

APPLICATION FOR AMENDMENT OF CERTIFICATE
(EXTENSION OR DELETION)
(Pursuant to Section 367.045, Florida Statutes)

CK1740
\$200.00
MC

To: Director, Division of Records and Reporting
Florida Public Service Commission
Tallahassee, Florida 32399-0850

WS829

The undersigned hereby makes application for amendment of Water Certificate No. 614-W
and/or Wastewater Certificate No. 529-S to DELETE (add or delete) territory located in BAY
County, Florida, and submits the following information:

DEPOSIT

DATE

PART I APPLICANT INFORMATION

D2459

AUG 20 2002

A) The full name (as it appears on the certificate), address and telephone number of the applicant:

DANA UTILITY CORPORATION

Name of utility

(850) 271 - 0120

(850) 271 - 1412

Phone No.

Fax No.

13100 STATE ROAD 77

Office street address

SOUTHPORT

FLORIDA

32409

City

State

Zip Code

1 IRMAR HOUSE, 59 COOKHAM ROAD, MAIDENHEAD, BERKS SL6 7EP UK

Mailing address if different from street address

STEVE@pearl@lobe.co.uk

Internet address if applicable

B) The name, address and telephone number of the person to contact concerning this application:

MR. S. G. DUMBLELL

() +44 1628 636806

Name

Phone No.

1 IRMAR HOUSE, 59 COOKHAM ROAD

Street address

MAIDENHEAD

BERKSHIRE

SL6 7EP UNITED KINGDOM

City

State

Zip Code

PSC/WAW 8 (Rev. 8/95)

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DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

- AUS _____
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- ECR _____
- GCI _____
- OPC _____
- MMS _____
- SEC
- OTH None

PART II NEED FOR SERVICE

- N.A. A) Exhibit ____ - If the applicant is requesting an extension of territory, a statement regarding the need for service in the proposed territory, such as anticipated development in the proposed service area.
- B) Exhibit A - If the applicant is requesting a deletion of territory, a statement specifying the reasons for the proposed deletion, demonstrating that it is in the public interest and explaining the effect of the proposed deletion on the ability of any customer, or potential customer, to receive water and/or wastewater service, including alternative source(s) of service.
- N.A. C) Exhibit ____ - A statement that to the best of the applicant's knowledge, the provision of service will be consistent with the water and wastewater sections of the local comprehensive plan at the time the application is filed, as approved by the Department of Community Affairs, or, if not, a statement demonstrating why granting the amendment would be in the public interest.

PART III SYSTEM INFORMATION

A) WATER

- N.A. (1) Exhibit ____ - A statement describing the proposed type(s) of water service to be provided by the extension (i.e., potable, non-potable or both).
- N.A. (2) Exhibit ____ - A statement describing the capacity of the existing lines, the capacity of the existing treatment facilities, and the design capacity of the proposed extension.
- N.A. (3) Exhibit ____ - The numbers and dates of any construction or operating permits issued by the Department of Environmental Protection for the system proposed to be expanded.
- N.A. (4) Exhibit ____ - A description of the types of customers anticipated to be served by the extension, i.e., single family homes, mobile homes, duplexes, golf course, clubhouse, commercial, etc.
- (5) If the utility is requesting a deletion of territory, provide the number of current active connections within the territory to be deleted. NONE

- N.A. (6) Exhibit ____ - Evidence the utility owns the land where the water facilities that will serve the proposed territory are, or will be, located. If the utility does not own the land, a copy of the agreement, such as a 99-year lease, which provides for the long term continuous use of the land. The Commission may consider a written easement or other cost-effective alternative.

B) WASTEWATER

- N.A. (1) Exhibit ____ - A statement describing the capacity of the existing lines, the capacity of the existing treatment and disposal facilities, and the design capacity of the proposed extension.

- N.A. (2) Exhibit ____ - The numbers and dates of any construction or operating permits issued by the Department of Environmental Protection for the system proposed to be expanded.

- N.A. (3) Exhibit ____ - If the utility is planning to build a new wastewater treatment plant, or upgrade an existing plant to serve the proposed territory, provide a written description of the proposed method(s) of effluent disposal.

- N.A. (4) Exhibit ____ - If (3) above does not include effluent disposal by means of reuse, provide a statement that describes with particularity the reasons for not using reuse.

- N.A. (5) Exhibit ____ - A description of the types of customers anticipated to be served by the extension, i.e., single family homes, mobile homes, duplexes, golf course, clubhouse, commercial, etc.

- (6) If the utility is requesting a deletion of territory, provide the number of current active connections within the territory to be deleted. NONE

- N.A. (7) Exhibit ____ - Evidence the utility owns the land where the wastewater facilities that will serve the proposed territory are, or will be, located. If the utility does not own the land, a copy of the agreement, such as a 99-year lease, which provides for the long term continuous use of the land. The Commission may consider a written easement or other cost-effective alternative.

PART IV FINANCIAL AND TECHNICAL INFORMATION

- N.A. A) Exhibit ____ - A statement as to the applicant's technical and financial ability to render reasonably sufficient, adequate and efficient service.
- N.A. B) Exhibit ____ - A detailed statement regarding the proposed method of financing the construction, and the projected impact on the utility's capital structure.
- N.A. C) Provide the number of the most recent Commission order establishing or amending the applicant's rates and charges. _____
- N.A. D) Exhibit ____ - A statement regarding the projected impact of the extension on the utility's monthly rates and service availability charges.

PART V TERRITORY DESCRIPTION AND MAPS

A) **TERRITORY DESCRIPTION**

Exhibit B - An accurate description of the territory proposed to be added or deleted, using township, range and section references as specified in Rule 25-30.030(2), F.A.C. If the water and wastewater territory is different, provide separate descriptions.

N.A. B) **TERRITORY MAPS**

Exhibit ____ - One copy of an official county tax assessment map or other map showing township, range and section with a scale such as 1"=200' or 1"=400' on which the proposed territory to be added or deleted is plotted by use of metes and bounds or quarter sections and with a defined reference point of beginning. If the water and wastewater territory is different, provide separate maps.

N.A. C) **SYSTEM MAPS**

Exhibit ____ - One copy of detailed map(s) showing proposed lines and facilities and the territory proposed to be served. Map(s) shall be of sufficient scale and detail to enable correlation with a description of the territory proposed to be served. Provide separate maps for water and wastewater systems.

PART VI NOTICE OF ACTUAL APPLICATION

A) Exhibit BC - An affidavit that the notice of actual application was given in accordance with Section 367.045(1)(a), Florida Statutes, and Rule 25-30.030, Florida Administrative Code, by regular mail to the following:

TO FOLLOW

- (1) the governing body of the municipality, county, or counties in which the system or the territory proposed to be served is located;
- (2) the privately owned water and wastewater utilities that hold a certificate granted by the Public Service Commission and are located within the county in which the territory proposed to be served is located;
- (3) if any portion of the proposed territory is within one mile of a county boundary, the utility shall notice the privately owned utilities located in the bordering counties that hold a certificate granted by the Commission;
- (4) the regional planning council;
- (5) the Office of Public Counsel;
- (6) the Public Service Commission's Director of Records and Reporting;
- (7) the appropriate regional office of the Department of Environmental Protection; and
- (8) the appropriate water management district.

Copies of the Notice and a list of entities noticed shall accompany the affidavit.
THIS MAY BE A LATE-FILED EXHIBIT

B) Exhibit ✓ - An affidavit that the notice of actual application was given in accordance with Rule 25-30.030, Florida Administrative Code, by regular mail or personal delivery to each customer of the system. A copy of the notice shall accompany the affidavit. THIS MAY BE A LATE-FILED EXHIBIT.

*N/A
THE UTILITY
HAS NO
CUSTOMERS*

C) Exhibit BC - Immediately upon completion of publication, an affidavit that the notice of actual application was published once in a newspaper of general circulation in the territory in accordance with Rule 25-30.030, Florida Administrative Code. A copy of the proof of publication shall accompany the affidavit. THIS MAY BE A LATE-FILED EXHIBIT.

TO FOLLOW

PART VII FILING FEE

Indicate the filing fee enclosed with the application:

\$ 100 (for water) and/or \$ 100 (for wastewater).

Note: Pursuant to Rule 25-30.020, Florida Administrative Code, the amount of the filing fee is as follows:

- (1) For applications in which the area to be extended or deleted has the proposed capacity to serve up to 100 ERCs, the filing fee shall be **\$100.**
- (2) For applications in which the area to be extended or deleted has the proposed capacity to serve from 101 to 200 ERCs, the filing fee shall be **\$200.**
- (3) For applications in which the area to be extended or deleted has the proposed capacity to serve from 201 to 500 ERCs, the filing fee shall be **\$500.**
- (4) For applications in which the area to be extended or deleted has the proposed capacity to serve from 501 to 2,000 ERCs, the filing fee shall be **\$1,000.**
- (5) For applications in which the area to be extended or deleted has the proposed capacity to serve from 2,001 to 4,000 ERCs, the filing fee shall be **\$1,750.**
- (6) For applications in which the area to be extended or deleted has the proposed capacity to serve more than 4,000 ERCs, the filing fee shall be **\$2,250.**

PART VIII TARIFF AND ANNUAL REPORTS

- N.A. A) Exhibit ___ - An affidavit that the utility has tariffs and annual reports on file with the Commission.
- N.A. B) Exhibit ___ - The original and two copies of proposed revisions to the utility's tariff(s) to incorporate the proposed change to the certificated territory. Please refer to Rules 25-9.009 and 25-9.010, Florida Administrative Code, regarding page numbering of tariff sheets before preparing the tariff revisions. (The rules and sample tariff sheets are attached.)

PART IX AFFIDAVIT

I STEPHEN GEORGE DUMBELL (applicant) do solemnly swear or affirm that the facts stated in the forgoing application and all exhibits attached thereto are true and correct and that said statements of fact thereto constitutes a complete statement of the matter to which it relates.

BY:

[Handwritten Signature]
Applicant's Signature

STEPHEN GEORGE DUMBELL
Applicant's Name (Typed)

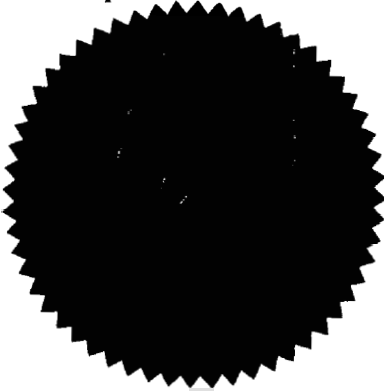
PRESIDENT - DANA UTILITY CORPORATION
Applicant's Title *

Subscribed and sworn to before me this 6th day in the month of August
in the year of 2002, by S. G. Dumbell who is personally known to me /
or produced identification his passport.
Type of Identification Produced

[Handwritten Signature]
Notary Public's Signature

A.P.M. WAINEY
Print, Type or Stamp Commissioned
Name of Notary Public

at Maidenhead Berks in U.K.



* If applicant is a corporation, the affidavit must be made by the president or other officer authorized by the by-laws of the corporation to act for it. If applicant is a partnership or association, a member of the organization authorized to make such affidavit shall execute same.

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**SECTION 367.045, FLORIDA STATUTES
CERTIFICATE OF AUTHORIZATION; APPLICATION
AND AMENDMENT PROCEDURES**

(1) When a utility applies for an initial certificate of authorization from the commission, it shall:

(a) Provide notice of the actual application filed by mail or personal delivery to the governing body of the county or city affected, to the Public Counsel, to the commission, and to such other persons and in such other manner as may be prescribed by commission rule;

(b) Provide all information required by rule or order of the commission, which information may include a detailed inquiry into the ability of the applicant to provide service, the area and facilities involved, the need for service in the area involved, and the existence or nonexistence of service from other sources within geographical proximity to the area in which the applicant seeks to provide service;

(c) File with the commission schedules showing all rates, classifications, and charges for service of every kind proposed by it and all rules, regulations, and contracts relating thereto;

(d) File the application fee required by s. 367.145; and

(e) Submit an affidavit that the applicant has provided notice of its actual application pursuant to this section.

(2) A utility may not delete or extend its service outside the area described in its certificate of authorization until it has obtained an amended certificate of authorization from the commission. When a utility applies for an amended certificate of authorization from the commission, it shall:

(a) Provide notice of the actual application filed by mail or personal delivery to the governing body of the county or municipality affected, to the Public Counsel, to the commission, and to such other persons and in such other manner as may be prescribed by commission rule;

(b) Provide all information required by rule or order of the commission, which information may include a detailed inquiry into the ability or inability of the applicant to provide service, the need or lack of need for service in the area that the applicant seeks to delete or add; the existence or nonexistence of service from other sources within geographical proximity to the area that the applicant seeks to delete or add, and a description of the area sought to be deleted or added to the area described in the applicant's current certificate of authorization;

(c) Provide a reference to the number of the most recent order of the commission establishing or amending the applicant's rates and charges;

(d) Submit an affidavit that the utility has tariffs and annual reports on file with the commission;

(e) File the application fee required by s. 367.145; and

(f) Submit an affidavit that the applicant has provided notice of its actual application pursuant to this section.

(3) If, within 30 days after the last day that notice was mailed or published by the applicant, whichever is later, the commission does not receive written objection to the notice, the commission may dispose of the application without hearing. If the applicant is dissatisfied with the disposition, it may bring a proceeding under ss. 120.569 and 120.57.

(4) If, within 30 days after the last day that notice was mailed or published by the applicant, whichever is later, the commission receives from the Public Counsel, a governmental authority, or a utility or consumer who would be substantially affected by the requested certification or amendment a written objection requesting a proceeding pursuant to ss. 120.569 and 120.57, the commission shall order such proceeding conducted in or near the area for which application is made, if feasible. Notwithstanding the ability to object on any other ground, a county or municipality has standing to object on the ground that the issuance or amendment of the certificate of authorization violates established local comprehensive plans developed pursuant to ss. 163.3161-163.3211. If a consumer, utility, or governmental authority or the Public Counsel requests a public hearing on the application, such hearing must, if feasible, be held in or near the area for which application is made; and the transcript of such hearing and any material submitted at or before the hearing must be considered as part of the record of the application and any proceeding related thereto.

(5)(a) The commission may grant or amend a certificate of authorization, in whole or in part or with modifications in the public interest, but may not grant authority greater than that requested in the application or amendment thereto and noticed under this section; or it may deny a certificate of authorization or an amendment to a certificate of authorization, if in the public interest. The commission may deny an application for a certificate of authorization for any new Class C wastewater system, as defined by commission rule, if the public can be adequately served by modifying or extending a current wastewater system. The commission may not grant a certificate of authorization for a proposed system, or an amendment to a certificate of authorization for the extension of an existing system, which will be in competition with, or a duplication of, any other system or portion of a system, unless it first determines that such other system or portion thereof is inadequate to meet the reasonable needs of the public or that the person operating the system is unable, refuses, or neglects to provide reasonably adequate service.

(b) When granting or amending a certificate of authorization, the commission need not consider whether the issuance or amendment of the certificate of authorization is inconsistent with the local comprehensive plan of a county or municipality unless a timely objection to the notice required by this section has been made by an appropriate motion or application. If such an objection

has been timely made, the commission shall consider, but is not bound by, the local comprehensive plan of the county or municipality.

(6) The revocation, suspension, transfer, or amendment of a certificate of authorization is subject to the provisions of this section. The commission shall give 30 days' notice before it initiates any such action.

History.—

ss. 5, 27, ch. 89-353; s. 4, ch. 91-429; s. 95, ch. 96-410.

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CHAPTER 25-30.020, F.A.C.
FEEES REQUIRED TO BE PAID BY WATER AND WASTEWATER UTILITIES

(1) When a utility files any application for a certificate of authorization pursuant to sections 367.045, 367.071 and 367.171, Florida Statutes, or files any request for a rate change pursuant to sections 367.081, 367.0814 and 367.0822, Florida Statutes (except an index or pass-through), or files for authorization to collect or change service availability charges pursuant to section 367.101, Florida Statutes, the utility shall remit a fee to the Commission's Director of Records and Reporting. A separate fee shall apply for water service and wastewater service. A separate fee shall also apply for each section listed above. For purposes of this rule, capacity is determined by combining the capacities of all systems included in the application. For purposes of this rule, an equivalent residential connection (ERC) is 350 gallons per day (gpd) for water service and 280 gallons per day (gpd) for wastewater service.

(2) The amount of the fee to be filed pursuant to subsection (1) of this rule shall be as follows:

(a) For an original certificate application filed pursuant to Section 367.045, Florida Statutes, the amount of the fee shall be as follows:

1. For utilities with the existing or proposed capacity to serve up to 500 ERCs, \$750;
2. For utilities with the existing or proposed capacity to serve from 501 to 2,000 ERCs, \$1,500;
3. For utilities with the existing or proposed capacity to serve from 2,001 to 4,000 ERCs, \$2,250;
4. For utilities with the existing or proposed capacity to serve more than 4,000 ERCs, \$3,000.

(b) For an application for extension or deletion of territory filed pursuant to Section 367.045, Florida Statutes, the amount of the fee shall be as follows:

1. For applications in which the area to be extended or deleted has the proposed capacity to serve up to 100 ERCs, \$100;
2. For applications in which the area to be extended or deleted has the proposed capacity to serve from 101 to 200 ERCs, \$200;
3. For applications in which the area to be extended or deleted has the proposed capacity to serve from 201 to 500 ERCs, \$500;
4. For applications in which the area to be extended or deleted has the proposed capacity to serve from 501 to 2,000 ERCs, \$1,000;
5. For applications in which the area to be extended or deleted has the proposed capacity to serve from 2,001 to 4,000 ERCs, \$1,750;
6. For applications in which the area to be extended or deleted has the proposed capacity to serve more than 4,000 ERCs, \$2,250.

(c) For an application for transfer or change in majority organizational control filed pursuant to Section 367.071, Florida Statutes, the amount of the fee shall be as follows:

1. For applications in which the utility to be transferred has the capacity to serve up to 500 ERCs, \$750;
2. For applications in which the utility to be transferred has the capacity to serve from 501 to 2,000 ERCs, \$1,500;
3. For applications in which the utility to be transferred has the capacity to serve from 2,001 to 4,000 ERCs, \$2,250;
4. For applications in which the utility to be transferred has the capacity to serve more than 4,000 ERCs, \$3,000.

(d) For an application for a grandfather certificate filed pursuant to Section 367.171, Florida Statutes, the amount of the fee shall be as follows:

1. For applications in which the utility has the capacity to serve up to 100 ERCs, \$100;
2. For applications in which the utility has the capacity to serve from 101 to 200 ERCs, \$200;
3. For applications in which the utility has the capacity to serve from 201 to 500 ERCs, \$500;
4. For applications in which the utility has the capacity to serve from 501 to 2,000 ERCs, \$1,000;
5. For applications in which the utility has the capacity to serve from 2,001 to 4,000 ERCs, \$1,750;
6. For applications in which the utility has the capacity to serve more than 4,000 ERCs, \$2,250.

(e) For file and suspend rate cases filed pursuant to Section 367.081, Florida Statutes, the amount of the fee shall be as follows:

1. For utilities with the existing capacity to serve up to 500 ERCs, \$1,000;
2. For utilities with the existing capacity to serve from 501 to 2,000 ERCs, \$2,000;
3. For utilities with the existing capacity to serve from 2,001 to 4,000 ERCs, \$3,500;
4. For utilities with the existing capacity to serve more than 4,000 ERCs, \$4,500.

(f) For staff-assisted rate cases filed pursuant to Section 367.0814, Florida Statutes, the amount of the fee shall be as follows:

1. For utilities with the existing capacity to serve up to 100 ERCs, \$200;
2. For utilities with the existing capacity to serve from 101 to 200 ERCs, \$500;
3. For utilities with the existing capacity to serve more than 200 ERCs, \$1,000.

(g) For an application for a limited proceeding pursuant to Section 367.0822, Florida Statutes, the amount of the fee shall be as follows:

1. For utilities with the existing capacity to serve up to 100 ERCs, \$100;
2. For utilities with the existing capacity to serve from 101 to 200 ERCs, \$200;
3. For utilities with the existing capacity to serve from 201 to 500 ERCs, \$500;

4. For utilities with the existing capacity to serve from 501 to 2,000 ERCs, \$1,000;
 5. For utilities with the existing capacity to serve from 2,001 to 4,000 ERCs, \$1,750;
 6. For utilities with the existing capacity to serve more than 4,000 ERCs, \$2,250.
- (h) For an application for approval of charges or conditions for service availability filed pursuant to section 367.101, Florida Statutes, the amount of the fee shall be as follows:
1. For utilities with existing and proposed capacity to serve up to 100 ERCs, \$100;
 2. For utilities with existing and proposed capacity to serve from 101 to 200 ERCs, \$200;
 3. For utilities with existing and proposed capacity to serve from 201 to 500 ERCs, \$500;
 4. For utilities with existing and proposed capacity to serve from 501 to 2,000 ERCs, \$1,000;
 5. For utilities with existing and proposed capacity to serve from 2,001 to 4,000 ERCs, \$1,750;
 6. For utilities with existing and proposed capacity to serve more than 4,000 ERCs, \$2,250.

Specific Authority: 350.127(2) and 367.121(1), F.S.

Law Implemented: 367.045(1)(d), (2)(e), 367.071(3), 367.081(5), 367.0822(2), 367.101(2), 367.145 and 367.171(2)(b), F.S. History: New 10/29/80, Formerly 25-10.11, Transferred from 25-10.011 and Amended 11/9/86, 11/30/93.

**CHAPTER 25-30.025, F.A.C.
OFFICIAL DATE OF FILING**

(1) The "official date of filing" is the date on which the Director of the Division of Water and Wastewater determines the utility has filed completed sets of the minimum filing requirements (MFRs), including testimony that may be required by Rule 25-30.436(2) and payment of the appropriate filing fee to the Director of Records and Reporting.

(2) The Director of the Division of Water and Wastewater shall determine the official date of filing for any utility's application and advise the applicant. The Commission shall resolve any dispute regarding the official date of filing.

Specific Authority: 367.121(1), F.S.

Law Implemented: 367.083, F.S.

History: New 3/26/81, Formerly 25-10.12, Transferred from 25-10.012, Amended 11/9/86, 11/30/93.

CHAPTER 25-30.030, F.A.C.
NOTICE OF APPLICATION

(1) When a utility applies for a certificate of authorization, an extension or deletion of its service area, or a sale, assignment or transfer of its certificate of authorization, facilities or any portion thereof or majority organizational control, it shall provide notice of its application in the manner and to the entities described in this section.

(2) Before providing notice in accordance with this section, a utility shall obtain from the Commission a list of the names and addresses of the municipalities, the county or counties, the regional planning council, the Office of Public Counsel, the Commission's Director of Records and Reporting, the appropriate regional office of the Department of Environmental Protection, the appropriate water management district, and privately-owned water and wastewater utilities that hold a certificate granted by the Public Service Commission and that are located within the county in which the utility or the territory proposed to be served is located. In addition, if any portion of the proposed territory is within one mile of a county boundary, the utility shall obtain from the Commission a list of the names and addresses of the privately-owned utilities located in the bordering counties and holding a certificate granted by the Commission. The utility's request for the list shall include a complete legal description of the territory to be requested in the application that includes:

(a) a reference to township(s), range(s), land section(s) and county; and
(b) a complete and accurate description of the territory served or proposed to be served in one of the following formats. The description may reference interstates, state roads, and major bodies of water. The description shall not rely on references to government lots, local streets, recorded plats or lots, tracts, or other recorded instruments.

1. Sections: If the territory includes complete sections, the description shall only include the township, range, and section reference. If the territory includes partial sections, the description shall either identify the subsections included or excluded.

2. Metes and bounds: A point of beginning which is referenced from either a section corner or a subsection corner, such as a quarter corner. The perimeter shall be described by traversing the proposed territory and closing at the point of beginning. The description shall include all bearings and distances necessary to provide a continuous description.

(3) The notice shall be appropriately styled:

(a) Notice of Application for an Initial Certificate of Authorization for Water, Wastewater, or Water and Wastewater Certificate;

(b) Notice of Application for an Extension of Service Area;

(c) Notice of Application for Deletion of Service Area;

(d) Notice of Application for a Transfer of Water, Wastewater, or Water and Wastewater Certificate(s); or

(e) Notice of Application for a Transfer of Majority Organizational Control.

(4) The notice shall include the following:
(a) the date the notice is given;
(b) the name and address of the applicant;
(c) a description, using township, range and section references, of the territory proposed to be either served, added, deleted, or transferred; and

(d) a statement that any objections to the application must be filed with the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0870, no later than 30 days after the last date that the notice was mailed or published, whichever is later.

(5) Within 7 days of filing its application, the utility shall provide a copy of the notice by regular mail to:

(a) the governing body of the county in which the utility system or the territory proposed to be served is located;

(b) the governing body of any municipality contained on the list obtained pursuant to (2) above;

(c) the regional planning council designated by the Clean Water Act, 33 U.S.C. 1288(2);

(d) all water or wastewater utilities contained on the list(s) obtained pursuant to (2) above;

(e) the office of Public Counsel;

(f) the Commission's Director of Records and Reporting;

(g) the appropriate regional office of the Department of Environmental Protection; and

(h) the appropriate Water Management District.

(6) No sooner than 21 days before the application is filed and no later than 7 days after the application is filed, the utility shall also provide a copy of the Notice, by regular mail or personal service, to each customer, of the system to be certificated, transferred, acquired, or deleted.

(7) The Notice shall be published once in a newspaper of general circulation in the territory proposed to be served, added, deleted, or transferred. The publication shall be within 7 days of filing the application.

(8) A copy of the notice(s) and list of the entities receiving notice pursuant to this rule shall accompany the affidavit required by sections 367.045(1) (e) and (2) (f), Florida Statutes. The affidavit shall be filed no later than 15 days after filing the application.

(9) This rule does not apply to applications for grandfather certificates filed under section 367.171, Florida Statutes, or to applications for transfers to governmental authorities filed under Section 367.071, Florida Statutes, or to name changes.

Specific Authority: 367.121(1), F.S.

Law Implemented: 367.031, 367.045, 367.071, F.S.

History: New 4/5/81, formerly 25-10.061, Transferred from 25-10.0061 and Amended 11/9/86, Amended 1/27/91, Amended 11/30/93.

**CHAPTER 25-30.031, F.A.C.
WRITTEN OBJECTION**

(1) A written objection to a Notice of Application is timely if it is filed within 30 days after the last day that the Notice is mailed or published by the applicant, whichever is later.

(2) A written objection must state the grounds for the objection with particularity.

Specific Authority: 367.121(1), F.S.

Law Implemented: 367.045, F.S.

History: New 11/9/86. Amended 1/27/91.

**CHAPTER 25-30.032, F.A.C.
APPLICATIONS**

(1) Each utility subject to regulation by the Commission shall apply for an initial certificate of authorization, amendment to an existing certificate of authorization, transfer, or name change by filing a completed application and 12 copies, in accordance with either 25-30.033, 25-30.034, 25-30.035, 25-30.036, 25-30.037(1) or (2), or 25-30.039, F.A.C. However, a utility shall apply for a transfer to a governmental authority by filing a completed application and two copies, in accordance with Rule 25-30.037 (3) and (4), F.A.C. The application shall be filed with the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0870. Sample application forms may be obtained from the Division of Water and Wastewater, Bureau of Certification, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

(2) A utility may file combined applications if it is applying for certificates of authorization or any amendments thereto for both water and wastewater systems; however, the utility shall remit a separate application fee for each service. The Commission will treat a combined application as if a separate application had been filed for each service.

(3) The official filing date of an application for an original certificate, any amendment to an existing certificate, or any transfer shall be the date a completed application is filed with the Division of Records and Reporting, except that the noticing requirements set forth in Rule 25-30.030, F.A.C., do not need to be completed at that time. If, however, the utility has not completed the noticing within the time limits prescribed by Rule 25-30.030, F.A.C., the official filing date shall be the date the noticing is complete.

Specific Authority: 367.121, F.S.

Law Implemented: 367.031, 367.045, 367.071, F.S.

History: New 1/27/91, Amended 11/30/93.

CHAPTER 25-30.036, F.A.C.
APPLICATION FOR AMENDMENT TO CERTIFICATE OF AUTHORIZATION
TO EXTEND OR DELETE SERVICE

(1) This rule applies to any certificated water or wastewater utility that proposes to extend its service territory into an area in which there is no existing water or wastewater system or proposes to delete a portion of its service territory.

(2) A request for service territory expansion and amendment of an existing certificate or issuance of a new certificate shall be considered approved under the following conditions if no protest is timely filed to the notice of application:

- (a) the utility has provided a written statement of an officer of the utility that the proposed new territory includes a maximum of 25 equivalent residential connections within such territory at the time the territory is at buildout; and
- (b) the utility has provided the written statement of an officer of the utility that, upon investigation, to the best of his or her knowledge:
 - 1. there is no other utility in the area of the proposed territory that is willing and capable of providing reasonably adequate service to the new territory; and
 - 2. the person(s) or business(es) requesting water or wastewater service have demonstrated to the utility that service is necessary because (1) a private well has been contaminated or gone dry, (2) a septic tank has failed; or (3) service is otherwise not available.
- (c) the utility has filed a completed application in accordance with section (2) of this rule within 45 days of the completion of the notice requirements.

(3) Each utility proposing to extend its service area (except applications filed pursuant to section (2) above, which shall file only (a), (d), (e), (i), (m), (o), (p), (q), and (r) listed below) shall provide the following:

- (a) the utility's complete name and address;
- (b) a statement showing the financial and technical ability of the utility to provide service and the need for service in the area requested.
- (c) a statement that to the best of the applicant's knowledge the provision of service will be consistent with the water and wastewater sections of the local comprehensive plan at the time the application is filed, as approved by the Department of Community Affairs, or, if not, a statement demonstrating why granting the amendment would be in the public interest.

- (d) evidence that the utility owns the land upon which the utility treatment facilities that will serve the proposed territory are located or a copy of an agreement, such as a 99-year lease, which provides for the continued use of the land. The Commission may consider a written easement or other cost-effective alternative;
- (e) a description of the territory proposed to be served, using township, range and section references as specified in Rule 25-30.030(2);
- (f) one copy of a detailed system map showing the proposed lines, treatment facilities, and the territory proposed to be served. The map shall be of sufficient scale and detail to enable correlation with the description of the territory;
- (g) if the utility is planning to build a new wastewater treatment plant, or upgrade an existing plant to serve the proposed territory, provide a written description of the proposed method(s) of effluent disposal;
- (h) if (g) above does not include effluent disposal by means of reuse, a statement that describes with particularity the reasons for not using reuse.
- (i) one copy of the official county tax assessment map or other map showing township, range, and section, with a scale such as 1"=200' or 1"=400', with the proposed territory plotted thereon by use of metes and bounds or quarter sections, and with a defined reference point of beginning.
- (j) a statement describing the capacity of the existing lines, the capacity of the treatment facilities, and the design capacity of the proposed extension;
- (k) the numbers and dates of any permits issued for the proposed systems by the Department of Environmental Protection;
- (l) a detailed statement regarding the proposed method of financing the construction, and the projected impact on the utility's capital structure;
- (m) a description of the types of customers anticipated to be served by the extension, i.e., single family homes, mobile homes, duplexes, golf course clubhouse, commercial, etc.;
- (n) a statement regarding the projected impact of the extension on the utility's monthly rates and service availability charges;
- (o) the original and two copies of sample tariff sheets reflecting the additional service area; and
- (p) the applicant's current certificate for possible amendment.

- (q) the number of the most recent order of the Commission establishing or changing the applicant's rates and charges.
 - (r) an affidavit that the utility has tariffs and annual reports on file with the Commission.
- (4) Each utility proposing to delete a portion of its service area shall submit the following:
- (a) the utility's complete name and address;
 - (b) a description of the territory proposed to be deleted, using township, range and section references;
 - (c) one copy of a detailed system map showing the existing lines, treatment facilities, and territory served. The map shall be of sufficient scale and detail to enable correlation with the legal description of the territory;
 - (d) the number of current active connections within the territory to be deleted;
 - (e) one copy of the official county tax assessment map, or other map, showing township, range, and section with a scale such as 1"=200' or 1"=400', with the territory proposed to be deleted plotted thereon by use of metes and bounds or quarter sections, and with a defined reference point of beginning.
 - (f) a statement specifying the reasons for the proposed deletion of territory;
 - (g) a statement indicating why the proposed deletion of territory is in the public interest;
 - (h) a statement as to the effect of the proposed deletion on the ability of any customer or potential customer to receive water and wastewater service, including alternative source(s) of service;
 - (i) the original and two copies of sample tariff sheets reflecting the revised service area; and
 - (j) the applicant's current certificate for possible amendment.
 - (k) the number of the most recent order of the Commission establishing or changing the applicant's rates and charges.
 - (l) an affidavit that the utility has tariffs and annual reports on file with the Commission.

Specific Authority: 367.121, F.S.

Law Implemented: 367.045, F.S.

History: New 1/27/91, Amended 11/30/93.

EXHIBIT 'A'

ADDRESS FOR CORRESPONDENCE

Lake Merial Development Co., Inc
1, Irmar House
59, Cookham Road
Maidenhead
Berkshire SL6 7EP
United Kingdom

Tel: +44 1628 636806
Fax: +44 1628 788802

Wednesday, 09 January 2002

Director, Division of Commission Clerk & Administrative Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Dear Sirs,

Dana Utility Corporation
Docket Number 991632-WS

We are in receipt of your letter dated December 12, 2001 addressed to Richard Melson of Hopping, Green & Sams.

Although we are not, as suggested in your letter, seeking to sell the property, we are in the process of changing the entire plan of the development following the entering into of a new Development Agreement with the County.

Under the circumstances, we may expect it to be some time before construction commences and existing plans for water and wastewater treatment plants will need to be revised. Therefore, you are correct in assuming that the basis for granting Dana's certificates no longer exists and we are, therefore, tendering them for cancellation at this time. To this end we are returning herewith the original certificates together with the bundle of documents received with them in October 2001.

Florida Public Service Commission
Wednesday, 09 January 2002
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We will, of course, refile when our plans are completed and we are ready to commence construction. In the meantime, if we have omitted anything or if you have any queries, please do not hesitate to contact us. All mail sent to our Florida address will be forwarded to the UK office of the undersigned, but should you require to contact us urgently or require an immediate response, you may always contact the undersigned by e-mail on: steve@pearlglobe.co.uk

Yours sincerely,
Lake Merial Development Co., Inc.

S. G. Dumbrell
President

EXHIBIT B

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ATTACHMENT A

DANA UTILITY CORPORATION

TERRITORY DESCRIPTION

WATER AND WASTEWATER SERVICE AREA

BAY COUNTY

PARCEL I: Commence at the Northwest Corner of Section 15, Township 1 South, Range 14 West, Bay County, Florida. Thence $S01^{\circ}12'22''W$ along the West line of said Section 15 for 409.73 feet to the centerline of construction of a Gulf Power Company easement (100 foot wide), described in Deed Book 116, 105, in Public Records of Bay County, Florida, for the Point of Beginning. Thence $S51^{\circ}03'38''E$ along the centerline of construction of said Gulf Power Company Easement for 930.87 feet; thence $S01^{\circ}12'45''W$ for 2478.33 feet to the centerline of a dirt road; thence $N73^{\circ}10'07''W$ along said centerline for 243.01 feet; thence $N74^{\circ}46'38''W$ along said centerline for 517.31 feet to said West line of Section 15; thence $N01^{\circ}12'22''E$ along said West line for 2857.26 feet to the Point of Beginning.

PARCEL II: Section 16, Township 1 South, Range 14 West, Bay County, Florida.

LESS AND EXCEPT: Commence at the Northeast Corner of Section 16, Township 1 South, Range 14 West, Bay County, Florida. Thence $N88^{\circ}14'33''W$ along the North line of said Section 16 for 536.30 feet to the centerline of construction of a Gulf Power Company easement (100 foot wide), as described in Deed Book 116, Page 105, of the Public Records of Bay County, Florida. Thence continue $N88^{\circ}14'33''W$ along said North line of Section 16 for 708.58 feet to the Point of Beginning. Thence $S03^{\circ}49'15''E$ for 1341.86 feet; thence North $88^{\circ}57'07''W$ for 4147.18 feet to the West line of said Section 16; thence $N01^{\circ}03'36''E$ along said West line for 1386.96 feet to the Northwest corner of said Section 16; thence $S88^{\circ}14'32''E$ along the North line of said Section 16 for 4033.49 feet to the Point of Beginning.

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ALSO LESS AND EXCEPT: Begin at the Northeast Corner of Section 16, Township 1 South, Range 14 West, Bay County, Florida. Thence N88°14'33"W along the North line of said Section 16 for 536.30 feet to the centerline of construction of a Gulf Power Company Easement, described in Deed Book 116, Page 105, of the Public Records of Bay County, Florida. Thence S51°03'38"E along said centerline of construction for 678.09 feet to the East line of said Section 16; thence N01°12'22"E along said East line for 409.73 feet to the Point of Beginning.

PARCEL III: The West Half of the Northeast Quarter of the Northwest Quarter; the South Half of the Northwest Quarter; the Southwest Quarter; the Northwest Quarter of the Southeast Quarter; the East Half of the Southeast Quarter; the South Half of the Northeast Quarter; Section 17, Township 1 South, Range 14 West.

LESS AND EXCEPT: Commence at the Northeast Corner of Section 16, Township 1 South, Range 14 West, Bay County, Florida. Thence N88°14'33"W along the North line of said Section 16 for 1244.88 feet; thence S03°49'15"E for 1341.86 feet; thence N88°57'07"W for 4147.18 feet to the East line of Section 17, Township 1 South, Range 14 West, for the Point of Beginning. Thence continue N88°57'07"W for 1979.26 feet to the West line of the East Half of the Southwest Quarter of the Northeast Quarter of said Section 17; thence N00°55'34"E along said West line for 42.04 feet to the North line of the South Half of the Northeast Quarter of said Section 17; thence S89°50'45"E along said North line for 1979.60 feet to the East line of said Section 17; thence S01°03'36"E along said East line for 72.92 feet to the Point of Beginning.

PARCEL IV: That portion of Section 19, Township 1 South, Range 14 West, Bay County Florida, East of State Road No. 77.

PARCELS V, VI & VII: Begin at the Southwest Corner of Section 20, Township 1 South, Range 14 West, in Bay County, Florida; thence North 89°33'17" East along the South line of Section 20 for 1275.18 feet; thence South 01°20'42" West for 1318.19 feet; thence North 89°47'31" East for 1584.08 feet to the Westerly right of way line of Prosper Drive; thence Northeasterly along said right of way line; the following courses and distances: North 19°30'31" East for 986.23 feet, North 19°50'23" East for 424.25 feet, North 18°52'36" East for 617.29 feet; thence North 20°16'54" East for 446.84 feet,

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North 23°48'30" East for 392.90 feet; North 28°50'30" East for 582.69 feet, North 32°39'03" East for 506.28 feet, North 33°26'17" East for 1587.99 feet, North 33°26'17" East for 917.70 feet, North 32°07'37" East for 487.21 feet, North 36°44'20" East for 540.58 feet to the North line of Section 21, Township 1 South, Range 14 West in Bay County, Florida; thence departing said Westerly right of way line, bear North 87°47'21" West along the North line of said Section 21 for 1023.11 feet to the Northwest Corner of said Section 21; thence South 89°54'31" West for 1313.66 feet; thence South 89°54'26" West for 1313.76 feet; thence South 89°54'46" West for 2,627.49 feet to the Northwest Corner of Section 20, Township 1 South, Range 14 West in Bay County, Florida; thence South 00°35'42" West for 5254.18 feet to the Southwest Corner of said Section and the Point of Beginning. Containing 615.73 Acres More or Less.