

WATER AND/OR WASTEWATER UTILITIES

(Gross Revenue of Less Than \$200,000 Each)

ANNUAL REPORT

OF

WU044-02-AR
Consolidated Water Works, Inc.
P. O. Box 191
Lake City, FL 32056-0191

Submitted To The

STATE OF FLORIDA



PUBLIC SERVICE COMMISSION

FOR THE

YEAR ENDED DECEMBER 31, 2002

Form PSC/ECR 006-W (Rev. 12/99)

TABLE OF CONTENTS

FINANCIAL SECTION	PAGE
Identification	F-2
Income Statement	F-3
Balance Sheet	F-4
Net Utility Plant	F-5
Accumulated Depreciation and Amortization of Utility Plant	F-5
Capital Stock	F-6
Retained Earnings	F-6
Proprietary Capital Long Term Debt	F-6
Taxes Accrued	F-6
Payment for Services Rendered by Other Than Employees	F-7
Contributions in Aid of Construction	F-7 F-8
Cost of Capital Used for AFUDC Calculation	F-8 F-9
AFUDC Capital Structure Adjustments	F-10
WATER OPERATING SECTION	PAGE
Water Utility Plant Accounts	W-1
Analysis of Accumulated Depreciation by Primary Account - Water	W-2
Water Operation and Maintenance Expense	W-3
Water Customers	W-3
Pumping and Purchased Water Statistics and Mains	W-4
Wells and Well Pumps, Reservoirs, and High Service Pumping	W-5
Sources of Supply and Water Treatment Facilities General Water System Information	W-6
General water system information	W-7
WASTEWATER OPERATING SECTION	PAGE
Wastewater Utility Plant Accounts	S-1
Analysis of Accumulated Depreciation by Primary Account - Wastewater	S-2
Wastewater Operation and Maintenance Expense	S-3
Wastewater Customers	S-3
Pumping Equipment, Collecting and Force Mains and Manholes	S-4
Treatment Plant, Pumps and Pumping Wastewater Statistics	S-5
General Wastewater System Information	S-6
VERIFICATION SECTION	PAGE
Verification	V-1

FINANCIAL SECTION

REPORT OF

	CONSOLIDATE	ED WATER WORKS, INC. ME OF UTILITY)	
P.O. B6x 91			
P.O. BOX 91 LAKE CITY FL 3 Mailing Addr	2056-0091	2915 BAXTER LANE. Street Address	COLUMBIA County
J	533		-
Telephone Number 386-752	- 6729	Date Utility First Organized	1973
Fax Number 386 - 755	-1174	E-mail Address	
Sunshine State One-Call of Florida, Inc	. Member No.		
Check the business entity of the utility a	as filed with the Internal	Revenue Service:	
Individual Sub Chapte	r S Corporation	1120 Corporation	Partnership
Name, Address and phone where record LAKe (174, F	ds are located: 29 L 386	15 BAXTER LONE -752 - 6729	
Name of subdivisions where services a	re provided: <u>SH</u> 24	ADY OAKS, AZRLEA PAK	₹K
	CONTA	CTS:	
			Salary Charged
Name	Title	Principle Business Address	Utility
Person to send correspondence:			
JACK ESPENSHIP	OPERATOR	2915 BAXTER LAND	- 0-
Person who prepared this report: DeRosa	CPA	, i	0.
	<u> </u>	955 SW BAYA DR. LAKE CITY, FL 32025	L
Officers and Managers: <i>N /A</i> -		34025	\$
70777			\$
			\$
			\$
	<u> </u>		
Report every corporation or person own securities of the reporting utility:	ning or holding directly of	or indirectly 5 percent or more of the vot	ing
scentifies of the reporting unity.	T		0-1
	Percent		Salary

Name	Percent Ownership in Utility	Principle Business Address	Salary Charged Utility
JEFFREY D. ESPENSHIP	50	736 JANIE WAY WOODSTOCK, GA 30188	\$
SEAN ESPENSHIP	50	1615 67H, AVE JAX BEACH, FC. 37250	\$

INCOME STATEMENT

	Ref.		T		Total
Account Name	Page	Water	Wastewater	Other	Company
Gross Revenue: Residential Commercial Industrial Multiple Family	-	\$ 89,530	\$	\$	\$ 89,530
Guaranteed Revenues Other (Specify)					
Total Gross Revenue		\$ <u>89,530</u>	\$	\$	\$ 89,530
Operation Expense (Must tie to pages W-3 and S-3)	W-3 S-3	\$ 84,263	\$	\$	\$ 84,263
Depreciation Expense	F-5				
CIAC Amortization Expense_	F-8		***************************************		
Taxes Other Than Income	F-7	3,677	A. A		3,677
Income Taxes	F-7	<u></u>			
Total Operating Expense		\$ 87,940		aras:	\$ 87,940
Net Operating Income (Loss)		\$ 1,590	\$	\$	\$ 1,590
Other Income: Nonutility Income		\$	\$	\$	\$
Other Deductions: Miscellaneous Nonutility Expenses Interest Expense Col. Co. Bank B. JACOBS LOAN		\$	\$	\$	\$ \(\(\alpha\) 2780
Net Income (Loss)		\$ <u>(7,487)</u>	\$	\$	\$ <u>(7,487)</u>

COMPARATIVE BALANCE SHEET

ACCOUNT NAME	Reference Page	Current Year	Previous Year
Assets:			
Utility Plant in Service (101-105)Accumulated Depreciation and	F-5,W-1,S-1	\$ 125,057	\$ 115, 113,00
Amortization (108)	F-5,W-2,S-2	45,472	X A
Net Utility Plant		\$ 59,085	\$ 145,413.00
CashCustomer Accounts Receivable (141)Other Assets (Specify):		4,147	
Total Assets		\$ 64,968	\$ 121,027,94
/otal / 05000		\$ <u> </u>	\$ 121,025,74
Liabilities and Capital:			
Common Stock Issued (201)Preferred Stock Issued (204)	F-6 F-6	100	
Other Paid in Capital (211)			
Retained Earnings (215) Propietary Capital (Proprietary and	F-6	(19,027)	
partnership only) (218)	F-6		
Total Capital		\$ (18,927)	\$
Long Term Debt (224) Accounts Payable (231) Notes Payable (232)	F-6	\$ 83.895	\$ 92,971,33 5,111,56
Customer Deposits (235) Accrued Taxes (236) Other Liabilities (Specify)		0	2,741,00
Advances for Construction	i		
Construction - Net (271-272)	F-8		65,972.00
Total Liabilities and Capital		\$ 64,968	\$ 162,205,89

F-4

* CORRECTED AMOUNT FROM PRIOR YEARS

PREVIOUSLY REPORTED AS CIAC IN ERROR

GROSS UTILITY PLANT

	CROSS CHEIT I ENT					
Plant Accounts: (101 - 107) inclusive	Water	Wastewater	Plant other Than Reporting Systems	Total		
Utility Plant in Service	\$ 125,057	\$	\$	\$ 125,057		
Construction Work in			-			
Other (Specify)						
Total Utility Plant	\$ 125,057	\$	\$	\$ 125,057		

ACCUMULATED DEPRECIATION (A/D) AND AMORTIZATION OF UTILITY PLANT

Account 108	Water	Wastewater	Other Than Reporting Systems	Total
Balance First of Year	\$ 1544,00	\$	\$	\$ 1544
Add Credits During Year: Accruals charged to depreciation account Salvage Other Credits (specify)	\$	\$	\$	\$
Total Credits	\$ <u> </u>	\$	\$	\$
Deduct Debits During Year: Book cost of plant retired Cost of removal Other debits (specify)	\$	\$	\$	\$
Total Debits	1544. \$ 1544.	\$	\$	\$ <u>1544</u>
Balance End of Year	\$ 6	\$	\$	\$

UTILITY NAME:	CWWI
---------------	------

CAPITAL STOCK (201 - 204)

	Common Stock	Preferred Stock
Par or stated value per share Shares authorized Shares issued and outstanding Total-par-value of stock issued Dividends declared per share for year	100	6

RETAINED EARNINGS (215)

	Appropriated	Un- Appropriated
Balance first of year Changes during the year (Specify):	\$	\$
2002 LOSS PRIOR PERIODS NET LOSS		<u> </u>
Balance end of year	\$	\$ < 19/027>

PROPRIETARY CAPITAL (218)

	Proprietor Or Partner	Partner
Balance first of year Changes during the year (Specify):	\$ 0	\$ 0
Balance end of year	\$	\$

LONG TERM DEBT (224)

	Inte	rest	Principal
Description of Obligation (Including Date of Issue	Rate	# of	per Balance
and Date of Maturity):		Pymts	Sheet Date
COLUMBIA COUNTY BANK	10%	VAR	\$ 58,763
BILL JACOBS	10%	VAR	25,132
4. 21		l	
Total			\$ 83,895

UTILITY NAME:	CWWI	

YEAR OF REPORT DECEMBER 31, Zoo Z

TAXES ACCRUED (236)

(a)	Water (b)	Wastewater (c)	Other (d)	Total (e)
Income Taxes: Federal income tax State income Tax	\$ 0	\$	\$	\$o
Taxes Other Than Income: State ad valorem tax			Market 1878 to the 1972 of the dark relationship	
Local property tax Regulatory assessment fee Other (Specify)				
outer (epoony)				
Total Taxes Accrued	\$	\$	\$	\$ 0

PAYMENTS FOR SERVICES RENDERED BY OTHER THAN EMPLOYEES

Report all information concerning outside rate, management, construction, advertising, labor relations, public relations, or other similiar professional services rendered the respondent for which aggregate payments during the year to any corporation, partnership, individual, or organization of any kind whatever amounting to \$500 or more.

to quee et more.	1		T
Name of Recipient	Water Amount	Wastewater Amount	Description of Service
JOHN CREWS D.W. WILKES COLUMBIA CO HEACTH LARRY RAMSEY ENVIORNMENTAL ME	\$ 1805 \$ 2575 \$ 1790 \$ 4255 \$ 648 \$ \$	\$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$	WATER TESTING "" "" "" "" LEAD & COPPER TEST
		·	

CONTRIBUTIONS IN AID OF CONSTRUCTION (271)

	(a)	Water (b)	Wastewater (c)	Total (d)
1) 2) 3)	Balance first of year Add credits during year SHOULD p.e. Accum. Depk	\$ <u>65,015</u>	\$ <u> </u>	\$ <u>65,015</u> \$ <u>65,015</u>
4) 5) 6)	Total Deduct charges during the year Balance end of year Less Accumulated Amortization			
7)	Net CIAC	\$	\$	\$ &

ADDITIONS TO CONTRIBUTIONS IN AID OF CONSTRUCTION DURING YEAR (CREDITS)

Report below all developers or or agreements from which cash or received during the year.	Indicate "Cash" or "Property"	Water	Wastewater	
	N/A			
Sub-totalReport below all ca extension charges a	pacity charges, main		\$	\$
charges received du	uring the vear.	Guori		
Description of Charge	Number of Connections	Charge per Connection		
		\$	\$	\$
		* 1 of the substitute of the s		
Total Credits During Year (Must agr	ee with line # 2 abov	/e.)	\$	\$ < 65015>

ACCUMULATED AMORTIZATION OF CIAC (272)

Balance First of Year Add Credits During Year:	<u>Water</u> \$ 957	Wastewater \$	Total \$ 957
Deduct Debits During Year:	N/A	W/A	NA
Balance End of Year (Must agree with line #6 above.)	\$ _0	\$	\$ _0

F-8

NOTE: IN PRIOR YEARS ACCUMULATED DEPRECIATION WAS
REPORTED AS CIAC IN ERROR

** COMPLETION OF SCHEDULE REQUIRED ONLY IF AFUDC WAS CHARGED DURING YEAR **

	0.	
JTILITY NAME:	CWWI	YEAR OF REPORT
		DECEMBER 31 ZOO2

SCHEDULE "A"

SCHEDULE OF COST OF CAPITAL USED FOR AFUDC CALCULATION (1)

Class of Capital (a)	Dollar Amount (b)	Percentage of Capital (c)	Actual Cost Rates (d)	Weighted Cost [.c.x.d.] (e)
Common Equity	\$ -	%	%	%
Preferred Stock		%	%	%
Long Term Debt		%	%	%
Customer Deposits		%	%	%
Tax Credits - Zero Cost		%	0.00 %	%
Tax Credits - Weighted Cost		%	%	%
Deferred Income Taxes		%	%	%
Other (Explain)		%	%	%
Total	\$	<u>100.00</u> %		%

(1) Must be calculated using the same methodology used to calculate AFUDC rate approved by the Commission.

APPROVED AFUDC RATE

Current Commission approved AFUDC rate:	. %
Commission Order Number approving AFUDC rate:	

** COMPLETION	OF SCHEDULE REQUIRED	ONLY IF AFUDC WAS	CHARGED DURING YEAR **

UTILITY NAME:	CLWWI	YEAR OF REF
		 DECEMBER 21

SCHEDULE "B"

SCHEDULE OF CAPITAL STRUCTURE ADJUSTMENTS

Class of Capital (a)	Per Book Balance (b)	Non-utility Adjustments (c)	Non-juris. Adjustments (d)	Other (1) Adjustments (e)	Capital Structure Used for AFUDC Calculation (f)
Common Equity Preferred Stock Long Term Debt Customer Deposits Tax Credits-Zero Cost Tax Credits-Weighted Cost of Capital Deferred Income Taxes Other (Explain) Total	\$ 0	\$	\$	\$	\$

(1) Explain below all adjustments made in Column (e):

1	
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WATER OPERATING SECTION

WATER UTILITY PLANT ACCOUNTS

Acct. No. (a)	Account Name (b)	Previous Year (c)	Additions (d)	Retirements (e)	Current Year (f)
301	Organization	\$	\$	\$	\$
302	Franchises				
303	Land and Land Rights	892.00	17108		18,000
304	Structures and Improvements		7000		7,000
305	Collecting and Impounding				
	Reservoirs				
306	Lake, River and Other			ł	
1 1	Intakes				
307	Wells and Springs		37,500		37,500
308	Infiltration Galleries and			1	
1 1	Tunnels				
309	Supply Mains				
310	Power Generation Equipment				10 504
311	Pumping Equipment		12,500		12,500
320	Water Treatment Equipment	252,80	797		17050
330	Distribution Reservoirs and	707	i .	3374.70	0
	Standpipes	3374.70		33 17. 10	
331	Transmission and Distribution		29007		29007
	Lines		21001		
333	Services Meters and Meter				
334	Installations	3801.30	16.198,70		20,000
335	Hydrants	001,1.00	1	'	
336	Backflow Prevention Devices	677.23		677.23	
339	Other Plant and				
300	Miscellaneous Equipment	359,72		359,72	
340	Office Furniture and			"	ľ
1	Equipment				
341	Transportation Equipment				
342	Stores Equipment				
343	Tools, Shop and Garage	1	l	1	1
	Equipment				
344	Laboratory Equipment				
345	Power Operated Equipment			to some a management of the second state of	
346	Communication Equipment				
347	Miscellaneous Equipment				
348	Other Tangible Plant	·			
	Total Water Plant	\$ <u>9357.25</u>	\$ <u>120,11070</u>	\$ <u>4998.</u>	\$ <u>/25,057</u>

DOES NOT ADD

W-1

Note: No DETAIL SCHEDORE WAS AVAILABLE 4 MR. ESPENSHIP
PROVIDED SUMMARY LISTING WHICH IS SHOWN IN
THE OVERRENT YEAR COLUMN.

CW	WT:	

ANALYSIS OF ACCUMULATED DEPRECIATION BY PRIMARY ACCOUNT - WATER

		Average	Average		Accumulated	T	<u> </u>	Accum, Depr.
1 1		Service	Salvage	Depr.	Depreciation	i		Balance
Acct.		Life in	in [Rate	Balance			End of Year
No.	Account	Years	Percent	Applied	Previous Year	Debits	Credits	(f-g+h=i)
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)
								i i
304	Structures and Improvements		%	%	\$	\$	\$	\$ 6,000
305	Collecting and Impounding						l	
	Reservoirs		%	%				
306	Lake, River and Other Intakes		%	%	,,			
307	Wells and Springs		%	%				18,922
308	Infiltration Galleries &							
000	Tunnels		%	%				
309	Supply Mains		%	%				
310	Power Generating Equipment		%	%				
311	Pumping Equipment		%	%				10,000
320	Water Treatment Equipment		%	%	252.30			1,050
330	Distribution Reservoirs &					181119		
330	Standpipes		%	%	3374.70			
331	Trans. & Dist. Mains		%	·%				15,000
333	Services		%	%				121000
334	Meter & Meter Installations		%	%	3801.30			15,000
335	Hydrants			%	1 201130			131000
336	Backflow Prevention Devices			%	677.23			
336	Other Plant and Miscellaneous	w. 14 row marrane			- 611.65			
339			%	%	359.72			
	Equipment				J3111E		1.0 Mars - 1980 - 1 Copper - 1000 - 1000 - 1000	
340	Office Furniture and		%	0/.		ļ ·		
	Equipment			%				
341	Transportation Equipment		%	70 04				
342	Stores Equipment							
343	Tools, Shop and Garage		%	%				
1	Equipment		%	% %				
344	Laboratory Equipment		%					
345	Power Operated Equipment		%	%				
346	Communication Equipment		%					
347	Miscellaneous Equipment		%	/ ····································				
348	Other Tangible Plant		%		·			
					\$ 68,895.75			\$ 65,972.
1	Totals				\$ C.	φ	Ψ	J 3271, 72
i .	I					L	<u> </u>	1

* This amount should tie to Sheet F-5.

W-2

ONCE AGAIN BEGINNING NUMBERS DON'T ADD. See W-1

WATER SYSTEM

Tax Depreciation Schedule (P	rinted 09/08 Date	Cost or	8			Pr	ior	Cur	rent	Accum	Adj Tax	Depr & S179
Description	Acquired	Basis	Bsns	М	Lf	s 179	Deprec	s 179	Deprec	Deprec	Basis	Next Year
WELLS	01/01/85	37500		0	19		18922		0	18922	18578	1950
WELL HOUSES	01/01/85	7000		О	19		6000		0	6000	1000	364
PUMPS & MOTORS	01/01/85	12500		0	19		10000		0	10000	2500	650
LAND AP	01/01/73	4000		N	19		0		0	0	4000	0
JAND 242	01/01/85	4000		И	19		0		0	0	4000	0
JAND	01/01/71	10000		N	19		-0		0	0	10000	0
DISTRIBUTION SYSTEM	01/01/85	29007		0	19	*	15000		0	1.5000	14007	1508
CL2 PUMPS	01/01/85	1050		0	19		1050		0	1050	0	0
METERS	01/01/85	20000		0	1:9		15000		. 0	15000	5000	1040
Totals		125057				0	65972	0	0	65972	59085	5512
Total current expense								0	0			
Ending balance (12/31/02)		125057								65972	59085	

SUPPORTING SCHEDULE FOR W-1 4 W-Z

WATER OPERATION AND MAINTENANCE EXPENSE

Acct. No.	Account Name	Amount
601	Salaries and Wages - Employees	\$ 6415
603	Salaries and Wages - Officers, Directors, and Majority Stockholders	15803
604	Employee Pensions and Benefits	
610	Purchased Water	
615	Purchased Power	2954
616	Fuel for Power Production	
618	Chemicals	665
620	Materials and Supplies	1475
630	Contractual Services:	
	Billing	1643
	Professional	
	Testing	7745
	Other	2575
640	Rents	6000
650	Transportation Expense	3662
655	Insurance Expense	3562
665	Regulatory Commission Expenses (Amortized Rate Case Expense)	702
670	Bad Debt Expense	
675	Miscellaneous Expenses	34062
- · ·		
	Total Water Operation And Maintenance Expense	\$ 84,263
	* This amount should tie to Sheet F-3.	

WATER CUSTOMERS

				tive Customers	Total Number of Meter
	Type of	Equivalent	Start	End	Equivalents
Description	Meter **	Factor	of Year	of Year	(c x e)
(a)	(b)	(c)	(d)	(e)	(1)
Residential Service					
5/8"	D	1.0	232	228	228
3/4"	D	1.5			
1"	D	2,5			
1 1/2"	D,T	5.0			
General Service					
5/8"	D	1.0			
3/4"	D	1.5			
1"	D	2.5			
1 1/2"	D,T	5.0			
2"	D,C,T	8.0			
3"	D	15.0			
3"	С	16.0			
3"	Ŧ	17.5			
		1			
Unmetered Customers					
Other (Specify)		W 100 3 100 0 100 000 100 100 100 100 100			
				ļ	
** D = Displacement				728	275
C = Compound		Total	232	228	228
T = Turbine				1	

W-3

CHANGE FROM ORIGINAL RETURN X Capitalized Meters 9,944

UTILITY NAME:	CWWI
SYSTEM NAME:	All

PUMPING AND PURCHASED WATER STATISTICS

(a)	Water Purchased For Resale (Omit 000's)	Finished Water From Wells (Omit 000's)	Recorded Accounted For Loss Through Line Flushing Etc. (Omit 000's) (d)	Total Water Pumped And Purchased (Omit 000's) [(b)+(c)-(d)] (e)	Water Sold To Customers (Omit 000's)	
January February March April May June July August September October November December		1026 1288 984 1219 1594 1439 1105 1254 1031 1104 1085 1116			1026 1288 984 1219 1594 1439 1105 1254 1031 1104 1035 1116	
If water is purchased for resale, indicate the following: Vendor Point of delivery If water is sold to other water utilities for redistribution, list names of such utilities below:						

MAINS (FEET)

Kind of Pipe	Diameter			Removed	End
(PVC, Cast Iron,	of	First of	Added	or	of
Coated Steel, etc.)	Pipe	Year		Abandoned	Year
300,00 3,00,00					
			<u> </u>	<u> </u>	

UTILITY NAME: CWWT			YEAR OF R DECEMBER 3	
	WELLS AN	ND WELL PUMPS		
(a)	(b) So	(c) AP	(d) 242	(e)
Year Constructed Types of Well Construction and Casing	(971	1974	1984	
Depth of Wells Diameters of Wells Pump - GPM Motor - HP Motor Type * Yields of Wells in GPD	210' 6" 5 1 10	140' 6" 5 + 10	140' 4" 3	
Auxiliary Power * Submersible, centrifugal, etc.				
	RES	ERVOIRS		
(a)	(b)	(c)	(d)	(e)
Description (steel, concrete) Capacity of Tank Ground or Elevated	STEO! 1500/2000	5teer 1500/2000	57eel 1500 12000	
	HIGH SER	VICE PUMPING		
(a) Motors	(b)	, (c)	(d)	(e)
Manufacturer Type Rated Horsepower				
Pumps Manufacturer Type Capacity in GPM Average Number of Hours Operated Per Day Auxiliary Power				

UTILITY NAME:	CWWI
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SOURCE OF SUPPLY

List for each source of supply	upply (Ground, Surface, Purchased Water etc.)				
Permitted Gals. per day	115,200	115,200	44,800		
Type of Source	werr	Well	WELL		
			<u> </u>		
	WATER TREATME	ENT EACH ITIES			
List for each Water Treatment		ENT FACILITIES	·····		
	T domy.	7	T		
Type					
Make					
Permitted Capacity (GPD)					
High service pumping					
Gallons per minute					
Reverse Osmosis					
Lime Treatment			1		
Unit Rating	1	<u> </u>			
Filtration					
Pressure Sq. Ft			· i		
Gravity GPD/Sq.Ft.					
Disinfection					
Chlorinator	\X	X	X		
Ozone					
Other		and the same of th			
Auxiliary Power		,			
					

UTILITY NAME:	YEAR OF REPORT DECEMBER 31,
EVETEM NAME.	

GENERAL WATER SYSTEM INFORMATION
Furnish information below for each system. A separate page should be supplied where necessary.
Present ERC's * the system can efficiently serve
2. Maximum number of ERCs * which can be served.
3. Present system connection capacity (in ERCs *) using existing lines.
Future connection capacity (in ERCs *) upon service area buildout.
5. Estimated annual increase in ERCs *.
6. Is the utility required to have fire flow capacity?
7. Attach a description of the fire fighting facilities.
8. Describe any plans and estimated completion dates for any enlargements or improvements of this system.
9. When did the company last file a capacity analysis report with the DEP?
10. If the present system does not meet the requirements of DEP rules, submit the following:
a. Attach a description of the plant upgrade necessary to meet the DEP rules.
b. Have these plans been approved by DEP?
c. When will construction begin?
d. Attach plans for funding the required upgrading.
e. Is this system under any Consent Order with DEP?
11. Department of Environmental Protection ID #
12. Water Management District Consumptive Use Permit #
a. Is the system in compliance with the requirements of the CUP?
b. If not, what are the utility's plans to gain compliance?
 An ERC is determined based on one of the following methods: (a) if actual flow data are available from the proceding 12 months:
(b) If no historical flow data are available use:

WASTEWATER OPERATING SECTION

ENTIRE

SECTION

N/A

No WASTEWATER

MERATION IN EFFECT

CERTIFICATION OF ANNUAL REPORT

I HEREBY CERTIFY, to the best of my knowledge and belief:

YES NO	1.	The utility is in substantial compliance with the Uniform System of Accounts prescribed by the Florida Public Service Commission in Rule 25-30.115 (1), Florida Administrative Code.
YES NO	2.	The utility is in substantial compliance with all applicable rules and orders of the Florida Public Service Commission.
YES NO	3.	There have been no communications from regulatory agencies concerning noncompliance with, or deficiencies in, financial reporting practices that could have a material effect on the financial statement of the utility. See lefter dated \mathcal{U}_{2k} and $$
YES NO	4.	The annual report fairly represents the financial condition and results of operations of the respondent for the period presented and other information and statements presented in the report as to the business affairs of the respondent are true, correct, and complete for the period for which it represents.

Items C	ertified			
1. Yes	yes	3.	(signature of chief executive officer of the atility)	¥
1.	2	3.	(signature of chief financial officer of the utility)	*

Each of the four items must be certified YES or NO. Each item need not be certified by both officers. The items being certified by the officer should be indicated in the appropriate area to the left of the signature.

Notice: Section 837.06, Florida Statutes, provides that any person who knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his duty shall be guilty of a misdemea