, (2)~~
24 ~~a septic tank has failed; or (3) service is otherwise not available.~~

1 ~~(e)The utility has filed a completed application in accordance with subsection (2) of this rule~~
2 ~~within 45 days of the completion of the notice requirements.~~

3 ~~(2)(3) Each utility proposing to extend its service area (except applications filed pursuant to~~
4 ~~subsection (3) below), shall file with the Commission Clerk one original of the information set~~
5 ~~forth in paragraphs (a) through (q). (2)-above, which shall file only (a), (d), (e), (i), (m), (o), (p),~~
6 ~~(q), and (r) listed below) shall provide the following:~~

7 ~~(a) A filing fee pursuant to Rule 25-30.020(2)(c), F.A.C.;~~

8 ~~(b) Proof of Noticing pursuant to Rule 25-30.030, F.A.C.;~~

9 ~~(c)(e) The utility's certificated complete name, and address, telephone number, Federal~~
10 ~~Employer Identification Number, authorized representative, and, if available, e-mail address and~~
11 ~~fax number;~~

12 ~~(b)A statement showing the financial and technical ability of the utility to provide service and the~~
13 ~~need for service in the area requested;~~

14 ~~(d) To demonstrate the need for service in the proposed area, the applicant must provide:~~

15 ~~1. The number of customers currently being served and proposed to be served, by customer class~~
16 ~~and meter size, including a description of the types of customers anticipated to be served, i.e.,~~
17 ~~single family homes, mobile homes, duplexes, golf course clubhouse, or commercial.~~

18 ~~2. A copy of all requests for service from property owners or developers in areas not currently~~
19 ~~served;~~

20 ~~3. The current land use designation of the proposed service territory as described in the local~~
21 ~~comprehensive plan at the time the application is filed. If the proposed development will require~~
22 ~~a revision to the comprehensive plan, describe the steps taken and to be taken to facilitate those~~
23 ~~changes, including changes needed to address the proposed need for service; and~~

24 ~~(e) A statement that to the best of the applicant's knowledge the provision of service will be~~

1 ~~consistent with the water and wastewater sections of the local comprehensive plan at the time the~~
2 ~~application is filed, as approved by the Department of Community Affairs, or, if not, a statement~~
3 ~~demonstrating why granting the amendment would be in the public interest;~~

4 4. Any known land use restrictions, such as environmental restrictions imposed by governmental
5 authorities;

6 ~~(e)(d)~~ If the utility is planning to build a new water or wastewater treatment plant to serve the
7 proposed territory, provide documentation of the utility's right to continued long-term use of
8 ~~Evidence that the utility owns the land upon which the new utility treatment facilities that will~~
9 ~~serve the proposed territory will be are located. This documentation shall be in the form of a~~
10 recorded warranty deed, recorded quit claim deed accompanied by title insurance, recorded long-
11 term lease or a copy of an agreement, such as a 99-year lease, or any recorded easement, if
12 necessary, to guarantee the utility's continued access to the utility's treatment facilities, which
13 ~~provides for the continued use of the land. The applicant may submit a contract for the long-~~
14 term use with an unexecuted or unrecorded copy of the instrument, provided that the applicant
15 files a recorded copy within the time required in the order granting the amendment to the
16 certificate of authorization; The Commission may consider a written easement or other cost-
17 effective alternative;

18 ~~(f)(e)~~ A legal description of the territory proposed to be served, including an electronic media
19 copy, in the format prescribed in Rule 25-30.029, F.A.C. In addition, if the extension of territory
20 is adjacent to existing territory, provide a legal description of the resulting territory including
21 both existing and expanded portions, including an electronic media copy, in the format
22 prescribed in Rule 25-30.029, F.A.C. using township, range and section references as specified
23 in subsection 25-30.030(2), F.A.C.;

24 ~~(g)(f)~~ One copy of a detailed system map showing the proposed lines, and treatment facilities,

1 with and the territory proposed to be served plotted thereon, consistent with the legal description
2 provided in paragraph (f) above. If the territory to be served is adjacent to the utility's existing
3 territory, provide a complete map showing both existing and expanded territories. The map shall
4 be of sufficient scale and detail to enable correlation with the description of the territory;

5 ~~(g) If the utility is planning to build a new wastewater treatment plant, or upgrade an existing~~
6 ~~plant to serve the proposed territory, provide a written description of the proposed method(s) of~~
7 ~~effluent disposal;~~

8 ~~(h) If (g) above does not include effluent disposal by means of reuse, a statement that describes~~
9 ~~with particularity the reasons for not using reuse;~~

10 ~~(h)(i) An~~ One copy of the official county tax assessment map or other map showing township,
11 range, and section, with a scale such as 1" = 200' or 1" = 400', with the proposed territory plotted
12 thereon, consistent with the legal description provided in paragraph (f) above;
13 ~~by use of metes and bounds or quarter sections, and with a defined reference point of beginning;~~

14 ~~(i)(j)~~ A statement describing the capacity of the existing lines, the capacity of the existing
15 treatment facilities, and the design capacity of the proposed extension;

16 ~~(j)(k) A copy of all current~~ The numbers and dates of any permits issued for the proposed
17 systems by the Department of Environmental Protection and by the water management district;

18 (k) A copy of the most recent DEP and/or county health department sanitary survey, compliance
19 inspection report, and secondary standards drinking water report;

20 (l) A copy of all correspondence with the DEP, county health department and water management
21 district, including consent orders and warning letters, and the utility's response to the same, for
22 the past three years;

23 (m)(l) A detailed statement regarding the proposed method of financing the construction, and the
24 projected impact on the utility's capital structure;

1 ~~(m) A description of the types of customers anticipated to be served by the extension, i.e., single~~
2 ~~family homes, mobile homes, duplexes, golf course clubhouse, commercial, etc.;~~

3 (n) Aa statement regarding the projected impact of the extension on the utility's monthly rates
4 and service availability charges;

5 (o) One original and one electronic media draft of all tariff pages that reflect the additional
6 proposed service area, which shall be consistent with Chapter 25-9, F.A.C. Form PSC/ENG 031
7 (XX/XX), entitled "Sample Model Water Tariff," which is incorporated by reference in this rule
8 and is available at [Department of State hyperlink] and Form PSC/ENG 032 (XX/XX), entitled
9 "Sample Model Wastewater Tariff," which is incorporated by reference in this rule and is
10 available at [Department of State hyperlink], are example tariffs that may be completed by the
11 applicant and included in the application. These forms may also be obtained from the
12 Commission's website, www.floridapsc.com, by selecting Utility Regulation, then selecting
13 Water and Wastewater, and then selecting Water and Wastewater Application Packages; The
14 original and two copies of sample tariff sheets reflecting the additional service area; and
15 (p) ~~The applicant's current certificate for possible amendment.~~

16 (p)(q) ~~The number of the most recent order of the Commission establishing or changing the~~
17 ~~applicant's rates and charges; and :~~

18 (q)(r) ~~An affidavit that the utility has tariffs and annual reports on file with the Commission.~~

19 (3) A request for service territory extension and amendment of an existing certificate (commonly
20 known as a "quick take" amendment) shall be considered approved under the following
21 conditions if no protest is timely filed to the notice of application:

22 (a) The utility has provided a written statement that the proposed new territory includes a
23 maximum of 25 equivalent residential connections within such territory at the time the territory
24 is at buildout. In addition, the statement must include a description of the types of customers

1 anticipated to be served by the extension, i.e., single family homes, mobile homes, duplexes, golf
2 course clubhouse, or commercial;

3 (b) The utility has provided a written statement that, upon investigation:

4 1. There is no other utility in the area of the proposed territory that is willing and capable of
5 providing reasonably adequate service to the new territory; and

6 2. The person(s) or business(es) requesting water or wastewater service have demonstrated to the
7 utility that service is necessary because (1) a private well has been contaminated or gone dry, (2)
8 a septic tank has failed, or (3) service is otherwise not available; and

9 (c) The utility has filed an application which meets the requirements of paragraphs (2)(a), (b),
10 (c), (e), (f), (h), (j), (o), (p) and (q) above.

11 (4) Each utility proposing to delete a portion of its service area shall file with the Commission
12 Clerk one original of the information set forth in paragraphs (a) through (k) below. submit the
13 following:

14 (a) A filing fee pursuant to Rule 25-30.020(2)(b), F.A.C.;

15 (b) Proof of noticing pursuant to Rule 25-30.030, F.A.C.;

16 (c)(a) The utility's complete name, and address, telephone number, authorized representative,
17 and, if available, e-mail address and fax number. The utility's name should reflect the business
18 and/or fictitious name(s) registered with the Department of State's Division of Corporations;

19 (d) A statement specifying the reasons for the proposed deletion of territory;

20 (e)(b) A legal description of the territory proposed to be deleted and a legal description of the
21 remaining territory, including an electronic media copy of each legal description, in the format
22 prescribed in Rule 25-30.029, F.A.C. -using township, range and section references;

23 (f)(e) One copy of Aa detailed system map with the territory proposed to be deleted and retained
24 plotted thereon, consistent with the legal description provided in paragraph (e) above. -showing

1 ~~the existing lines, treatment facilities, and territory served.~~ The map shall show existing lines and
2 treatment facilities in the area retained and shall be of sufficient scale and-detail to enable
3 correlation with the ~~legal~~ description of the territory;

4 ~~(d) The number of current active connections within the territory to be deleted;~~

5 ~~(g)(e) An One copy of the official county tax assessment map, or other map, showing township,~~
6 range, and section with a scale such as 1" = 200' or 1" = 400', with the territory proposed to be
7 deleted plotted thereon, consistent with the legal description provided in paragraph (e) above by
8 ~~use of metes and bounds or quarter sections, and with a defined reference point of beginning;~~

9 ~~(f) A statement specifying the reasons for the proposed deletion of territory;~~

10 ~~(g) A statement indicating why the proposed deletion of territory is in the public interest;~~

11 ~~(h) The number of current active connections within the territory to be deleted, as well as the~~
12 number of connections retained. For each active connection in the area to be deleted, if any, the
13 ~~A statement~~ must detail as to the effect of the proposed deletion on the ability of those customers
14 ~~any customer or potential customer~~ to receive water and wastewater services service, including
15 alternative source(s) of service;

16 ~~(i) One The original, and two copies one electronic media draft of all sample tariff pages sheets~~
17 that reflect reflecting the revised service area, which shall be consistent with Chapter 25-9,
18 F.A.C. Form PSC/ENG 031 (XX/XX), entitled "Sample Model Water Tariff," which is
19 incorporated by reference in this rule and is available at [Department of State hyperlink] and
20 Form PSC/ENG 032 (XX/XX), entitled "Sample Model Wastewater Tariff," which is
21 incorporated by reference in this rule and is available at [Department of State hyperlink], are
22 example tariffs that may be completed by the applicant and included in the application. These
23 forms may also be obtained from the Commission's website, www.floridapsc.com, by selecting
24 Utility Regulation, then selecting Water and Wastewater, and then selecting Water and

1 Wastewater Application Packages;

2 ~~(j)~~ The applicant's current certificate for possible amendment;

3 ~~(j)(k)~~ The number of the most recent order of the Commission establishing or changing the
4 applicant's rates and charges; and

5 ~~(k)(4)~~ An affidavit that the utility has tariffs and annual reports on file with the Commission.

6 *Specific Authority 350.127(2), 367.045, 367.121, 367.1213 FS. Law Implemented 367.045,*
7 *367.1213 FS. History—New 1-27-91, Amended 11-30-93, _____.*

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25-30.037 Application for Authority to Transfer.

(1) This rule applies to any application for the transfer of an existing water or wastewater utility system, regardless of whether service is currently being provided. ~~This rule does not apply where the transfer is of an exempt or non-jurisdictional system and will result in the system continuing to be exempt from or not subject to Commission jurisdiction.~~ The application for transfer may result in the transfer or cancellation of the seller's existing certificate, amendment of the buyer's existing certificate or granting of an original initial certificate to the buyer, or a transfer of majority organizational control of the utility.

(a) If a transfer occurs prior to Commission approval, the utility shall submit an application for authority to transfer no later than 90 days after the sale closing date.

(b) When a utility applies for any of the following transfer authorizations by the Commission, it shall provide its application as prescribed in the appropriate subsection below:

1. A transfer of a regulated utility to another regulated utility pursuant to subsection (2) below;

2. A transfer of an exempt entity or a utility in a nonjurisdictional county to a regulated utility that results in a system whose service transverses county boundaries pursuant to subsection (3) below;

3. A change of majority organizational control of a regulated utility pursuant to subsection (4) below; or

4. A transfer of a regulated utility to an exempt entity other than a governmental authority pursuant to subsection (5) below.

(c) Form PSC/ENG 024 (XX/XX), entitled "Application for Transfer of Certificates or Facilities from a Regulated Utility to a Regulated Utility," which is incorporated by reference in this rule and which is available at [Department of State hyperlink], Form PSC/ENG 025 (XX/XX), entitled "Application for Transfer of an Exempt Entity or a Utility in a Nonjurisdictional County

1 to a Regulated Utility That Results in a System Whose Service Transverses County Boundaries,”
2 which is incorporated by reference in this rule and which is available at [Department of State
3 hyperlink], Form PSC/ENG 026 (XX/XX), entitled “Application for a Transfer of Majority
4 Organizational Control of Regulated Utility,” which is incorporated by reference in this rule and
5 which is available at [Department of State hyperlink], and Form PSC/ENG 028 (XX/XX),
6 entitled “Application for Transfer of Facilities from a Regulated Utility to an Exempt Entity,”
7 which is incorporated by reference in this rule and which is available at [Department of State
8 hyperlink], are example applications that may be completed by the applicant and filed with the
9 Office of Commission Clerk to comply with subsection (2), (3), (4), or (5) below, respectively.
10 These forms may also be obtained from the Commission’s website, www.floridapsc.com, by
11 selecting Utility Regulation, then selecting Water and Wastewater, and then selecting Water and
12 Wastewater Application Packages.

13 (2) Transfer of a regulated utility to another regulated utility. Each applicant application for
14 transfer of certificate of authorization, facilities, or any portion thereof, from a regulated utility to
15 another regulated utility to a non-governmental entity shall file with the Commission Clerk one
16 original of the information set forth in paragraphs (a) through (v) below. ~~include the following~~
17 information:

- 18 (a) A filing fee pursuant to Rule 25-30.020(2)(c), F.A.C.;
- 19 (b) Proof of noticing pursuant to Rule 25-30.030, F.A.C.;
- 20 (c)(a) The certificated complete name, and address, telephone number, certificate number(s),
21 authorized representative, and, if available, e-mail address and fax number of the utility/seller;
- 22 (d)(b) The complete name and, address, telephone number, Federal Employer Identification
23 Number, authorized representative and, if available, e-mail address and fax number of the

1 buyer(s) buyer and the new name of the utility if the buyer plans to operate under a different
2 name;

3 (e) The name, address, telephone number, and if available, e-mail address and fax number of the
4 person in possession of the books and records when the application is filed;

5 (f)(e) The nature of the buyer's business organization, i.e., corporation, limited liability
6 company, partnership, limited partnership, sole proprietorship, or association. The buyer must
7 provide documentation from the Florida Department of State, Division of Corporations,
8 showing:

9 1. The utility's/buyer's business name and registration/document number for the business,
10 unless operating as a sole proprietor, and

11 2. The utility's/buyer's fictitious name and registration number for the fictitious name, if
12 operating under a fictitious name;

13 (g)(d) The name(s), and address(es) and percentage of ownership of each entity or person which
14 owns or of all of the buyer's corporate officers, directors, partners or any other person(s) who
15 will own more than a 5 percent an interest in the utility;

16 (h)(e) The date and state of incorporation or organization of the buyer;

17 (f) The names and locations of any other water or wastewater utilities owned by the buyer;

18 (i)(g) A copy of the contract for sale and all auxiliary or supplemental agreements. If the sale,
19 assignment, or transfer occurs prior to Commission approval, the contract shall include a
20 provision stating that the contract is contingent upon Commission approval;
21 , which shall include, if applicable:

22 (j) The buyer must provide the following documentation of the terms of the transfer:

23 1. The date the closing occurred or will occur;

24 2.1. The purchase price and terms of payment;

1 ~~3.2.~~ A list of and the dollar amount of the assets purchased and liabilities assumed or not
2 assumed, including those of nonregulated operations or entities; ~~and~~
3 ~~4.3.~~ A description of all consideration between the parties, including for example, promised
4 salaries, retainer fees, stock, stock options, and assumption of obligations; ~~;~~
5 ~~5.(h) Provisions~~ The contract for sale shall also provide for the disposition, where applicable, of
6 the following: 1. Customer deposits and interest thereon, ; 2. Any guaranteed revenue
7 contracts, ; 3. Developer agreements, ; 4. Customer advances, ; 5. Debt of the utility, ; and 6.
8 Leases;
9 6. A statement that the buyer will fulfill the commitments, obligations and representations of the
10 seller with regard to utility matters;
11 7. A statement that the buyer has or will obtain the books and records of the seller, including all
12 supporting documentation for rate base additions since the last time rate base was established for
13 the utility;
14 8. A statement that the utility's books and records will be maintained using the National
15 Association of Regulatory Utilities Commissioners (NARUC) Uniform System of Accounts
16 (USOA); and
17 9. A statement that the utility's books and records will be maintained at the utility's office(s)
18 within Florida, or that the utility will comply with the requirements of Rule 25-30.110(1)(b) and
19 (c), F.A.C., regarding maintenance of utility records at another location or out-of-state. If the
20 records will be maintained at the utility's office(s), the statement should include the location
21 where the utility intends to maintain the books and records.
22 ~~(i) A statement describing the financing of the purchase;~~
23 ~~(k)(j) A statement explaining why indicating how the transfer is in the public interest, including a~~
24 ~~summary of the buyer's experience in water or wastewater utility operations, a showing of the~~

1 ~~buyer's financial ability to provide service, and a statement that the buyer will fulfill the~~
2 ~~commitments, obligations and representations of the seller with regard to utility matters;~~
3 (l) To demonstrate the financial ability of the buyer to maintain and operate the acquired utility,
4 the buyer shall provide:
5 1. The buyer's most recent financial statements (balance sheet and income statement); and
6 2. (k) A list of all entities, including affiliates and related parties, upon which the buyer applicant
7 is relying to provide funding to the utility and a copy of any-all mortgage and loan agreements,
8 surety bonds, contracts and any other financial agreements documenting the sources of funding
9 or a copy of each entity's financial statements;
10 3. Affiliate and related party are defined in Rule 25-30.033 (1)(h) 4 and 5 F.A.C. buyer, and an
11 explanation of the manner and amount of such funding, which shall include their financial
12 statements and copies of any financial agreements with the utility. This requirement shall not
13 apply to any person or entity holding less than 10 percent ownership interest in the utility;
14 (m) To demonstrate the technical ability of the buyer to provide service, the buyer shall provide:
15 1. An explanation of the buyer's experience in the water or wastewater industry; and
16 2. The buyer's plans for ensuring continued operation of the utility, such as retaining the existing
17 plant operator(s) and office personnel, or contracting with outside entities;
18 (n) A legal description of the proposed service area, including an electronic media copy, in the
19 format prescribed in Rule 25-30.029, F.A.C.;
20 (o)(l) The proposed net book value of the system as of the date of the proposed transfer, and a
21 statement setting out the reasons for the inclusion of an acquisition adjustment, if one is
22 requested. If rate base has been established by this Commission, provide the docket and state
23 the order number, and date issued and identify all adjustments made to update this rate base to
24 the date of transfer; In addition, provide a schedule of all subsequent changes to rate base;

1 ~~(m) A statement setting out the reasons for the inclusion of an acquisition adjustment, if one is~~
2 ~~requested;~~

3 ~~(n) If the books and records of the seller are not available for inspection by the Commission or~~
4 ~~are not adequate for purposes of establishing the net book value of the system, a statement by the~~
5 ~~buyer that a good faith, extensive effort has been made to obtain such books and records for~~
6 ~~inspection by the Commission and detailing the steps taken to obtain the books and records;~~

7 ~~(p)(e) A statement from the buyer that it has obtained or will obtain copies of all of the federal~~
8 ~~income tax returns of the seller from the date the utility was first established; or the rate base was~~
9 ~~last established by the Commission, whichever is later. ~~or, if the tax returns have not been~~~~
10 ~~obtained, provide a description of a statement from the buyer detailing the steps taken to obtain~~
11 ~~the tax returns;~~

12 ~~(q)(p) A statement from the buyer that after reasonable investigation, the system being acquired~~
13 ~~appears to be in satisfactory condition and in compliance with all applicable standards set by the~~
14 ~~Department of Environmental Protection (DEP) or, if the system is in need of repair or~~
15 ~~improvement, has any outstanding Notice of Violation of any standard set by the DEP or any~~
16 ~~outstanding consent orders with the DEP, the buyer shall provide a description of the repairs or~~
17 ~~improvements that have been identified, the governmental authority that required the repairs or~~
18 ~~improvements, if applicable, the approximate cost to complete the repairs or improvements, and~~
19 ~~any agreements between the seller and buyer regarding who will be responsible for any identified~~
20 ~~repairs or improvements; list of the improvements and repairs needed and the approximate cost~~
21 ~~to make them, a list of the action taken by the utility with regard to the violation, a copy of the~~
22 ~~Notice of Violation(s), a copy of the consent order and a list of the improvements and repairs~~
23 ~~consented to and the approximate cost to make them;~~

24 ~~(r) The applicant shall provide the following documents:~~

1 1. A copy of the utility's current permits from the DEP and the water management district;
2 2. A copy of the most recent DEP and/or county health department sanitary survey, compliance
3 inspection report, and secondary standards drinking water report; and
4 3. A copy of all of the utility's correspondence with the DEP, county health department, and
5 water management district, including consent orders and warning letters, and the utility's
6 responses to the same, for the past three years;
7 ~~(s)(e)~~ Documentation of the utility's right to continued long-term use of ~~Evidence that the utility~~
8 ~~owns~~ the land upon which the utility treatment facilities are located in the form of a recorded
9 warranty deed, recorded quit claim deed accompanied by title insurance, recorded long-term
10 lease, or a copy of an agreement which provides for the continued use of the land, such as a 99-
11 year lease, - or any recorded easement-, if necessary, to guarantee the utility's continued access to
12 the utility's treatment facilities. The applicant may submit a contract for the long-term use with
13 an unexecuted or unrecorded copy of the instrument, provided that the applicant files a recorded
14 copy within the time required in the order granting the transfer; The Commission may consider a
15 written easement or other cost-effective alternative;
16 ~~(t)(r)~~ A statement regarding the disposition of any outstanding regulatory assessment fees, fines,
17 or refunds owed and which entity will be responsible for paying regulatory assessment fees and
18 filing the annual report for the year of the transfer and subsequent years;
19 ~~(u)(s)~~ One The original and one electronic media draft two copies of sample tariff sheets
20 reflecting any changes resulting from the transfer, the change in ownership; Form PSC/ENG 031
21 (XX/XX), entitled "Sample Model Water Tariff," which is incorporated by reference in this rule
22 and is available at [Department of State hyperlink] and Form PSC/ENG 032 (XX/XX), entitled
23 "Sample Model Wastewater Tariff," which is incorporated by reference in this rule and is
24 available at [Department of State hyperlink], are example tariffs that may be completed by the

1 applicant and included in the application. These forms are also available on the Commission's
2 website, www.floridapsc.com, by selecting Utility Regulation, then selecting Water and
3 Wastewater, and then selecting Water and Wastewater Application Packages; and
4 ~~(t) The utility's current certificate(s), or if not available, provide an explanation of the steps the~~
5 ~~applicant took to obtain the certificate(s).~~
6 (v) If the buyer owns other water or wastewater utilities that are regulated by the Commission,
7 provide a schedule reflecting any economies of scale that are anticipated to be achieved within
8 the next three years and the effect on rates for existing customers served by both the utility being
9 purchased and the buyer's other utilities; and

10 (3) Transfer of an exempt entity or utility in a nonjurisdictional county to a regulated utility
11 which results in a system whose service transverses county boundaries. The transfer of an
12 exempt entity or utility in a nonjurisdictional county to a regulated utility results in the transfer of
13 the exempt or entity or utility in a nonjurisdictional county utility's facilities and the amendment
14 of the regulated utility's certificate or granting of an original certificate if the transferred system
15 is in a county not included in the regulated utility's existing certificate. Each applicant shall file
16 with the Commission one original of the information set forth in paragraphs (a) through (f)
17 below.

18 (a) A combined filing fee pursuant to Rule 25-30.020(2)(b) and (c), F.A.C.;
19 (b) Proof of noticing pursuant to Rule 25-30.030, F.A.C.;
20 (c) The requirements of paragraphs (2)(c), (d), (e), (f), (g), (h), (i), (j), (k), (l), (m), (n), (o), (p),
21 (q), (r), (s), (t), (u), and (v) above;
22 (d) The requirements of Rule 25-30.036(2)(h) and (i), F.A.C.;
23 (e) An explanation of when and under what authority the current rates and charges of the exempt
24 or entity or a utility in a non-jurisdictional county were established, if applicable; and

1 (f) An explanation of how the seller is either exempt pursuant to Section 367.022, F.S. , or is a
2 utility in a nonjurisdictional county.

3 ~~(4)(3) In case of Aa- transfer change-of majority organizational control; of a regulated utility.~~

4 Each applicant for a transfer of majority organizational control shall file with the Commission
5 one original of the information set forth in paragraphs (a) through (e) below. the application shall
6 include the following information:

7 (a) A filing fee pursuant to Rule 25-30.020(2)(c), F.A.C.;

8 (b) Proof of noticing pursuant to Rule 25-30.030, F.A.C.;

9 (c) The requirements of paragraphs (2)(c), (d), (f), (i), (j), (k), (l), (m), (r), (t), and (u) above;

10 ~~(a)The complete name and address of the seller;~~

11 ~~(b)The complete name and address of the buyer;~~

12 ~~(c)The name(s) and address(es) of all of the buyer's corporate officers, directors, partners and~~
13 ~~any other person(s) who will own an interest in the utility;~~

14 ~~(d)The names and locations of any other water or wastewater utilities owned by the buyer;~~

15 ~~(e)A statement describing the financing of the purchase;~~

16 ~~(f) A statement describing how the transfer is in the public interest, including a summary of the~~
17 ~~buyer's experience in water or wastewater utility operations, a showing of the buyer's financial~~
18 ~~ability to provide service, and a statement that the buyer will fulfill the commitments, obligations~~
19 ~~and representations of the seller with regard to utility matters;~~

20 ~~(g) A list of all entities, including affiliates, that have provided, or will provide, funding to the~~
21 ~~buyer, and an explanation of the manner and amount of such funding, which shall include their~~
22 ~~financial statements and copies of any financial agreements with the utility. This requirement~~
23 ~~shall not apply to any person or entity holding less than 10 percent ownership interest in the~~
24 ~~utility;~~

1 ~~(h) A statement from the buyer that after reasonable investigation, the system being acquired~~
2 ~~appears to be in satisfactory condition and in compliance with all applicable standards set by the~~
3 ~~DEP or, if the system is in need of repair or improvement, has any outstanding Notice of~~
4 ~~Violation(s) of any standard(s) set by the DEP or any outstanding consent orders with the DEP,~~
5 ~~the buyer shall provide a list of the improvements and repairs needed and the approximate cost to~~
6 ~~make them, a list of the action taken by the utility with regard to the violations, a copy of the~~
7 ~~Notice of Violation(s), a copy of the consent order and a list of the improvements and repairs~~
8 ~~consented to and the approximate cost;~~

9 ~~(i) Evidence that the utility owns the land upon which the utility treatment facilities are located,~~
10 ~~or a copy of an agreement which provides for the continued use of the land, such as a 99-year~~
11 ~~lease. The Commission may consider a written easement or other cost effective alternative;~~

12 ~~(j) The original and two copies of sample tariff sheets reflecting the change in ownership; and~~

13 ~~(k) The utility's current certificate(s), or if not available, the applicant shall provide an~~
14 ~~explanation of the steps the applicant took to obtain the certificate(s).~~

15 (d) A description of the ownership transfer, including the date the transfer occurred or will occur
16 and a description of the resulting ownership interests in the utility; and

17 (e) A statement that, following the transfer, all existing management and operating personnel of
18 the utility will be retained or, if changes in the utility's management or operating personnel are
19 anticipated, a description of the changes and the impact the changes will have on the
20 management and operations of the utility.

21 ~~(4) Each application for transfer of certificate of authorization, facilities, or any portion thereof,~~
22 ~~or majority organizational control to a governmental authority shall contain the following~~
23 ~~information:~~

24 ~~(a) The name and address of the utility and its authorized representative;~~

- 1 ~~(b) The name of the governmental authority and the name and address of its authorized~~
2 ~~representative;~~
- 3 ~~(c) A copy of the contract or other document transferring the utility system to the governmental~~
4 ~~authority;~~
- 5 ~~(d) A list of any utility assets not transferred to the governmental authority if such remaining~~
6 ~~assets constitute a system providing or proposing to provide water or wastewater service to the~~
7 ~~public for compensation;~~
- 8 ~~(e) A statement that the governmental authority obtained, from the utility or Commission, the~~
9 ~~most recent available income and expense statement, balance sheet, statement of rate base for~~
10 ~~regulatory purposes, and contributions in aid of construction;~~
- 11 ~~(f) The date on which the governmental authority proposes to take official action to acquire the~~
12 ~~utility;~~
- 13 ~~(g) A statement describing the disposition of customer deposits and interest thereon; and~~
- 14 ~~(h) A statement regarding the disposition of any outstanding regulatory assessment fees, fines or~~
15 ~~refunds owed.~~
- 16 ~~(5) If a utility is transferring a portion of its facilities to a governmental agency, it must provide~~
17 ~~the following additional information:~~
- 18 ~~(a) A description of the remaining territory using township, range, and section references;~~
- 19 ~~(b) One copy of the official county tax assessment map, or other map, showing township, range,~~
20 ~~and section with a scale such as 1" = 200' or 1" = 400', with the remaining territory plotted~~
21 ~~thereon by use of metes and bounds or quarter sections, and with a defined reference point of~~
22 ~~beginning; and~~
- 23 ~~(c) The original and two copies of sample tariff sheets reflecting the remaining territory.~~

1 (5) A transfer of a regulated utility to an exempt entity other than a governmental authority.
2 Each applicant for a transfer of ownership of a regulated utility to an exempt entity other than a
3 governmental authority shall file with the Commission Clerk one original of the information set
4 forth in paragraphs (a) through (e) below.

5 (a) A filing fee pursuant to Rule 25-30.020(2)(c), F.A.C.;
6 (b) Proof of noticing pursuant to Rule 25-30.030, F.A.C.;
7 (c) The requirements of paragraphs (2)(c), (d), (k), (l), (m), and (r) above;
8 (d) Documentation of the following terms of the transfer:

9 1. A copy of the contract for sale and all auxiliary or supplemental agreements. If the sale,
10 assignment, or transfer occurs prior to Commission approval, the contract shall include a
11 provision stating that the contract is contingent upon Commission approval;
12 2. The closing date;
13 3. A statement regarding the disposition of customer deposits and interest thereon; and
14 4. A statement regarding the disposition of any outstanding regulatory assessment fees, fines,
15 refunds, or annual reports.

16 (e) An explanation of how the buyer is exempt pursuant to Section 367.022, F.S.

17 ~~(6) Upon its receipt of items required in paragraphs (4)(a), (b), (c), (d), (e) and (f), the~~
18 ~~Commission will issue an order acknowledging that the facilities or any portion thereof have~~
19 ~~been acquired by the governmental authority.~~

20 ~~(7) Upon receipt of the items required in paragraphs (4)(g) and (h) and, if applicable, paragraphs~~
21 ~~(5)(a), (b), and (c), and upon the completion of all pending proceedings before the Commission,~~
22 ~~the utility's certificate will be amended or cancelled. Amendment or cancellation of the~~
23 ~~certificate shall not affect the utility's obligation pursuant to Rule 25-30.120, F.A.C., Regulatory~~
24 ~~Assessment Fees.~~

1 *Specific Authority 367.121, 367.1213, 350.127(2) FS. Law Implemented 367.071, 367.1213 FS.*

2 *History—New 1-27-91, Amended 11-30-93, _____.*

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