

ORIGINAL

GATLIN, SCHIEFELBEIN & COWDERY, P.A.

Attorneys at Law

3301 Thomasville Road, Suite 300  
Tallahassee, Florida 32312

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AUG 27 PM 2:51

B. KENNETH GATLIN  
WAYNE L. SCHIEFELBEIN  
KATHRYN G.W. COWDERY

RECEIVED AND  
TELEPHONE (850) 385-0966  
TELECOPIER (850) 385-0755  
E-MAIL: bkgatlin@nettally.com

OF COUNSEL  
THOMAS F. WOODS

August 27, 1998

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

HAND DELIVERY

Re: Docket No. 980876-WS  
Application by Ocala Springs Utilities Inc. for an original  
certificates for water and wastewater in Marion County,  
Florida.

Dear Ms. Bayo:

Enclosed on behalf of Ocala Springs Utilities Inc. are an  
original and twelve (12) copies of:

1. Revised page 5 of the application form indicating  
December 2000 as the date customer service is to begin;  
and
2. Revised Exhibit "A", titled Need for Service.

Also enclosed is Avatar Utilities, Inc. check no. 1349 in the  
amount of \$3,000.00 as payment for the balance of the application  
filing fee.

Please acknowledge receipt of the foregoing by stamping the  
enclosed extra copy of this letter and returning same to my  
attention.

Thank you for your assistance.

Sincerely,

B. Kenneth Gatlin

RECEIVED & FILED

FPSC-BUREAU OF RECORDS

- ACK
- WFA
- APP
- JAF
- CMU
- DTR
- EAG
- LEG 2
- JIN
- JPC
- RCH
- SEC
- WAS Brady
- OTH

BKG/l dv  
Enclosures

cc: Samantha McRae, Division of Legal Services  
Pat Brady, Division of Water & Wastewater

Check received with filing and  
forwarded to Fiscal for deposit.  
Fiscal to forward a copy of check  
to RAR with proof of deposit.

Initials of person who forwarded check:

RECEIVED - DATE

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- (3) In the case of an existing utility, provide the permit number and the date of approval of facilities by the Department of Environmental Protection (DEP) or the agency designated by DEP to issue permits:

N.A.

- (4) Indicate separately the design capacity of the treatment plant and effluent disposal system in terms of equivalent residential connections (ERCs) and gallons per day (gpd). If development will be in phases, separate this information by phase.

See Footnote 1, Page 1

- (5) Indicate the method of treatment and disposal (percolation pond, spray field, etc.):

See Footnote 1, Page 1

- (6) Exhibit C - If the applicant does not propose to use reuse as a means of effluent disposal, provide a statement that describes, with particularity, the reasons for not using reuse.

- (7) Indicate the design capacity of the collection lines in terms of ERCs and gpd. If development will be in phases, separate this information by phase.

See Footnote 1, Page 1

- (8) Provide the date the applicant began or plans to begin serving customers: December 2000

- (9) Exhibit D - Evidence, in the form of a warranty deed, that the utility owns the land where the utility treatment facilities are or will be located. If the utility does not own the land, a copy of the agreement which provides for the long term continuous use of the land, such as a 99-year lease.

The Commission may consider a written easement or other cost-effective alternative. The applicant may submit a contract for the purchase and sale of land with an unexecuted copy of the warranty deed, provided the applicant files an executed and recorded copy of the deed, or executed copy of the lease, within thirty days after the order granting the certificate.

**PART IV FINANCIAL AND TECHNICAL INFORMATION**

Exhibit A  
Need for Service

Re: Application for Original Water and Wastewater Certificates for  
Ocala Springs Utilities Inc. (OSUI) in Marion County

Avatar Properties Inc. (API), a wholly-owned subsidiary of Avatar Holdings Inc., owns all of the land consisting of approximately 4,666 acres, included within the boundary of the proposed original certificates (hereinafter called Ocala Springs). API or its predecessor company, GAC Properties Inc. have owned Ocala Springs since 1970 when the first preliminary development plans were prepared and partial platting undertaken for a large part of Ocala Springs. API now intends to commence development of Ocala Springs (residential, mixed use and limited commercial and industrial) as an active adult community (age restricted) within two years. The development plans, which have not been completed, are predicated on the assurances and economic feasibility of water and wastewater service. The assurances and economic feasibility of the development of Ocala Springs can be determined only if the utility is first authorized by the Commission to render water and wastewater service at Ocala Springs. Absent the assurance of adequate water and wastewater service, development cannot proceed and necessary financing obtained from institutional lenders. It is contemplated that permit applications for the construction of the water and wastewater systems will be submitted to the Florida Department of Environmental Protection by July 1, 1999 and construction will be commenced by January 1, 2000. Pursuant to Section 367.031, F.S. a certificate must be obtained from the Commission prior to a permit being issued by the Florida Department of Environmental Protection or prior to being issued a consumption use permit by a water management district.

The annual reports filed with the Commission for all water and wastewater utilities having service areas within two miles of some part of the proposed original certificates were analyzed (see Attachment 1). It was concluded that none of these utilities has the economic or physical facility capability to provide water and wastewater service for the proposed active adult community.

Ocala Springs is not within the service area of the City of Ocala and the Marion County Water and Wastewater Utility Planning and Service Areas as prescribed by Marion County Ordinance 98-10, Section 3(3) (see Attachment 2). Attachment 3 depicts Ocala Springs, relative to said Planning and Service Areas. Attachment 4 is the City of Ocala/Marion County Water and Wastewater Service Territory Agreement.

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OF COUNSEL  
THOMAS F. WOODS

DEPOSIT

DATE

D 835 \*

AUG 27 1998

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DOCUMENT FILED  
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AVATAR UTILITIES, INC.  
GENERAL ACCOUNT

P.O. BOX 21119  
SARASOTA, FL 34276

1349

August 20 1998

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377

PAY TO THE ORDER OF FLORIDA PUBLIC SERVICE COMMISSION

\$ \*\*\*3,000.00

THREE THOUSAND  
119.07(1)(z), Florida Statutes: Bank account numbers  
or debit, charge, or credit card numbers given to an  
agency for the purpose of payment of any fee or debt  
owing are confidential and exempt from subsection (1)  
and s.24(a), Art. 1 of the State Constitution . . .

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Sarasota, Flc

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