

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for) DOCKET NO. 941301-WS
grandfather certificate to) ORDER NO. PSC-95-1164-FOF-WS
provide water and wastewater) ISSUED: September 20, 1995
service in Charlotte County and)
application for limited waiver)
of Rule 25-30.120(2), F.A.C., by)
SOUTHERN STATES UTILITIES, INC.)
_____)

The following Commissioners participated in the disposition of this matter:

SUSAN F. CLARK, Chairman
J. TERRY DEASON
JOE GARCIA
JULIA L. JOHNSON
DIANE K. KIESLING

ORDER GRANTING GRANDFATHER CERTIFICATES

AND

NOTICE OF PROPOSED AGENCY ACTION
ORDER DENYING REQUEST FOR LIMITED RULE WAIVER

BY THE COMMISSION:

NOTICE IS HEREBY GIVEN by the Florida Public Service Commission that the action discussed herein, except for the granting of water and wastewater grandfather certificates, is preliminary in nature and will become final unless a person whose interests are substantially affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

Background

On September 27, 1994, the Board of County Commissioners of Charlotte County adopted Resolution No. 94-195, pursuant to Section 367.171, Florida Statutes, declaring that as of September 27, 1994, the water and wastewater utilities in that County shall become subject to the provision of the Water and Wastewater Regulatory Law, Chapter 367, Florida Statutes. We acknowledged the resolution on November 28, 1994, by Order No. PSC-94-1451-FOF-WS. Pursuant to Section 367.031, Florida Statutes, a utility subject to the jurisdiction of this Commission must obtain a certificate of

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REGISTRATION REPORTING

authorization or an order recognizing the exempt status of the system.

On December 15, 1994, Southern States Utilities, Inc. (SSU or utility) filed an application for a certificate for its Deep Creek system (Deep Creek) to provide water and wastewater service in Charlotte County. SSU provides water service to approximately 2,892 residential customers, 63 multi-family customers and 33 general service customers in Charlotte County. In addition, SSU provides wastewater service to approximately 2,941 residential customers, 63 multi-family customers and 31 general service customers in Charlotte County. The Deep Creek system was established around 1972.

Pursuant to Rule 25-30.120(2), Florida Administrative Code, "any utility which is subject to this Commission's jurisdiction on or before December 31 of that year or for any part of that year, whether or not the utility has applied for or been issued a certificate" is required to pay regulatory assessment fees. Additionally, Rule 25-30.110(3), Florida Administrative Code, states that "(t)he obligation to file an annual report for any year shall apply to any utility which is subject to this Commission's jurisdiction as of December 31 of that year, whether or not the utility has actually applied for or been issued a certificate." We have verified that SSU has paid regulatory assessment fees and has filed an annual report for the Deep Creek facility from the jurisdictional date, which is September 27, 1994.

Application

On December 15, 1994, SSU filed its application for a grandfather certificate to provide service in Charlotte County. The application is in compliance with the governing statute, Section 367.171, Florida Statutes, and Rules 25-30.020 and 25-30.035, Florida Administrative Code. Noticing for grandfather certificate applications is not required. The application contained the correct filing fee pursuant to Rule 25-30.020, Florida Administrative Code. The application provided evidence that the utility owns the land upon which the utility's facilities are located pursuant to Rule 25-30.035(6), Florida Administrative Code.

Adequate service territory and system maps and a territory description have been provided pursuant to Rules 25-30.035(9), (10), and (11), Florida Administrative Code. Upon review, we discovered that the territory description SSU submitted did not completely agree with Charlotte County's Territory Map. The problem areas were some tracts of land bordering the Deep Creek

service area. The utility contacted Mr. Rod Merritt, Charlotte County Utility Director, who resolved the discrepancies.

A description of the requested territory is appended to this Order as Attachments A and B, which by reference are incorporated herein. Attachment A includes the water territory description and Attachment B includes the wastewater territory description. We have contacted the Department of Environmental Protection (DEP) and learned that there are no outstanding notices of violation.

Based on the above information, we find that it is appropriate to grant SSU's application for a grandfather certificate. Accordingly, Southern States Utilities, Inc. is hereby granted Water Certificate No. 570-W and Wastewater Certificate No. 496-S to serve the territory described in Attachments A and B.

Rates and Charges

We verified that the rates SSU presented as the rates applicable at the time the Commission received jurisdiction were approved by Charlotte County in a pass-through filing in 1993 and became effective January 7, 1994. In the past, we have allowed grandfather utilities to file for a pass-through rate increase as long as the utility has an annual report and tariff on file with the Commission. On December 23, 1994, SSU filed for a pass-through rate adjustment for water and wastewater. Deep Creek's current monthly service rates listed below were approved by us and became effective February 6, 1995.

Charlotte County confirmed SSU's Deep Creek service availability charges, with the exception of its meter installation charges, in December 1991. Except for the meter installation charges, SSU's service availability charges mirror those which Charlotte County approved for its own facilities (those formerly operated by General Development Utilities) in May 1991. SSU purchases water and wastewater treatment services from and remits capacity charges to Charlotte County. The meter installation charges currently in effect were taken from a Deep Creek Utilities, Inc. tariff sheet in effect when SSU acquired the facilities in December, 1988. Charlotte County approved miscellaneous service charges and customer deposits on November 26, 1991, as part of the interim rates authorized in a 1990 rate case. These charges became effective on December 12, 1991.

The utility's current rates and charges are as follows:

Monthly Service Rates

Water

Residential Service, General
& Multi-family Services

Base Facility Charge:

Meter Size

5/8" x 3/4"	\$ 13.69
3/4"	\$ 13.69
1"	\$ 34.21
1 1/2"	\$ 68.43
2"	\$109.50
3"	\$219.00
4"	\$342.19
6"	\$684.36
8"	\$684.36

Gallonge Charge: \$4.12 per 1,000 gallons

Wastewater

Residential Service:

Base Facility Charge:

Meter Size

5/8" x 3/4"	\$ 19.40
3/4"	\$ 19.40
1"	\$ 19.40
1 1/2"	\$ 19.40
2"	\$ 19.40
3"	\$ 19.40
4"	\$ 19.40
6"	\$ 19.40
8"	\$ 19.40

Gallonge Charge:

0 - 10,000	\$3.97 per 1,000 gallons
All Excess Gallons	No Charge

General & Multi-family Services:

Base Facility Charge:

Meter Size

5/8" x 3/4"	\$ 19.40
3/4"	\$ 19.40
1"	\$ 48.52
1 1/2"	\$ 97.02
2"	\$155.25
3"	\$310.50
4"	\$485.17
6"	\$970.31
8"	\$970.31

Gallonge Charge: \$4.75 per 1,000 gallons

Miscellaneous Service Charges

Customer Deposits:

Water System	\$100.00
Wastewater System	\$100.00

Service Availability Charges

Meter Installation:

5/8" x 3/4"	\$160.00
1"	\$200.00
1 1/2"	\$295.00
2"	\$355.00
Over 2" Meter	Actual Cost

Main Extension Charge:

	<u>Water</u>	<u>Wastewater</u>
Residential - per ERC (225 GPD)	\$425	\$310
Multi-family - per unit	\$305	\$280
General Service -per ERC (225 GPD)	\$425	\$310

Plant Capacity Charge:

	<u>Water</u>	<u>Wastewater</u>
Residential -		
5/8"	\$575	\$1,460
1"	\$960	\$1,460
2"	\$3,065	\$1,460
Multi-family - per unit	\$410	\$1,315
General Service - per gallon	\$2.56	\$7.68
1 ERC =	225 gpd	190 gpd

The utility has filed a tariff which reflects the rates and charges listed. The effective date of the tariff shall be the stamped approval date.

Limited Waiver of Rule 25-30.120, Florida Administrative Code

When we obtain jurisdiction over a utility system pursuant to Section 367.171, Florida Statutes, we impose regulatory assessment fees as of the date we acquire jurisdiction notwithstanding when a grandfather certificate is granted. Rule 25-30.120(2), Florida Administrative Code, provides that "the obligation to remit regulatory assessment fees for any year shall apply to any utility which is subject to this Commission's jurisdiction on or before December 31 of that year or for any part of that year, whether or not the utility has actually applied for or been issued a certificate." Pursuant to Rule 25-30.120(2), Florida Administrative Code, we imposed regulatory assessment fees for the Deep Creek system beginning September 27, 1994, which was the effective date of Commission jurisdiction over Deep Creek.

When Charlotte County had jurisdiction over Deep Creek, Charlotte County assessed a regulatory assessment fee of its own, called a utility administration fee, of 2.5% of the gross revenues of the utility, which fee was designed to offset the cost of regulation. Pursuant to Section 367.145(1), Florida Statutes, and Rule 25-30.120(1), Florida Administrative Code, we impose a regulatory assessment fee of 4.5% of the gross revenues derived from intrastate business of the utilities we regulate.

On December 23, 1994, SSU filed an application for a pass-through rate increase pursuant to Section 367.081(4)(b), Florida Statutes, to allow SSU to recover the 2% difference between the Commission's and Charlotte County's regulatory assessment fee. This pass-through rate increase became effective on February 6, 1995. Therefore, the period of time that the Deep Creek system could not recover the 2% difference between the Commission's and Charlotte County's RAF was approximately 4 and one-half months.

In its application, pursuant to Rule 25-30.011(2), Florida Administrative Code, SSU requested a limited waiver of Rule 25-30.120, Florida Administrative Code. Rule 25-30.011(2) provides that in any case where compliance with Chapter 25-30, Florida Administrative Code, introduces unusual hardship or unreasonable difficulty, application may be made for modification of the rule or for temporary exemption from its requirements, provided that the utility submit with such application a full and complete statement of the reasons therefor. Although SSU calls its request a request for a limited waiver of Rule 25-30.120(2), Florida Administrative

Code, SSU is actually requesting a modification of Rule 25-30.120(1), Florida Administrative Code. SSU requests that we modify Rule 25-30.120(1), Florida Administrative Code, by charging only a 2.5% regulatory assessment fee for Deep Creek from the date jurisdiction passed to us (September 27, 1994) to the date that the pass-through rate increase became effective (February 6, 1995).

We find that Deep Creek's inability to recover the 2% difference for that period of time does not rise to the level of unusual hardship or unreasonable difficulty required by Rule 25-30.011(2), Florida Administrative Code. Charlotte County's transfer of regulatory jurisdiction to us was completed at Charlotte County's discretion. Once Charlotte County chose to transfer regulatory jurisdiction to us, our imposition of a 4.5% regulatory assessment fee upon the utility is a matter of law. SSU claims that it is unfair and unreasonable to not allow the utility to recover the difference from the date jurisdiction passed to us. We do not agree. Pursuant to Sections 367.145 and 367.171, Florida Statutes, and Rule 25-30.120, Florida Administrative Code, we have established a regulatory assessment fee of 4.5% to be collected from regulated utilities, starting from the date jurisdiction passes to us. There are certain risk factors involved in operating a utility; the increased regulatory assessment fee as a result of jurisdiction transfer to us is but one example. Accordingly, we hereby deny SSU's request for a limited waiver of Rule 25-30.120, Florida Administrative Code.

CLOSING OF DOCKET

Upon expiration of the protest period, if a timely protest is not received, no further action will be required and this docket shall be closed.

Based on the foregoing, it is, therefore,

ORDERED by the Florida Public Service Commission that Southern States Utilities, Inc., 1000 Color Place, Apopka, Florida, 32703, is hereby granted Water Certificate No. 570-W and Wastewater Certificate No. 496-S to serve the territory described in Attachments A and B of this Order. It is further

ORDERED that the territory descriptions attached hereto are by reference incorporated herein. It is further

ORDERED that Southern States Utilities, Inc. shall charge its customers the rates and charges approved herein until authorized to change by this Commission. It is further

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ORDERED that the tariff sheets filed by Southern States Utilities, Inc. reflecting these rates and charges shall be effective on the stamped approval date on the tariff sheets. It is further

ORDERED that Southern States Utilities, Inc.'s request for a limited waiver of Rule 25-30.120, Florida Administrative Code, is hereby denied. It is further

ORDERED that the provisions of this Order regarding the limited waiver of Rule 25-30.120, Florida Administrative Code, are issued as proposed agency action and shall become final, unless an appropriate petition in the form provided by Rule 25-22.029, Florida Administrative Code, is received by the Director of Records and Reporting, at 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0870, by the date set forth in the Notice of Further Proceedings below. It is further

ORDERED that upon expiration of the protest period, if no timely protest is received from a substantially affected person, this docket shall be closed.

By ORDER of the Florida Public Service Commission, this 20th day of September, 1995.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

by: Kary D. Hynes
Chief, Bureau of Records

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

As identified in the body of this order, our action regarding the denial of the request for a limited rule waiver is preliminary in nature and will not become effective or final, except as provided by Rule 25-22.029, Florida Administrative Code. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, as provided by Rule 25-22.029(4), Florida Administrative Code, in the form provided by Rule 25-22.036(7)(a) and (f), Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting, at 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on October 11, 1995. In the absence of such a petition, this order shall become effective on the date subsequent to the above date as provided by Rule 25-22.029(6), Florida Administrative Code.

Any objection or protest filed in this docket before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.

If the relevant portion of this order becomes final and effective on the date described above, any party adversely affected may request judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or by the First District Court of Appeal in the case of a water or wastewater utility by filing a notice of appeal with the Director, Division of Records and Reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days of the effective date of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.

Any party adversely affected by the Commission's final action in this matter may request: (1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of

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Records and Reporting within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or (2) judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water or wastewater utility by filing a notice of appeal with the Director, Division of Records and Reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.

SOUTHERN STATES UTILITIES, INC.

CHARLOTTE COUNTY - DEEP CREEK

WATER SERVICE AREA

In portions of Sections 3, 4, 5, 7, 8, 9, 15, 16, and 17 Township 40 South, Range 23 East, Charlotte County, Florida:

Point of Beginning at Northwest corner of Section 5, Township 40 South, Range 23 East. Thence the following 23 courses.

1. South 89°34'03" East 2,721.47 feet (East along North line of Section 5 to the North quarter corner of Section 5.)
2. South 89°30'46" East 2,602.87 feet (East along the North line of Section 5 to the Northeast corner of Section 5 and Northwest corner of Section 4, Township 40 South, Range 23 East.)
3. South 89°33'41" East 2,662.08 feet (East along the North line of Section 4 to the North quarter corner of Section 4.)
4. South 89°44'49" East 2,662.08 feet (East along the North line of Section 4 to the Northeast corner of Section 4 and the Northwest corner of Section 3, Township 40 South, Range 23 East.)
5. South 89°44'36" East 5,324.01 feet (East along the North line of Section 3 to the Northeast corner of Section 3.)
6. South 00°10'22" East 5,322.00 feet (South along the East line of Section 3 to the Southeast corner of Section 3.)
7. North 89°11'07" West 2,606.53 feet (West along the South line of Section 3 to the South quarter corner of Section 3.)
8. North 89°08'59" West 2,609.49 feet (West along the South line of Section 3 to the Southwest corner of Section 3 and the Northeast corner of Section 9, Township 40 South, Range 23 East.)
9. South 00°01'35" West 2,638.32 feet (South along the East line of Section 9 to the East quarter corner of Section 9.)
10. South 89°20'47" West 425.03 feet (West from the East quarter corner of Section 9 to a point of 425.03 feet West of said quarter corner.)

SOUTHERN STATES UTILITIES, INC.

CHARLOTTE COUNTY - DEEP CREEK

WATER SERVICE AREA

(continued)

11. South 00°14'21" West 2,636.84 feet (South to a point on the South line of Section 9 and the North line of Section 16, Township 40 South, Range 23 East at a point approximately 425 feet West of the Northeast corner of Section 16.)
12. South 00°14'21" West 1,327.52 feet (South along a line approximately 425 feet West of the East line of Section 16 to a point 1,327.52 feet South of the North line of Section 16.)
13. South 00°38'40" West 3,870.77 feet (South along a line approximately 425 feet West of the East line of Section 16 to a point 104.71 feet North of the South line of Section 16.)
14. South 00°38'35" West 104.71 feet (South along a line approximately 425 feet West of the East line of Section 16 to a point on the South line of Section 16, 425.46 feet West of the Southeast corner of Section 16.)
15. South 87°58'54" West 2,284.92 feet (West along the South line of Section 16 to the South quarter corner of Section 16.)
16. South 87°59'02" West 2,710.72 feet (West along South line of Section 16 to the Southwest corner of Section 16.)
17. North 00°25'31" East 4,078.12 feet (North along the West line of Section 16 and East line of Section 17, Township 40 South, Range 23 East to a point 1,321.40 feet South of the Northeast corner of Section 17.)
18. North 89°40'24" West 3,122.92 feet (West through Section 17 to a point of intersection with the Eastern right of way of Interstate I-75, 1,298.92 feet South of the North line of Section 17 and 2,213.84 feet East of the West line of Section 17.)

SOUTHERN STATES UTILITIES, INC.

CHARLOTTE COUNTY - DEEP CREEK

WATER SERVICE AREA

(continued)

19. North 31°43'37" West 1,525.92 feet (Northwesterly through Section 17 along the Eastern right of way line of I-75 to a point on the North line of Section 17 and the South line of Section 8, Township 40 South, Range 23 East, 1,413.06 feet East of the Southwest corner of Section 8.)

20. North 28°57'25" West 2,927.15 feet (Northwesterly through Section 8 along the Eastern right of way line of I-75 to the West quarter of Section 8 and the East quarter corner of Section 7, Township 40 South, Range 23 East.)

21. North 28°57'25" West 3,190.52 feet (Northwesterly from the East quarter corner of Section 7 to a point of intersection with the North line of Section 7 1,540.20 feet West of the Northeast corner of Section 7.)

22. South 89°56'58" East 1,540.20 feet (East along the North line of Section 7 to the Northeast corner of Section 7 and the Southwest corner of Section 5, Township 40 South West, Range 23 East.)

23. North 00°13'30" East 5,315.13 feet (North along the West line of Section 5 to the Northwest corner of Section 5 and the Point of Beginning.)

SOUTHERN STATES UTILITIES, INC.

CHARLOTTE COUNTY - DEEP CREEK

WASTEWATER SERVICE AREA

In portions of Sections 3, 4, 5, 7, 8, 9, 15, 16, 17, 21, and 22, Township 40 South, Range 23 East, Charlotte County, Florida:

NOTE: Portions of Harbour Heights Sections Two (Revised), Five, Eight, and Nine (Part One) located in portions of Sections 15, 16, 21, and 22 of Township 40 South, Range 23 East and the Deep Creek Elementary School site in Section 21, Township 40 South, Range 23 East are wastewater only service territory.

Point of Beginning at Northwest corner of Section 5, Township 40 South, Range 23 East. Thence the following 64 courses.

1. South 89°34'03" East 2,721.47 feet (East along North line of Section 5 to the North quarter corner of Section 5.)
2. South 89°30'46" East 2,602.87 feet (East along the North line of Section 5 to the Northeast corner of Section 5 and Northwest corner of Section 4, Township 40 South, Range 23 East.)
3. South 89°33'41" East 2,662.08 feet (East along the North line of Section 4 to the North quarter corner of Section 4.)
4. South 89°44'49" East 2,662.08 feet (East along the North line of Section 4 to the Northeast corner of Section 4 and the Northwest corner of Section 3, Township 40 South, Range 23 East.)
5. South 89°44'36" East 5,324.01 feet (East along the North line of Section 3 to the Northeast corner of Section 3.)
6. South 00°10'22" East 5,322.00 feet (South along the East line of Section 3 to the Southeast corner of Section 3.)
7. North 89°11'07" West 2,606.53 feet (West along the South line of Section 3 to the South quarter corner of Section 3.)
8. North 89°08'59" West 2,609.49 feet (West along the South line of Section 3 to the Southwest corner of Section 3 and the Northeast corner of Section 9, Township 40 South, Range 23 East.)

SOUTHERN STATES UTILITIES, INC.

CHARLOTTE COUNTY - DEEP CREEK

WASTEWATER SERVICE AREA

(continued)

9. South 00°01'35" West 2,638.32 feet (South along the East line of Section 9 to the East quarter corner of Section 9.)
10. South 89°20'47" West 425.03 feet (West from the East quarter corner of Section 9 to a point of 425.03 feet West of said quarter corner.)
11. South 00°14'21" West 2,636.84 feet (South to a point on the South line of Section 9 and the North line of Section 16, Township 40 South, Range 23 East at a point approximately 425 feet West of the Northeast corner of Section 16.)
12. South 00°14'21" West 1,327.52 feet (South along a line approximately 425 West of the East line of Section 16 to a point 1,327.52 feet South of the North line of Section 16.)
13. South 00°38'40" West 3,851.45 feet (South to a point approximately 125 feet North of the South line of Section 16 and approximately 425 feet West of the East line of Section 16.)
14. North 88°28'43" East 86.35 feet (East along a twenty foot wide utility easement across the De Soto Canal and Tract B of Harbour Heights Section Nine (Part One).)
15. South 37°38'54" East 20.42 feet (Southeasterly along the Northern side of the twenty foot wide utility easement across Tract B of Harbour Heights Section Nine (Part One).)
16. South 00°37'09" West 252.80 feet (South along the Northern side of the utility easement.)
17. South 84°20'53" East 91.72 feet (East along the Northern side of the utility easement.)
18. South 86°50'10" East 146.89 feet (East along the Northern side of the utility easement.)

SOUTHERN STATES UTILITIES, INC.

CHARLOTTE COUNTY - DEEP CREEK

WASTEWATER SERVICE AREA

(continued)

19. South 01°40'16" West 17.22 feet (South along the Northern side of the utility easement.)
20. South 87°57'18" East 73.17 feet (East along Northern side of the utility easement to the West right of way line of Highlands Road.)
21. North 00°38'24" East 179.22 feet (North along the West right of way line of Highlands Road to a point 17.27± feet South of the South line of Section 16.)
22. South 88°45'33" East 285.02 feet (East across the right of way to Highlands Road and along the Northern right of way line of Russell Parkway.)
23. South 89°21'41" East 950.00 feet (East along the Northern right of way line of Russell Parkway.)
24. South 89°52'24" East 335.17 feet (East along the Northern right of way line of Russell Parkway and across the right of way of Broadpoint Drive to the Eastern right of way line of Broadpoint Drive.)
25. South 00°45'55" West 71.75 feet (South along the Eastern right of way line of Broadpoint Drive to the Northern lot line of Lot 73, Block 21, Harbour Heights Section 2 (Revised).)
26. South 89°21'41" East 105.00 feet (East along the North lot line of Lot 73, to the Western end of the San Marino Canal and a point of curvature.)
27. A Central angle of 31°29'24", an arc length of 27.48 feet with a 50.00 feet radius (Along an arc on the Western end of San Marino Canal to a point of tangency.)
28. South 30°54'23" East 40.00 feet (Southeasterly along the Western end of San Marino Canal to a point of curvature.)

SOUTHERN STATES UTILITIES, INC.

CHARLOTTE COUNTY - DEEP CREEK

WASTEWATER SERVICE AREA

(continued)

29. A central angle of $143^{\circ}07'48''$, an arc length of 124.90 feet with a radius of 50.00 feet (Along an arc on the Western end of San Marino Canal to a point of reverse curvature.)

30. A central angle of $53^{\circ}07'20''$, an arc length of 23.18 feet with a radius of 25.00 feet (Along an arc on the Southern line of San Marino Canal to a point of curvature.)

31. A central angle of $31^{\circ}32'42''$, an arc length of 627.64 feet with a radius of 1,140.00 feet (Along an arc on the Southern line of San Marino Canal to a point of tangency.)

32. South $89^{\circ}21'41''$ East 713.69 feet (East along the Southern line of San Marino Canal to the Eastern lot line of Lot 110, Block 21, Harbour Heights Section 2 (Revised).)

33. South $00^{\circ}25'58''$ West 175.00 feet (South along the Eastern line of Lot 110 and across the right of way of South San Marino Drive to a point on the Southern right of way line of South San Marino Drive and the North line on Lot 4, Block 25, Harbour Heights Section 2 (Revised).)

34. North $89^{\circ}21'41''$ West 23.29 feet (West along the Southern right of way line of South San Marino Drive to a point of curvature.)

35. A central angle of $90^{\circ}38'19''$, an arc length of 39.55 feet with a radius of 25.00 feet (Along an arc to a point of tangency with the Eastern right of way line of Daffodil Terrace (Dolphin Drive).)

36. South $00^{\circ}38'20''$ West 897.81 feet (South along the Eastern right of way line of Daffodil Terrace (Dolphin Drive) and across Whitman Avenue (Wheeler Court) to a point on the Southern right of way line of Whitman Avenue (Wheeler Court).)

SOUTHERN STATES UTILITIES, INC.

CHARLOTTE COUNTY - DEEP CREEK

WASTEWATER SERVICE AREA

(continued)

37. North 89°23'06" West 1,450.00 feet (West along the Southern right of way line of Whitman Avenue (Wheeler Court) to a point of intersection with the extension of the Eastern right of way line of Broadpoint Drive.)

38. North 00°38'19" East 665.03 feet (North along the Eastern right of way line of Broadpoint Drive to a point of intersection of the extension of the Southern right of way line of South San Marino Drive.)

39. North 89°21'41" West 70.00 feet (West across the right of way of Broadpoint Drive to a point of intersection with the Western right of way line of Broadpoint Drive.)

40. North 00°38'19" East 188.68 feet (North along the Western right of way line of Broadpoint Drive to a point of curvature.)

41. A central angle of 89°21'41", an arc length of 39.21 feet with a radius of 25.14 feet (Along an arc to a point of tangency with the Southern right of way line of Russell Parkway.)

42. North 89°21'41" West 1,390.00 feet (West along the Southern right of way line of Russell Parkway to a point of curvature.)

43. A central angle of 90°00'00", and arc length of 39.27 feet with a radius of 25.00 feet (Along an arc to a point of tangency to the Eastern right of way line of Highlands Road.)

44. South 00°44'41" West 85.75 feet (South along the Eastern right of way line of Highlands Road.)

45. North 87°56'05" West 153.56 feet (West across the right of way of Highlands Road and along the Southern line of a 20 foot wide utility easement across Tract B of Harbour Heights Section 9 (Part One).)

SOUTHERN STATES UTILITIES, INC.

CHARLOTTE COUNTY - DEEP CREEK

WASTEWATER SERVICE AREA

(continued)

46. North 01°35'30" East 17.62 feet (North along the Southern side of said utility easement.)
47. North 86°50'41" West 127.81 feet (West along the Southern side of said utility easement.)
48. North 84°19'23" West 110.50 feet (West along the Southern side of said utility easement.)
49. North 00°37'27" East 264.11 feet (North along the Southern side of said utility easement.)
50. North 37°04'47" West 3.34 feet (Northwesterly along the Southern side of said utility easement.)
51. South 88°35'25" West 76.94 feet (West along the Southern side of said utility easement and across the right of way for the De Soto Canal to point of intersection with the Eastern boundary of Punta Gorda Isles, Section 23.)
52. South 00°38'35" West 104.18 feet (South along the Eastern boundary of Punta Gorda Isles Section 23 to a point along the South line of Section 16 and the North line of Section 21, Township 40 South, Range 23 East approximately 425 feet West of the Northeast corner of Section 21.)
53. South 00°38'35" West 1,262.92 feet (South along the Eastern, line of the Deep Creek Elementary School property.)
54. North 89°21'25" West 701.15 feet (West along the Southern line of school property.)
55. North 00°38'35" East 1,230.32 feet (North along the Western line of school property to the point of intersection with the North line of Section 21 and the South line of Section 16.)

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56. South 87°58'54" West 1,583.02 feet (West along the South line of Section 16, to the South quarter corner of Section 16.)
57. South 87°59'02" West 2,710.72 feet (West along South line of Section 16 to the Southwest corner of Section 16.)
58. North 00°25'31" East 4,078.12 feet (North along the West line of Section 16 and East line of Section 17, Township 40 South, Range 23 East to a point 1,321.40 feet South of the Northeast corner of Section 17.)
59. North 89°40'24" West 3,122.92 feet (West through Section 17 to a point of intersection with the Eastern right of way of Interstate I-75, 1,298.92 feet South of the North line of Section 17 and 2,213.84 feet East of the West line of Section 17.)
60. North 31°43'37" West 1,525.92 feet (Northwesterly through Section 17 along the Eastern right of way line of I-75 to a point on the North line of Section 17 and the South line of Section 8, Township 40 South, Range 23 East, 1,413.06 feet East of the Southwest corner of Section 8.)
61. North 28°57'25" West 2,927.15 feet (Northwesterly through Section 8 along the Eastern right of way line of I-75 to the West quarter corner of Section 8 and the East quarter corner of Section 7, Township 40 South, Range 23 East.)
62. North 28°57'25" West 3,190.52 feet (Northwesterly from the East quarter corner of Section 7 to a point of intersection with the North line of Section 7 1,540.20 feet West of the Northeast corner of Section 7.)
63. South 89°56'58" East 1,540.20 feet (East along the North line of Section 7 to the Northeast corner of Section 7 and the Southwest corner of Section 5, Township 40 South, Range 23 East.)

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64. North 00°13'30" East 5,315.13 feet (North along the West line of Section 5 to the Northwest corner of Section 5 and the Point of Beginning.)