CLASS "C"

WATER AND/OR WASTEWATER UTILITIES

(Gross Revenue of Less Than \$150,000 Each)

ANNUAL REPORT

WU639 W.B.B. Utilities, Inc. 4116 Bair Avenue Fruitland Park, FL 34731-9647

04/

35

531-W

Certificate Number(s)

Submitted To The

STATE OF FLORIDA

RECEIVED

MAY - 3 1999

Florida Public Service Commission Division of Water and Wastewater



PUBLIC SERVICE COMMISSION

FOR THE

YEAR ENDED DECEMBER 31, 1998

Form PSC/WAW 6 (Rev. 05/96)

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FINANCIAL SECTION

REPORT OF

	W.E	B.B. UTILITIES, INC.		
	(EXA	CT NAME OF UTILIT	Y)	
04116 BAIR AVE	NUE		04116 BAIR AVEUNE	
FRUITLAND PAR	K, FL 34731		FRUITLAND PARK, FL	LAKE
	Mailing Address		Street Address	County
Telephone Number	(352)787-4347/(352)787-3107	Date	Date Utility First Organized	
Check the business of	entity of the utility as filed with the In	iternal Revenue Servi	ce: 1120 Corporation	Partnership
Individual Name, Address and		RICHARD E. BAIR	1120 Corporation 04116 BAIF	

CONTACTS:

Name	Title	Principle Business Address	Salary Charged Utility
Person to send correspondence: RICHARD E. BAIR	PRESIDENT	04116 BAIR AVE FRUITLAND PARK, FL	
Person who prepared this report: VICKI S. BAIR	TREASURER/C.P.A.	34731 04223 BAIR AVE. FRUITLAND PARK, FL	
Officers and Managers:		34731	
RICHARD E. BAIR	PRESIDENT	04116 BAIR AVE. F.P., FL	\$ 600
NANCY W. MARSHALL	VICE PRESIDENT	04128 BAIR AVE. F.P., FL	\$
MOLLY W. BAIR	SECRETARY	04116 BAIR AVE. F.P., FL	\$
VICKI S. BAIR	TREASURER	04223 BAIR AVE. F.P., FL	\$ 600
RICHARD S. BAIR	ASST. SECRETARY	04223 BAIR AVE. F.P., FL	\$

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
RICHARD E. BAIR	33.333333	4116 BAIR AVE, F.P.	\$ 600
NANCY W. MARSHALL	16.666667	4128 BAIR AVE, F.P.	\$
ROBERT M. MARSHALL CREDIT			\$
SHELTER TRUST	16.666667	4128 BAIR AVE, F.P.	\$
RICHARD S. & VICKI S. BAIR			\$
JTWROS	16.666667	4223 BAIR AVE, F.P.	\$ 600
WILLIAM E. & B. DIANE HALL		3616 CHELSEA STREET	\$
JTWROS	16.666667	ORLANDO, FL 32803	

INCOME STATEMENT

	Ref.				Total
Account Name	Page	Water	Wastewater	Other	Company
Gross Revenue: Residential Commercial Industrial		\$ _20,749	\$	\$	\$ 20,749
Multiple Family Guaranteed Revenues Other (Specify)LATE CHG		1,396			1,396
Total Gross Revenue		\$ 22,177	\$	\$	\$ 22,177
Operation Expense (Must tie to pages W-3 and S-3)	W-3 S-3	\$ _11,143	\$	\$	\$ 11,143
Depreciation Expense	F-5	4,814			4,814
CIAC Amortization Expense_	F-8	983			-983
Taxes Other Than Income	F-7	1,963			1,963
Income Taxes	F-7	0			0
Total Operating Expense		\$ 16,937			\$ 16,937
Net Operating Income (Loss)		\$ 5,240	\$	\$	\$ 5,240
Other Income: Nonutility Income		\$0	\$	\$	\$0
Other Deductions: Miscellaneous Nonutility Expenses Interest Expense		\$ <u>2,185</u> <u>8,679</u>	\$	\$	\$ <u>2,185</u> <u>8,679</u>
Net Income (Loss)		\$5,624	\$N/A	\$ <u>N/A</u>	\$5,624

COMPARATIVE BALANCE SHEET

40001111741445	Reference	Current	Previous
ACCOUNT NAME	Page	Year	Year
Assets:			
Utility Plant in Service (101-105)	F-5,W-1,S-1	\$133260	\$132260
Accumulated Depreciation and			
Amortization (108)	F-5,W-2,S-3	19733	14919
Net Utility Plant		\$113527	\$117341
Cash		5441	4476
Customer Accounts Receivable (141)	1	4739	3303
Other Assets (Specify):			
RATE CASE EXP NET OF ACCUM AMORT		125	187
NON UTIL PROP NET OF ACCUM DEPREC		10984	13084
	1		
	i		
Total Assets		\$ 134816	\$ 138391
Liabilities and Capital:			
0 - 1 - 1 (004)			
Common Stock Issued (201) Preferred Stock Issued (204)	F-6 F-6	7500	7500
Other Paid in Capital (211)	F-0	36670	36670
Retained Earnings (215)	F-6	-61345	-55721
Propietary Capital (Proprietary and			
partnership only) (218)	F-6		
Total Capital(DEFICIT)		\$17175	\$ -11551
Long Term Debt (224)	F-6	\$ 124561	\$ 126234
Accounts Payable (231)		342	1108
Notes Payable (232)		0	0
Customer Deposits (235)		0	0
Accrued Taxes (236)		771	715
Other Liabilities (Specify)		0	0
	1		
	1		
Advances for Construction	1		
Contributions in Aid of			
Construction - Net (271-272)	F-8	26317	21885
Total Liabilities and Capital	l	\$ 134816	\$ 138391

GROSS UTILITY PLANT

Plant Accounts: (101 - 107) inclusive	Water	Wastewater	Plant other Than Reporting Systems	Total
Utility Plant in Service Construction Work in	\$133260	\$	\$	\$ _133260
Other (Specify)				
Total Utility Plant	\$ <u>133260</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ 133260

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

Account 108	Water	Wastewater	A/D & CIAC AM Other Than Reporting Systems	Total
Balance First of Year	\$ 14919	\$	\$	\$ 14919
Add Credits During Year: Accruals charged to depreciation account Salvage Other Credits (specify)	\$ <u>4814</u>	\$	\$	\$ <u>4814</u>
Total Credits	\$ 4814	\$	\$	\$ 4814
Deduct Debits During Year: Book cost of plant retired Cost of removal Other debits (specify)	\$	\$	\$	\$0
Total Debits	\$0	\$	\$	\$0
Balance End of Year	\$19733	\$ <u>N/A</u>	\$ <u>N/A</u>	\$19733

CAPITAL STOCK (201 - 204)

	Common Stock	Preferred Stock	
Par or stated value per share	1	0	
Shares authorized	7500	0	
Shares issued and outstanding	7500	0	
Total par value of stock issued	7500	0	
Dividends declared per share for year	0	(

RETAINED EARNINGS (215)

	Арр	ropriated	Ap	Un- propriated
Balance first of year	\$		\$	-55721
Changes during the year (Specify):				
CURRENT YEAR PLANT OPERATING LOSS			_	-3439
CURRENT YEAR NON-UTILITY OPERATING LOSS	_		_	-2185
Balance end of year	\$	0	\$_	-61345

PROPRIETARY CAPITAL (218)

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

LONG TERM DEBT (224)

Description of Obligation (Including Nominal Date of Issue and Date of Maturity):	Rate	# of Pymts	Principal per Baland Sheet Dat
NOTES PAYABLE TO STOCKHOLDERS SIGNED 1/1/96. NO STATED MATURITY DATES. NO STATED MONTHLY PAYMENTS.	7%		12456
Total	-		\$12456

Revosed or 5/26/99

UTILITY NAME: W.B.B. UTILITIES, INC.

YEAR OF REPORT **DECEMBER 31, 1998**

TAXES ACCRUED (236)

(a)	Water (b)	Wastewater (c)	Other (d)	Total (e)
Balance first of year	\$ 715	\$	\$	\$ 715
Add Accruals charged: State ad valorem tax Local property tax Federal income tax State income tax Regulatory assessment fee Other (Specify) LICENSES	- 615 0 0 1001 66	\$	\$	\$ 0 615 0 0 1001 66
PAYROLL TAX FL INTANG & CORP ANN R Total Taxes Accrued		s	s	125 156 \$ 1963
Deduct Taxes Paid: State ad valorem tax Local property tax Federal income tax State Income tax Regulatory assessment fee_ Other (Specify) LICENSES	615 0	s	s	\$ 0 615 0 0 945
PAYROLL TAX FL INTANG & CORP ANN R Total Taxes Paid	126 PT 156	\$	s	566 125 156 \$ 1907
. Balance end of year (1+2-3=4)	\$	\$ <u>N/A</u>	\$N/A	\$

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
STANLEY M. COE D/B/A	\$		\$ N/A	PLANT MAINTENANCE AND
DIVERSIFIED WATER SERVICE	\$	2964	\$	WATER TESTING
HALIDAY, BAIR & HUX, P.A.	S	3180	S	ACCOUNTING & TAX SERVICES
DAVIS & DAVIS, P.A.	\$	25	\$	LEGAL FEES
JTILITY TECHNICIANS	\$	802	\$	EQUIPMENT REPAIR
AVARES ELECTRIC MOTOR REPR	\$ _	497	\$	EQUIPMENT REPAIR
	\$ - \$ - \$ -		\$ \$	

CONTRIBUTIONS IN AID OF CONSTRUCTION (271)

	(a)		(b)	Was	(c)		Total (d)
1)	Balance first of year	\$.	27399	\$		\$_	27399
-)	Add credits during yearSERVICE AVAILABILITY CHARGES	\$	5415	\$		\$_	5415
3) 4)	Total	١.	32814	_		-	32814
5)	Deduct charges during the yearBalance end of year	١.	32814			-	32814
6)	Less Accumulated Amortization		6497	=		-	6497
7)	Net CIAC	\$	26317	s	N/A	\$	26317

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

Report below all developers or co agreements from which cash or p received during the year.	ontractors property was	Indicate "Cash" or "Property"		Water	Wastewater
Sub-total	acity charges, mai	n	- - - - - - - - - - - - - - - - - - -	0	\$
Description of Charge	Number of Connections	Charge per Connection	1		
PLANT CAPACITY CHARGE MAIN EXTENSION CHARGE METER INSTALLATION CHARGE INITIAL CONNECTION CHARGE	3 3 3 3	\$ 793 887 110 15	s 	2379 2661 330 45	\$
Total Credits During Year (Must agre	e with line # 2 abo	ve.)	s _	5415	\$ <u>N/A</u>

ACCUMULATED AMORTIZATION OF CIAC

	Water	Wastewater	Total
Balance First of Year	\$ 5514	\$	\$ 5514
Add Credits During Year:	983		983
Deduct Debits During Year:			
Balance End of Year (Must agree with line #6 above.)	\$ 6497	\$ N/A	\$ 6497

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

UTILITY NAME	W.B.B.UTILITIES, I	INC.
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YEAR OF REPORT DECEMBER 31, 1998

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>N/A</u>	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:	N/A	_ %
Commission Order approving AFUDC rate:	N/A	

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

UTILITY NAME V	.B.B. UTIL	ITIES, INC.	
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YEAR OF REPORT DECEMBER 31, 1998

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)	\$	\$	\$	s	\$
Total	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ N/A	\$ <u>N/A</u>	\$ <u>N/A</u>

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

NOT APPLICABLE			
· · · · · · · · · · · · · · · · · · ·			
	-		

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	s	\$	s	\$
302	Franchises				
303	Land and Land Rights	1905			1905
304	Structures and Improvements_	1070			1070
305	Collecting and Impounding Reservoirs				
306	Lake, River and Other Intakes				
307	Wells and Springs	10299			10299
308	Infiltration Galleries and Tunnels				
309	Supply Mains	14793	1000		15793
310	Power Generation Equipment	1710			1710
311	Pumping Equipment	13011			13011
320	Water Treatment Equipment	7906			7906
330	Distribution Reservoirs and				
331	Standpipes Transmission and Distribution	11410			11410
1	Lines	49952			49952
333	Services	44			44
334	Meters and Meter		l		
	Installations	8389			8389
335	Hydrants	9460			9460
339	Other Plant and Miscellaneous Equipment		1		1
340	Office Furniture and				
340	Equipment	2311	l	1	2311
341	Transportation Equipment				2311
342	Stores Equipment				<u> </u>
343	Tools, Shop and Garage				i
	Equipment	1			1
344	Laboratory Equipment				
345	Power Operated Equipment				
346	Communication Equipment				
347	Miscellaneous Equipment				
348	Other Tangible Plant				
	Total Water Plant	\$132260	\$1000	\$0	\$133260

UTILITY NAME: W

W.B.B. UTILITIES, INC.

YEAR OF REPORT DECEMBER 31, 1998

ANALYSIS OF ACCUMULATED DEPRECIATION BY PRIMARY ACCOUNT - WATER

Accumulated Depreciation Balance Previous Year (f) (g) (g) (g) (g) (g) (g) (g) (g) (g) (g	Average Average Depr. Service Salvage Depr. Life in in Rate Years Percent Applied (c) (d) (e)	Structures and Improvements	Tunnels % % % 3.13 % Supply Mains 17 % 3.13 % Power Generating Equipment 17 % 5.88 % Pumpling Equipment 33 % 3.03 %	Standpipes 30 % 3.33 % 2.63 % 2.63 % 2.86 % Andrer & Meter & Meter Rations 40 % 2.5	% 18.67 %	Equipment	Totals\$
		\$ 363	2-			%%%%%	14919 \$
	Accum. Depr. Balance End of Year (f-g+h=i) (i)	3998	-2505 691 686 2066	1331 8737 18 2287 828	1195		\$ 19733

WATER OPERATION AND MAINTENANCE EXPENSE

Acct.	Account Marie	
140.	Account Name	Amount
601	Salaries and Wages - Employees	s
603	Salaries and Wages - Officers, Directors, and Majority Stockholders	1200
604	Employee Pensions and Benefits	1200
610	Purchased Water	
615	Purchased Power	1282
616	Fuel for Power Production	1202
618	Chemicals	123
620	Materials and Supplies	120
630	Contractual Services:	-
	Operator and Management	1
	Testing	2964
	Other	3180
640	Rents	250
650	Transportation Expense	
655	Insurance Expense	
665	Regulatory Commission Expenses (Amortized Rate Case Expense)	6.
670	Bad Debt Expense	- 0,
675	Miscellaneous Expenses	208
	Total Water Operation And Maintenance Expense	S 1114
	* This amount should tie to Sheet F-3.	11143

WATER CUSTOMERS

			Number of Activ	e Customers	Total Number of Meter
Description (a)	Type of Meter ** (b)	Equivalent Factor (c)	Start of Year (d)	End of Year (e)	Equivalents (c x e) (f)
5/8" 3/4" 1" 1 1/2" 2" 3" 3" 4" 4" 6" 6" Other (Specify):	D D D,T D,C,T D C T D,C T D,C T	1.0 1.5 2.5 5.0 8.0 15.0 16.0 17.5 25.0 30.0 50.0 62.5	36	41	41
D = Displacement C = Compound T = Turbine	Unmete	red Customers Total	0 36	0 41	0 41

SYSTEM NAME: LAKE IDLEWILD ESTATES

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		435 390 481 1031 1256 1375 946 750 631 975 758 778		435 390 481 1031 1256 1375 946 750 631 975 758 778	1290 3909 2549 2631
If water is purchased fo Vendor NO Point of delivery If water is sold to other NOT APPLICABLE	T APPLICABLE		nes of such utilities t	9806	10379

MAINS (FEET)

Kind of Pipe (PVC, Cast Iron, Coated Steel, etc.)	Diameter of Pipe	First of Year	Added	Removed or Abandoned	End of Year
PLASTIC PVC PLASTIC PVC	6" 8"	2960 2700			2960 2700

WU639 W.B.B. UTILITIES, INC. 4116 BAIR AVENUE FRUITLAND PARK, FL 34731-9647 CERTIFICATE # 531-W

ATTACHMENT TO 1998 CLASS "C" ANNUAL REPORT PAGE W-4, PUMPING AND PURCHASED WATER STATISTICS:

As shown by the Finished Water From Wells monthly figures and the quarterly Water Sold to Customers, it appears that we sold more water to customers than was actually pumped from the well. Below is our only explanation for this discrepancy and was confirmed to us by our Florida Rural Water Association representative.

In late February 1998, we had to replace our master meter. In February 1999, we had our representative from the Florida Rural Water Association visit us and at that time, he informed us that the meter had been improperly placed and installed and recommended that we have corrected. The meter was originally installed next to a 90-degree elbow. In late March 1999 we had the master meter reinstalled properly.

As per our discussion with our Florida Rural Water Association representative, the improper installation caused cavatations and air build up and therefore caused the regular master meter readings to be incorrect. After having the meter reinstalled, we had our representative come back out and he tested the meter. He stated that the meter is now reading properly and that we should have no additional problems. Since we bill on a quarterly basis and since we did not have the reinstallation completed until late March 1999, we have not had the opportunity to confirm this.

Should you need any additional information concerning the above, please contact us.

SYSTEM NAME: LAKE IDLEWILD ESTATES

WELLS AND WELL PUMPS (If Available)

(a)	(b)	(c)	(d)	(e)
Year Constructed	1981	1995		
Types of Well Construction and Casing	STEEL	STEEL		
Depth of Wells	210 FT.	252 FT.		
Diameters of Wells Pump - GPM	6" 50	750		
Motor - HP	5	40		_
Motor Type *	SUBMERS	CENTRIFUG		
Yields of Wells in GPD Auxiliary Power	10000 NONE	54000 NONE		

RESERVOIRS

(a)	(b)	(c)	(d)	(e)
Description (steel, concrete) Capacity of Tank	NONE	STEEL 7500 GAL		
Ground or Elevated		ELEVATED		

HIGH SERVICE PUMPING

(a)	(b)	(c)	(d)	(e)
Motors Manufacturer Type Rated Horsepower	GOULDS SUB 50	GOULDS TURBINE 40		=
Pumps Manufacturer Type Capacity in GPM Average Number of Hours Operated Per Day Auxiliary Power	GOULDS SUB 50 24 NONE	GOULDS TURBINE 750 24 PUMP		

SOURCE OF SUPPLY

List for each source of supply	(Ground, Surface, Purcha	ased Water etc.)	
Gals. per day of source	10000	54000	
Type of Source	DEEP WELL	DEEP WELL	

WATER TREATMENT FACILITIES

List for each Water Treatment	t Facility:		
Туре	LIQUID CHLORINE	GAS CHLORINATOR	
Make	CHEM TANK PULSIFD	REGAL 210-50-FEEDR	
Gals. per day capacity	24	50 LBS.	
High service pumping			
Gallons per minute	NOT IN USE NOW	765	
Reverse Osmosis	BACKUP ONLY	N/A	
Lime Treatment			
Unit Rating		N/A	
Filtration			
Pressure Sq. Ft		N/A	
Gravity GPD/Sq.Ft		N/A	
Disinfection			
Chlorinator		CHLORINE GAS	
Ozone		N/A	
Other		N/A	
Auxiliary Power	GAS GENERATOR	NONE	

OTHER WATER SYSTEM INFORMATION

E.zes		INFORMATION	1112
	nish information below for each system not physicall	y connected with another to	icility. A separate
September 1	e should be supplied where necessary.		
1.	Present ERCs * now being served55, BASED		
2.	Maximum ERCs ** that system can efficiently serve	g_96, BASED ON FORMUL	A, ONLY 79 LOTS TOTL
3.	Present system connection capacity (in ERC's) using	ng existing lines	79
4.	Future connection capacity (in ERC's) upon service		
5.	Estimated annual increase in ERCs *_DEPENDS (
6.	List fire fighting facilities and capacities (including r _A 750 GMP CAPACITY		
7.	List percent of certificated area where service conn100%		for each county)
8.	What is the current need for system upgrading and	/or expansion?	NONE
9.	What are plans for future system upgrading and/or	expansion?	NONE
10.	Have questions 8 and 9 been discussed with an e		
11.	Has an application for a construction permit been N/A	filed with the DEP? (If so, e	explain)
	Department of Environmental Protection ID #	335-4656 (PWS ID#)
12.		2-069-0034AURM	

WASTEWATER

OPERATING

SECTION

Note:

This utility is a water only service; therefore, Pages S-1 through S-6 have been omitted from this report.

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 XXXX	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.	
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 Co	ertified			
1. Y	2. Y	3. Y	4. Rudul & Bau (signature of chief executive officer of the utility)	
1.	2.	3.	dial. July	

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.

(signature of chief financial officer of the utility)

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.