

STATE OF FLORIDA

Commissioners:  
J. TERRY DEASON, CHAIRMAN  
E. LEON JACOBS, JR.  
LILA A. JABER  
BRAULIO L. BAEZ



DIVISION OF REGULATORY OVERSIGHT  
DANIEL M. HOPPE, DIRECTOR  
(850) 413-6480

**Public Service Commission**

October 12, 2000

Ms. Laura Griffith  
Post Office Box 2898  
Winter Haven, Florida 33883-2898

**Re: Docket No. 001381-WU - Application for Certificate to operate water utility in Polk County by Tevalo, Inc.**

Dear Ms. Griffith:

Upon review of the application referenced above, the current status of the utility requesting a certificate is not clear. The application was filed pursuant to Rule 25-30.034, Florida Administrative Code (FAC). This rule applies to existing utilities currently charging for service. In the application, Exhibit "A" states, "This corporation will provide potable water for a residential subdivision." Please verify the current status of the utility so that we are able to process the filing under the applicable rule. Specifically, please verify that the utility is currently providing water service and charging for the service. If the utility currently is not providing water service or charging for service, the applicable certification rule would be Rule 25-30.033, FAC. This rule applies to utilities filing for an original certificate of authorization and initial rates and charges.

The requirements for certification vary slightly depending on the conditions that surround an individual utility. Therefore, it is important that we process your application using the appropriate rule and filing requirements. If Tevalo is actually an existing utility currently charging for service, staff has determined that the following deficiencies exist in the application for certificate to operate a water utility in Polk County by Tevalo, Inc. These deficiencies are discussed in more detail below.

First, pursuant to Rule 25-30.034(1)(e), Florida Administrative Code (FAC), the application must contain evidence that the utility owns the land upon which the utility treatment facilities are located, or a copy of an agreement which provides for the continued use of the land, such as a 99-year lease. The rule further states that the Commission may consider a written easement or other cost-effective alternative. It appears that the warranty deeds provided in the application include a territory description of the entire development. To comply with this rule, in any form stated above, evidence associated with only the land upon which the water treatment facilities are located should be provided. In other words, the land upon which the water treatment facility is located should be

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

An Affirmative Action/Equal Opportunity Employer

PSC Website: <http://www.floridapsc.com>

Internet E-mail: [contact@psc.state.fl.us](mailto:contact@psc.state.fl.us)

DOCUMENT NUMBER-DATE  
13148 OCT178  
FPSC-RECORDS/REPORTING

Ms. Griffith  
October 12, 2000  
Page Two

separated from the entire development and evidence of ownership (as listed above) of this property should be provided. Please note that if you will be providing a warranty deed, the deed must be recorded.

Second, pursuant to Rule 25-30.034(1)(g), FAC, the application must include a statement specifying on what date and under what authority the current rates and charges were established. The application states that on October 16, 2000, the utility will charge a flat rate of \$18.00 per customer. Please provide clarification regarding the authority (municipality, County Commission, etc.) that approved initial rates and charges for this utility. Also, please provide clarification regarding whether or not rates and charges have ever been collected from the existing customers, and, if so, was the rate \$18.00 as stated in the application? An affidavit stating the amount of the monthly rate for water service, the amount of the tap-in fee(s), the date the utility began collecting these amounts and under what authority will meet the requirement of this rule.

Third, pursuant to Rule 25-30.034(1)(j), FAC, the application must include one copy of the official county tax assessment map, or other map showing, among other things, a defined reference point of beginning. The map provided meets all criteria except the defined reference point of beginning. Please provide a map that includes the reference point of beginning.

Last, pursuant to Rule 25-30.034(1)(n), FAC, the application must contain a schedule showing the number of customers currently served, by class and meter size, as well as the number of customers projected to be served when the requested service territory is fully occupied. While the application provides a schedule with customer information, it is not clear that the customers are metered or unmetered. If the customers listed on Exhibit "B" are metered, please provide the meter size for each customer. If the customers are not metered, simply provide us with a statement of clarification.

As discussed, the application remains deficient in several important respects. Accordingly, your application will not be deemed complete until these deficiencies are corrected. The information listed above must be received by our office by December 11, 2000. Based on the requested information which will correct the deficiencies listed above, staff will be better able to determine which certification rule pertains to Tevalo. If it is determined that the utility should file an application for an original certificate of authorization and initial rates and charges, additional information will be required pursuant to Rule 25-30.033, FAC. However, under the assumption that the appropriate filing has been made, once the deficiencies have been corrected, we will proceed with this application.

Ms. Griffith  
October 12, 2000  
Page Three

Should you have any questions, please call the staff analyst, Stephanie Clapp or the staff attorney, Jennifer Brubaker at (850)413-6997 or (850)413-6228. Thank you for your assistance in this matter.

Sincerely,

*Patti Daniel*  
*SBM*

Patti Daniel  
Bureau Chief

PD:cgr

cc: Division of Records and Reporting  
Division of Legal Services (Crosby, Brubaker)  
Division of Water and Wastewater (Clapp, Walden, Messer, Lowe, Hoppe)