CLASS "C"

WATER AND/OR WASTEWATER UTILITIES

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

ANNUAL REPORT

OF

WU109-03-AR
Holiday Gardens Utilities, Inc.
4804 Mile Stretch Drive
Holiday, FL 34690-4358

Submitted To The

STATE OF FLORIDA



Congress of States

Congress of The States

Congress o

PUBLIC SERVICE COMMISSION

FOR THE

YEAR ENDED DECEMBER 31, 2003

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

Reconciliation of Revenue to Regulatory Assessment Fee Revenue

Water Operations

Class C

Company:

HOLIDAY GARDENS UTILITIES, INC.

For the Year Ended December 31, 2003

(a)	(b)	(c)	(d)
	Gross Water	Gross Water	
A	Revenues Per	Revenues Per	Difference
Accounts	Sch. F-3	RAF Return	(b) - (c)
Gross Revenue:			Δ.
Residential	\$ 60,962	\$ 60,962	\$
Commercial			
Industrial			
Multiple Family			
Guaranteed Revenues			-
Other	1,395	1,395	
Total Water Operating Revenue	\$ 62,357	\$ 62,357	\$
LESS: Expense for Purchased Water	_		
from FPSC-Regulated Utility	0	0	
Net Water Operating Revenues	\$ 62,357	\$ 62,357	\$

нvn	lanations:
$-n\nu$	amanons.

Instructions:

For the current year, reconcile the gross water revenues reported on Schedule F-3 with the gross water revenues reported on the company's regulatory assessment fee return. Explain any differences reported in column (d).

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FINANCIAL SECTION

REPORT OF

:	LIDAY GARDENS UTI (EXACT NAME OF U	ITIES, INC. TILITY)		
4804 Mile Stretch Drive Holiday, Florida 34690-4358 Mailing Address			asco County	
Telephone Number (727) 937-62	75D	ate Utility First Organized	967	
Fax Number (727) 937-329	<u>3</u> E	-mail Address <u>countrygir</u>	10svs.net	
Sunshine State One-Call of Florida, Inc.	Member No. HGU 744		- #1	
Check the business entity of the utility as	s filed with the Internal Revenu	e Service:		
Individual Sub Chapter	S Corporation	1120 Corporation	Partnership	
Name, Address and phone where record (727) 937-6275		e Stretch Drive FL 34690-4358		
Name of subdivisions where services are	e provided: HOLIDAY	GARDENS		
	CONTACTS:			
Name	Title	Principle Business Address	Salary Charged Utility	
Person to send correspondence: Judy Rivette	Office Manager	4804 Mile Stretch Dr. Holiday, FL 34690		
Person who prepared this report: Purvis Gray & Company & Linda Emerick Officers and Managers: Linda Emerick	S. Todd McMullen, CPA President/CEO	2347 S.E. 17th. St. Ocala, FL 34471		
Linda Emerick Thomas L. Burkett Ronnie L. Mohr	Pres./Director/CEO V. Pres./Director SecTreas./Director	4804 Mile Stretch Drive Holiday, FL 34690-4358 same	\$ <u>-0-</u> \$ <u>-0-</u> \$ <u>-0-</u> \$	
Judy Rivette	Office Manager	same	\$ \$ 13,572	
Report every corporation or person owning or holding directly or indirectly 5 percent or more of the voting securities of the reporting utility:				
Name	Percent Ownership in Utility	Principle Business Address	Salary Charged Utility	
Holiday-Gulf Homes, Inc.	100%	4804 Mile Stretch Dr. Holiday, FL 34690	\$ \$ \$	
***			Ψ	

INCOME STATEMENT

	Ref.				Total
Account Name	Page	Water	Wastewater	Other	Company
Gross Revenue: Residential Commercial Industrial		\$ 60,962	\$	\$	\$ 60,962
Multiple Family Guaranteed Revenues Other (Specify) Transfer, Reconnect and Premise Visi	t Fee:	1,395			1,395
Total Gross Revenue		\$ 62,357	\$	\$	\$ 62,357
Operation Expense (Must tie to pages W-3 and S-3)	W-3 S-3	\$68,414	\$	\$	\$ _ 68,414
Depreciation Expense	F-5	5,988			5,988
CIAC Amortization Expense_	F-8	(83)_			(83)
Taxes Other Than Income	F-7	3,952			3,952
Income Taxes	F-7	409			409
Total Operating Expense		\$ 78,680			\$ 78,680
Net Operating Income (Loss)		\$ (16,323)	\$	\$	\$ (16,323)
Other Income: Nonutility Income_NSF Fee Garbage Collection Garbage Carts Street Lights Other Deductions:	S	\$ 420 42,964 220 14,974	\$	\$	\$ 420 42,964 220 14,974
Miscellaneous Nonutility Expenses Interest Expense Garbage Collection Street Lights		\$ 34,031 5,809	\$	\$	34,031
Garbage Carts		298			<u>5,809</u> 298
Net Income (Loss)		\$ 2,117	\$	\$	\$ 2,117

COMPARATIVE BALANCE SHEET

\$	Reference	Current	Previous
ACCOUNT NAME	Page	Year	Year
Assets:			
Utility Plant in Service (101-105) Accumulated Depreciation and	F-5,W-1,S-1	\$183,031_	\$ 182,014
Amortization (108)	F-5,W-2,S-2	(143,365)	(137,377)
Net Utility Plant		\$39,666	\$44,637
CashCustomer Accounts Receivable (141)		17,420	8,023
Other Assets (Specify):		3,309	3,254
<u>Intercompany</u> Receivables <u>Prepaid Special Water Tests</u>		405,613	410,403
NSF Receivables		2,867 78	435
Total Assets		\$ 468,953	\$ 466,764
Liabilities and Capital:			
Common Stock Issued (201)	F-6	600 _	600
Preferred Stock Issued (204) Other Paid in Capital (211)	F-6	6,900	6,900
Retained Earnings (215)	F-6	430,552	-427,744
Propietary Capital (Proprietary and			
partnership only) (218)	F-6		
Total Capital		\$438,052	\$ 435,244
Long Term Debt (224)	F-6	\$	\$
Accounts Payable (231)Notes Payable (232)		5,003	6,234
Customer Deposits (235)			
Accrued Taxes (236) Other Liabilities (Specify)		3,214	3,744
Intercompany Payables		21,297	20,064
Deferred Income		766	774
Advances for Construction			
Contributions in Aid of Construction - Net (271-272)	F-8	621	704
Total Liabilities and Capital		\$468,953	\$ 466,764
			<u> </u>

YEAR OF REPORT DECEMBER 31, 2003

GROSS UTILITY PLANT

Plant Accounts: (101 - 107) inclusive	Water	Wastewater	Plant other Than Reporting Systems	Total
Utility Plant in Service (101) Construction Work in Progress	\$183,031	\$	\$	\$ _183,301
Other (Specify)				
Total Utility Plant	\$183,031	\$	\$	\$ 183,301

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

Account 108	Water	Wastewater	Other Than Reporting Systems	Total
Balance First of Year	\$ 137,377	\$	\$	\$ 137,377
Add Credits During Year: Accruals charged to depreciation account Salvage	\$ 5,988	\$	\$	\$ 5,988
Other Credits (specify)				8 ₇ .
Total Credits	\$	\$	\$	\$
Deduct Debits During Year: Book cost of plant retired Cost of removal Other debits (specify)	\$	\$	\$	\$
Total Debits	\$	\$	\$	\$
Balance End of Year	\$ 143,365	\$	\$	\$ <u>143,3</u> 65

CAPITAL STOCK (201 - 204)

	Common Stock	Preferred Stock	
Par or stated value per share	1		
Shares authorized	5,000		
Shares issued and outstanding	600	-	
Total par value of stock issued	600	.2.1	
Dividends declared per share for year	None		

RETAINED EARNINGS (215)

	Appropriated	Un- Appropriated
Balance first of year	\$	\$ 427,744
Changes during the year (Specify):		427,744
Net Income 2003	İ	2,117
Reversal of 2002 Income Taxes		691
Balance end of year	\$	\$ 430,552

PROPRIETARY CAPITAL (218)

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

LONG TERM DEBT (224)

Description of Obligation (Including Date of Issue and Date of Maturity):	Inte ' Rate		Principal per Balance Sheet Date
			\$
		<u></u>	
Total			\$

TAX EXPENSE

(a) a	Water (b)	Wastewater (c)	Other (d)	Total (e)
Income Taxes: Federal income tax State income Tax Taxes Other Than Income: State ad valorem tax Local property tax Regulatory assessment fee Other (Specify)	\$ 380 29 	\$	\$	\$ 380 29
Total Tax Expense	\$ 4,361	\$	\$	\$ 4,361

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.

Name of Recipient	Water Amount	Wastewater Amount	Description of Service
Courtney Dennewitz	\$2,070 \$	\$	Meter Reading
Gator	\$ 5,952 \$	\$	Monthly Services
Gator	\$ 3,179 \$	\$ 	R & M
Gator	\$ \$,843 \$	\$ \$ \$	Special Tests
	\$	\$	

YEAR OF REPORT DECEMBER 31 2003

CONTRIBUTIONS IN AID OF CONSTRUCTION (271)

	(a)	Water (b)	Wastewater (c)	Total (d)
1) Bala 2) Add	nce first of yearcredits during year	\$1,325	\$	\$_1,325
4) Dedi 5) Bala	otaluct charges during the year nce end of years Accumulated Amortization	1,325 1,325 (704)	\$	\$
7) Net	CIAC	\$621	\$	\$ 621

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

Report below all developers or agreements from which cash o received during the year.	contractors or property was	Indicate "Cash" or "Property"	Water	Wastewater
Sub-total		-	\$	\$
Report below all ca extension charges charges received o	apacity charges, main and customer connections during the year.	n ection	-	
Description of Charge	Number of Connections	Charge per Connection		
		\$	\$	\$
al Credits During Year (Must ag	ree with line # 2 abo	ve.)	\$	\$

ACCUMULATED AMORTIZATION OF CIAC (272)

Balance First of YearAdd Debits During Year:	\$ <u>Water</u> 621 83	Wastewater \$	\$ Total \$ 621 83
Deduct Credits During Year:			
Balance End of Year (Must agree with line #6 above.)	\$704	\$	\$ 704

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

UTILITY NAME: Holiday Gardens Utilities, Inc.

YEAR OF REPORT DECEMBER 31 2003

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	Velice of the latest and the latest	%	%	%
Customer Deposits		%	%	%
Tax Credits - Zero Cost		%	0.00 %	%
Tax Credits - Weighted Cost		%	%	%
Deferred Income Taxes		%	%	%
Other (Explain)		%	%	%
Total	\$	100.00_%		%

(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: Holiday Gardens Utilities, Inc.

YEAR OF REPORT DECEMBER 31, 2003

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	\$	\$ 	\$ 	\$	\$

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

4
• • • • • • • • • • • • • • • • • • • •
AND STORE A
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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	j		/	
303	Land and Land Rights	2,414			2,414
304	Structures and Improvements	6,319			6,319
305	Collecting and Impounding Reservoirs				
306	Lake, River and Other Intakes				
307	Wells and Springs	11,515		100 to 10	11,515
308	Infiltration Galleries and Tunnels				
309	Supply Mains	3,025			3,025
310	Power Generation Equipment	2,103			2,103
311	Pumping Equipment	23,996			23,996
320	Water Treatment Equipment	2,271			2,271
330	Distribution Reservoirs and Standpipes	4,462			4,462
331	Transmission and Distribution Lines	64,345			64,345
333	Services	21,801		·	21,801
334	Meters and Meter				
i I	Installations	31,211	1,017		32,228
335	Hydrants	7,107			7,107
336	Backflow Prevention Devices				
339	Other Plant and				
	Miscellaneous Equipment				
340	Office Furniture and				
	Equipment	1,445			1,445
341	Transportation Equipment				
342	Stores Equipment				
343	Tools, Shop and Garage Equipment		<u></u>		
344	Laboratory Equipment		***************************************		
345	Power Operated Equipment				
346	Communication Equipment				
347	Miscellaneous Equipment				
348	Other Tangible Plant			6	
	Total Water Plant	\$ 182,014	\$	\$	\$ <u>183,031</u>

YEAR OF REPORT DECEMBER 31, 2003

ANALYSIS OF ACCUMULATED DEPRECIATION BY PRIMARY ACCOUNT - WATER

	· <u>-</u>																														
Accum. Depr. Balance End of Year (f-g+h=i) (i)	\$ 5.056		6.8	11,515		2,174	1,484	16,028	2,271		4,462	57,612	199850	18,583	3,619					711										\$ 143,365 *	
Credits (h)	\$ 225			111		95	46	1,031				1,693	623	1,898	177					68										\$ 5,988	4
Debits (g)	φ.																													€9	
Accumulated Depreciation Balance Previous Year (f)	\$ 4,831			11,404		2,079	1,438	14,997	2,250		4,462		19,227	16,685	3,442					643										\$ 137,377	
Depr. Rate Applied (e)	3.57%	%		3.70%	%	3.13%	5.88%	6.67%	5.88%		3.33%	7,03%	2.86%	5.88%	2.50%	%		%	,	6.67%	%	%	3	% %	8	%	%	%	%	52.70	
Average Salvage in Percent (d)	%	%	%	%	%	%	%	%	%		%	%	%	%	%	%		%		%	%	%	,	% %	%	%	%	%	%		
Average Service Life in Years (c)	28			27		32	17	15	17	(30	0	35	17	05				i,	T2										311	
Account (b)	Structures and Improvements	Collecting and Impounding	Lake, River and Other Intakes	Wells and Springs	Tunnels	Supply Mains	Power Generating Equipment	Pumping Equipment	Water Treatment Equipment	Distribution Reservoirs &	Standpipes	Trans. & Dist. Mains	Services	Meter & Meter Installations	Hydrants	Backflow Prevention Devices	Other Plant and Miscellaneous	Equipment	Office Furniture and	Equipment	Transportation Equipment	Stores Equipment	Tools, Shop and Garage	Equipment	Laboratory Equipment	Power Operated Equipment	Communication Equipment	Miscellaneous Equipment	Other Tangible Plant	Totals	
Acct. (a)	304	305	306	308	3	309	310	311	320	330		331	333	334	335	336	339		340		341	342	343		344	345	346	347	348		

* This amount should tie to Sheet F-5.

UTILITY NAME:

YEAR OF REPORT DECEMBER 31, 2003

WATER OPERATION AND MAINTENANCE EXPENSE

Acct.		1
No.	Account Name	Amount
601 603	Salaries and Wages - Employees	\$13,572
604 610	Employee Pensions and Benefits Health Insurance Purchased Water Purchased Power	733
615 616	Purchased Power Fuel for Power Production Chemicals	2,404
618 620 630	Materials and Supplies R & M 3179; Other R & M 1271; R & M 857 Contractual Services:	1,169 5,307
	Billing Professional Testing Other_Meter Reading 2070; Monthly Services 5952; Casual Labor 313.	
640 650 655 665 670	Rents Transportation Expense Insurance Expense Regulatory Commission Expenses (Amortized Rate Case Expense) Special Test 2843; P/R Taxes 1066; Utilities 220; Telephone 1022; Lawn	8,335 2,480 1,162 1,058
675	Service 840; Office 1646; Accounting 3968; Legal 371; Postage 1734; Licenses 223; Stock Agent 1107; Management Fees 17054; NSF 100. Total Water Operation And Maintenance Expense * This amount should tie to Sheet F-3.	32,194 \$ 68,414 •

WATER CUSTOMERS

Description (a)	Type of Meter ** (b)	Equivalent Factor (c)	Number of A Start of Year (d)	ctive Customers End of Year (e)	Total Number of Meter Equivalents (c x e) (f)
Residential Service 5/8" 3/4" 1" 1 1/2" General Service 5/8" 3/4" 1" 1 1/2" 2" 3" 3" 3" Unmetered Customers Other (Specify)	D D D,T D,C,T D C T	1.0 1.5 2.5 5.0 1.0 1.5 2.5 5.0 8.0 15.0 16.0 17.5	3 2 0 0 0	3 2 	7.5
** D = Displacement C = Compound T = Turbine	<u> </u>	Total	452	452	470.5

SYSTEM NAME:same_	· · · · · · · · · · · · · · · · · · ·
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PUMPING AND PURCHASED WATER STATISTICS

	<u> </u>				
; (a)	Water Purchased For Resale (Omit 000's)	Finished Water From Wells (Omit 000's) (c)	Recorded Accounted For Loss Through Line Flushing Fire Elerotect (Omit 000's) & Lg (d) Breaks	Total Water Pumped And Purchased (Omit 000's) [(b)+(c)-(d)] (e)	Water Sold To Customers (Omit 000's)
January February March April May	N/A	2,51/4 2,226 2,685 2,606 2,901 2,475 2,849 2,394 2,378 2,610 2,298 2,439	0 269 388 137 127 0 507 0 134 137 0 137	2,514 1,957 2,297 2,469 2,774 2,475 2,342 2,394 2,244 2,473 2,298 2,302	2,477 1,602 2,050 2,079 2,789 2,864 1,828 2,501 2,022 2,089 2,342 1,941
If water is purchased for Vendor N/A Point of delivery If water is sold to other	N/A	edistribution, list na		below:	

MAINS (FEET)

Kind of Pipe (PVC, Cast Iron, Coated Steel, etc.)	Diameter of Pipe	First of Year	Added	Removed or Abandoned	End of Year
2 1/2" & Under is Galv Iron or PVC	2 1/2" and Under	2" 2 1/2" 3,120 L/F 7,450 L	/F		2" 2 1/2" 3,120 L/F 7,450 L/F
3" and Over is Asbest. Cement	3" and Over	4" <u>6"</u> 5,675 L/F 5,310 L	/F		4" <u>6"</u> 5,675 L/F 5,310 L/F

SYSTEM NAME: same

YEAR OF REPORT DECEMBER 31, 2003

WELLS AND WELL PUMPS

(a)	# 1 (b)	# 2 (c)	(d)	(e)
Year Constructed Types of Well Construction and Casing	1967 Steel	1968 Stee1		427
Depth of Wells Diameters of Wells Pump - GPM Motor - HP Motor Type * Yields of Wells in GPD Auxiliary Power_**see_below	85' 8" 200 10 hp TEFC/TopMt/Vert	180' 8" 250 10 hp TEFC/TopMt/Ver	t.	
* Submersible, centrifugal, etc.				

RESERVOIRS

(a)	# 1 (b)	# 2 (c)	(d)	(e)
Description (steel, concrete) Capacity of Tank Ground or Elevated	Steel-Hydro 5,000 Ground	Steel-Hydro 5,000 Ground		

HIGH SERVICE PUMPING

(a)	# 1 (b)	# 2 (c)	(d)	(e)
Motors Manufacturer Type Rated Horsepower	U.S. Motor TEFC-Vert 10 HP 30	U.S. Motor TEFC-Vert. 10 HP 30		
Pumps Manufacturer	PEERLESS Vert. Turbine 200 YES GRIDS - PROGRES	PEERLESS Vert. Turbine 250 YES S ENERGY	4	

Auxiliary Power____

YEAR OF REPORT DECEMBER 31, 2003

SOURCE OF SUPPLY

List for each source of supply	
Permitted Gals. per day	
Type of Source	Ground Wells
	WATER TREATMENT FACILITIES
List for each Water Treatment	Facility:
Type	Chlorine-Hypo Liq.
Make	various feed pumps
Permitted Capacity (GPD)	146,000 g/d - 180,000 peak
High service pumping	
Gallons per minute	
Reverse Osmosis	No
Lime Treatment	
Unit Rating	No
Filtration	
Pressure Sq. Ft	No l
Gravity GPD/Sq.Ft	No
Disinfection	
Chlorinator	Yes
Ozone	No
Other	No

Yes

UTILITY NAME:	Holiday	Gardens	Utilities,	Inc.
SYSTEM NAME	same			

GENERAL WATER SYSTEM INFORMATION

Furnish information below for each system. A separate page should be supplied where necessary.	
1. Present ERC's * the system can efficiently serve. 26,583,744/365/*250 = 291 ERC's	
2. Maximum number of ERCs * which can be served.	<u>-</u>
3. Present system connection capacity (in ERCs *) using existing lines. 570	
4. Future connection capacity (in ERCs *) upon service area buildout. 570 (built out)	
5. Estimated annual increase in ERCs *. None	
6. Is the utility required to have fire flow capacity? Yes If so, how much capacity is required? 120,000 g/d (per PSC 1992)	<u> </u>
7. Attach a description of the fire fighting facilities. (5) Fire Hydrants	
Flow Tested 2001 8. Describe any plans and estimated completion dates for any enlargements or improvements of this system.	
None	- -
9. When did the company last file a capacity analysis report with the DEP?1998	-
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. N/A	
b. Have these plans been approved by DEP?N/A	
c. When will construction begin? N/A	-
d. Attach plans for funding the required upgrading. N/A	_
e. Is this system under any Consent Order with DEP?NO	
11. Department of Environmental Protection ID # 6510807	
12. Water Management District Consumptive Use Permit #WUP # 20-540.03 (SWFWMD)	-
a. Is the system in compliance with the requirements of the CUP?	-
b. If not, what are the utility's plans to gain compliance?N/A	
	_
* An ERC is determined based on one of the following methods: (a) If actual flow data are available from the proceding 12 months: Divide the total annual single family residence (SFR) gallons sold by the average number of single family residents (SFR) gallons sold by the average number of single family residence customers for the same period and divide the result by 365 days. **Many customers "retired"; 1-2 in home; Used: 250 g/d (b) If no historical flow data are available use: ERC = (Total SFR gallons sold (omit 000/365 days/350 gallons per day).	-

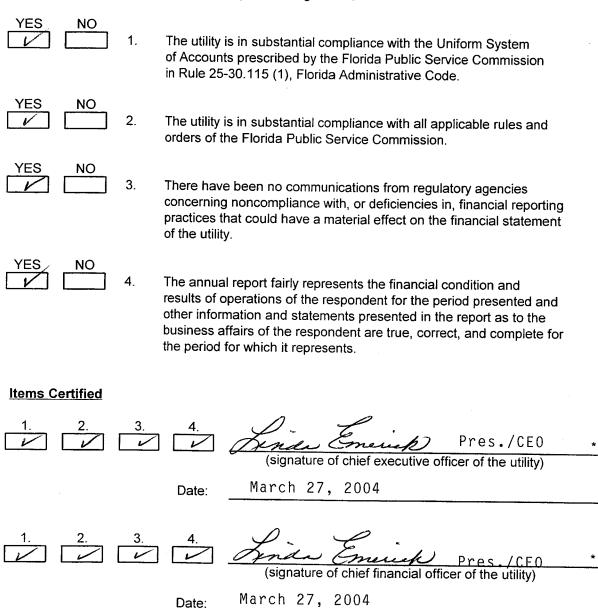
WASTEWATER OPERATING SECTION

HOLIDAY GARDENS UTILITIES, INC. $\underline{\text{DOES NOT}}$ HAVE WASTEWATER. $\underline{\text{Therefore;}}$ the wastewater pages are not being copied and $\underline{\text{submitted.}}$

Linda Emerick, President

CERTIFICATION OF ANNUAL REPORT

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



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 misdemeanor of the second degree.