

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Proposed adoption of Rules 25-30.029 and 25-30.038 and amendment of Rules 25-30.030, 25-30.032, 25-30.033, 25-30.034, 25-30.035, 25-30.036, 25-30.037, 25-30.039, and 25-30.090, F.A.C.

DOCKET NO. 150198-WS
ORDER NO. PSC-15-0567-FOF-WS
ISSUED: December 16, 2015

The following Commissioners participated in the disposition of this matter:

ART GRAHAM, Chairman
LISA POLAK EDGAR
RONALD A. BRISÉ
JULIE I. BROWN
JIMMY PATRONIS

NOTICE OF ADOPTION OF RULE

BY THE COMMISSION:

NOTICE is hereby given that the Florida Public Service Commission, pursuant to Section 120.54, Florida Statutes, has adopted without changes Rule 25-30.029, 25-30.030, 25-30.032, 25-30.033, 25-30.034, 25-30.035, 25-30.036, 25-30.037, 25-30.038, 25-30.039, and 25-30.090, Florida Administrative Code.

The rules were filed with the Department of State on December 15, 2015 and will be effective on January 4, 2016. A copy of the rules as filed with the Department is attached to this Notice.

This docket is closed upon issuance of this Notice.

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By ORDER of the Florida Public Service Commission this 16th day of December, 2015.



CARLOTTA S. STAUFFER
Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399
(850) 413-6770
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Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

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25-30.029 Legal Description of Service Area

(1) The utility shall provide a legal description of the service area to be served, extended, deleted, or transferred in the following applications:

(a) An original certificate of authorization and initial rates and charges as provided in Rule 25-30.033, F.A.C.;

(b) An original certificate of authorization for an existing utility currently charging for service provided in Rule 25-30.034, F.A.C.;

(c) An original certificate of authorization following rescission of jurisdiction by a county as provided in Rule 25-30.035, F.A.C.;

(d) An extension of service area as provided in Sections 25-30.036(2) or (3), F.A.C.;

(e) A deletion of service area as provided in Section 25-30.036(4), F.A.C.;

(f) A transfer of a regulated utility to another regulated utility as provided in Section 25-30.037(2), F.A.C.;

(g) A transfer of an exempt entity to a regulated utility or transfer of a utility in a nonjurisdictional county to a regulated utility as provided in Section 25-30.037(3), F.A.C.;

(h) A transfer of majority organizational control of a regulated utility as provided in Section 25-30.037(4), F.A.C.;

(i) A transfer of a regulated utility to an exempt entity other than a governmental authority as provided in Section 25-30.037(5), F.A.C.; or

(j) A partial transfer of a regulated utility to a governmental authority as provided in paragraph 25-30.038(2)(h)2., F.A.C.

(2) The legal description of the service area to be served, extended, deleted or transferred shall identify:

(a) A reference to township(s), range(s), land section(s), and county(s); and

(b) A complete and accurate description of the service area to be served, added, deleted, or transferred. The description may reference interstates, state roads, local streets, and major bodies of water, but shall not rely on references to government lots, recorded plats or lots, tracts, or other recorded instruments. The description shall be provided in one of the following formats:

1. Sections. If the service area includes complete sections, the description shall only include the township, range, and section reference. If the service area includes partial sections, the description shall identify the subsections to be included or excluded.

2. Metes and bounds. The description shall identify 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 service area boundary and closing at the point of beginning. The description shall identify all bearings and distances necessary to provide continuous description.

Rulemaking Authority 350.127(2), 367.045, 367.121(1) FS. Law Implemented 367.045, 367.071 FS. History New-

25-30.030 Notice of Application and of Customer Meeting.

(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 rule when it applies for any of the following: section.~~

(a) An original certificate of authorization and initial rates and charges as provided in Rule 25-30.033, F.A.C.;

(b) An original certificate of authorization for existing utility currently charging for service as provided in Rule 25-30.034, F.A.C.;

(c) An extension of service area as provided in Rule 25-30.036(2) or (3), F.A.C.;

(d) A deletion of service area as provided in Rule 25-30.036(4), F.A.C.;

(e) A transfer of a regulated utility to another regulated utility as provided in Rule 25-30.037(2), F.A.C.;

(f) A transfer of an exempt entity to a regulated utility or transfer of a utility in a nonjurisdictional county to a regulated utility as provided in Rule 25-30.037(3), F.A.C.;

(g) A transfer of majority organizational control of a regulated utility as provided in Rule 25-30.037(4), F.A.C.; or

(h) A transfer of a regulated utility to an exempt entity other than a governmental authority as provided in Rule 25-30.037(5), F.A.C.

(2) After filing an application as described in subsection (1) above, and before providing notice in accordance with this section, a utility shall obtain from the Commission staff a list of the names and addresses of the governing body of the county(ies) or municipality(ies) affected, municipalities, the county or counties, the appropriate regional planning council, the Office of Public Counsel, the Commission's Office of Commission Clerk, 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 shall include~~ of the names and addresses of the privately-owned utilities located in the bordering ~~county 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 titled, as applicable appropriately styled:~~

~~(a) Notice of Application for Original an Initial Certificate of Authorization and Initial Rates and Charges for Water, Wastewater, or Water and Wastewater Service Certificate;~~

~~(b) Notice of Application for Original Certificate of Authorization for Existing Utility Currently Charging for Water, Wastewater, or Water and Wastewater Service;~~

~~(c)(b) Notice of Application for Amendment to Certificate of Authorization To Extend an Extension of Service Area;~~

~~(d)(e) Notice of Application for Amendment to Certificate of Authorization To Delete Deletion of Service Area;~~

~~(e)(d) Notice of Application for Authority to a Transfer of Water, Wastewater, or Water and Wastewater~~

Certificate(s) of Authorization to Another Regulated Utility; ~~or~~

(f) Notice of Application for Authority to Transfer an Exempt Entity to a Regulated Utility or Transfer of a Utility in a Non-jurisdictional County To a Regulated Utility That Results in a System Whose Service Transverses County Boundaries;

(g)(e) Notice of Application for ~~Authority to a~~ Transfer ~~of~~ Majority Organizational Control of a Regulated Utility; or

(h) Notice of Application for Authority to Transfer a Regulated Utility to an Exempt Entity Other than a Governmental Authority.

(4) The Notice of Application notice shall be provided to the Office of Commission Clerk, for Commission staff approval prior to distribution and shall state ~~include~~ the following:

(a) The date the notice is given;

(b) The name, ~~and~~ address, telephone number, and, if available, e-mail address, and fax number of the applicant;

(c) The common name of developments served by the utility;

(d) The application docket number and title, if available;

(e) The common reference of street names bordering the area served by the utility, if applicable;

(f)(e) A description, using township, range and section references, of the service area territory proposed to be either served, extended, ~~added~~, deleted, or transferred as provided by Rule 25-30.029, F.A.C. An abbreviated description using section, township, and range of the subject service area may be provided so long as the notice contains a disclosure that the legal description has been simplified and that a complete legal description can be obtained from the applicant; ~~and~~

(g) If applicable, the notice shall include a statement that the utility is not requesting any changes to its rates, classifications, charges, rules, and regulations in the application; and

(h)(d) A statement that any objections to the application must be filed with the ~~Director~~, Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, 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, T~~he utility shall provide a copy of the notice of the service area proposed to be served, extended, deleted, or transferred as follows by regular mail to:

(a) By regular mail to the governmental entities and utilities identified on the list described in subsection (2) above;

~~(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 subsection (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 subsection (2) above;~~

~~(e) The office of Public Counsel;~~

~~(f) The Commission's Office of Commission Clerk;~~

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

~~(h) The appropriate Water Management District.~~

~~(b)(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 and owner of property located within the existing service area and the service area to be served, extended, deleted or transferred; and, of the system to be certificated, transferred, acquired, or deleted.~~

~~(c)(7) By publication The Notice shall be published once in a newspaper of general circulation in the proposed service area. If the utility service area crosses county lines, notice shall be published in a newspaper of general circulation in each county. ~~territory proposed to be served, added, deleted, or transferred. The publication shall be within 7 days of filing the application.~~~~

~~(6) All applications requiring noticing shall be deemed deficient until affidavits of noticing required by Sections 367.045(1)(e) and (2)(f), F.S., along with a copy of the notice, are filed with the Office of Commission Clerk. The affidavits shall attest that the notices were given as prescribed in paragraphs (5)(a), (b), and (c) above. The applicant shall obtain the affidavit of notice publication, pursuant to paragraph (5)(c) above, from the newspaper(s).~~

~~(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), F.S. The affidavit shall be filed no later than 15 days after filing the application.~~

~~(7) No less than 14 days and no more than 30 days prior to the date of a customer meeting conducted by the Commission staff, the utility shall provide written notice of the date, time, location, and purpose of the customer meeting to all customers within the affected service areas. The notice shall be approved by the Commission staff~~

prior to distribution. The notice shall be mailed to the out-of-town address of all customers who have provided the utility with an out-of-town address.

~~(8)~~(9) This rule does not apply to applications for ~~grandfather~~ certificates following rescission of jurisdiction by counties filed under Section 367.171, F.S.; ~~or to applications for transfers to governmental authorities filed under Section 367.071, F.S.;~~ or abandonments filed under Section 367.165, F.S. to name changes.

Rulemaking Authority 350.127(2), 367.045(2), 367.121(1) FS. Law Implemented 367.031, 367.045, 367.071, FS. History—New 4-5-81, Formerly 25-10.061, 25-10.0061, Amended 11-10-86, 1-27-91, 11-30-93, _____.

25-30.032 Combined 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 six copies, in accordance with either Rule 25-30.033, 25-30.034, 25-30.035, 25-30.036, subsection 25-30.037(1) or (2), or Rule 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 subsections 25-30.037 (3) and (4), F.A.C. The application shall be filed with the Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850. Sample application forms may be obtained from the Division of Engineering, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.~~

~~(2) A utility may file a combined application applications for multiple certificate actions 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 action and system service. The Commission will treat a combined application as if a separate application had been filed for each action and system 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 Office of Commission Clerk, 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.~~

Rulemaking Authority 350.127(2), 367.121 FS. Law Implemented 367.031, 367.045, 367.071, ~~367.083~~ FS. History—

New 1-27-91, Amended 11-30-93, 5-29-08,_____.

25-30.033 Application for Original Certificate of Authorization and Initial Rates and Charges.

(1) Each ~~applicant application~~ for an original certificate of authorization and initial rates and charges shall file with the Commission Clerk provide the following information: set forth in paragraphs (a) through (q). Form PSC 1001 (12/15), entitled "Application for Original Certificate of Authorization for a Proposed or Existing System Requesting Initial Rates and Charges," which is incorporated by reference in this rule and is available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-06237>, is an example application that may be completed by the applicant and filed with the Office of Commission Clerk to comply with this subsection. This form is also available on the Commission's Web site, www.floridapsc.com.

(a) A filing fee pursuant to Rule 25-30.020(2)(a), F.A.C.;

(b) Proof of noticing pursuant to Rule 25-30.030, F.A.C.;

(c)~~(a)~~ The utility's ~~applicant's~~ name, and address, telephone number, Federal Employer Identification Number, authorized representative, and, if available, e-mail address and fax number;

(d)~~(b)~~ The nature of the utility's ~~applicant's~~ business organization, i.e., corporation, limited liability company, partnership, limited partnership, sole proprietorship, or association, etc.; The applicant must provide documentation from the Florida Department of State, Division of Corporations, showing:

1. The utility's business name and registration/document number for the business, unless operating as a sole proprietor, and

2. The utility's fictitious name and registration number for the fictitious name, if operating under a fictitious name;

(e)~~(c)~~ The name(s), and address(es), and percentage of ownership of each entity or person that owns or will own more than 5 percent interest in the utility of all corporate officers, directors, partners, or any other person(s) or entities owning an interest in the applicant's business organization;

(f)~~(d)~~ The election the business has made ~~Whether the applicant has made an election~~ under the Internal Revenue Code for taxation purposes § 1362 to be an S corporation;

(g) A statement indicating whether the application is for water, wastewater, or both. If the applicant is applying for water or wastewater only, the statement shall include how the other service is provided;

(h)(e) To demonstrate A statement showing the necessary financial and technical ability of the applicant to provide service to the proposed service area, the applicant shall provide; and the need for service in the proposed area. The statement shall identify any other utilities within the area proposed to be served that could potentially provide service, and the steps the applicant took to ascertain whether such other service is available;

1. A detailed financial statement (balance sheet and income statement), audited if available, of the financial condition of the applicant, which shows all assets and liabilities of every kind and character. The financial statements shall be for the preceding calendar or fiscal year. The financial statement shall be prepared in accordance with Rule 25-30.115, F.A.C. If available, a statement of the sources and uses of funds shall also be provided; and

2. A list of all entities, including affiliates, upon which the applicant is relying to provide funding to the utility and an explanation of the manner and amount of such funding. The list need not include any person or entity holding less than 5 percent ownership interest in the utility. The applicant shall provide copies of any financial agreements between the listed entities and the utility and proof of the listed entities' ability to provide funding, such as financial statements;

(i) To demonstrate the technical ability of the applicant to provide service, the applicant shall provide:

1. A statement of the applicant's experience in the water or wastewater industry;

2. A copy of all current permits from the Department of Environmental Protection (DEP) and the water management district;

3. A copy of the most recent DEP and/or county health department sanitary survey, compliance inspection report, and secondary standards drinking water report; and

4. A copy of all correspondence with the DEP, county health department, and water management district, including consent orders and warning letters, and the utility's responses to the same, for the past five years;

(j) To describe the proposed service area, the applicant shall provide:

1. A legal description of the proposed service area in the format described in Rule 25-30.029, F.A.C.;

2. A detailed system map showing the existing and proposed lines and treatment facilities, with the territory proposed to be served plotted thereon, consistent with the legal description provided in subparagraph (j)1. above.

The map shall be of sufficient scale and detail to enable correlation with the description of the territory proposed to be served; and

3. An 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, consistent with the legal description provided in subparagraph (j)1. above;

(k) To demonstrate the need for service in the proposed area, the applicant shall provide:

1. The number of customers currently being served and proposed to be served, by customer class and meter size, including a description of the types of customers currently being served and anticipated to be served, i.e., single family homes, mobile homes, duplexes, golf course clubhouse, or commercial. If the development will be in phases, this information shall be separated by phase;

2. A copy of all requests for service from property owners or developers in areas not currently served;

3. The current land use designation of the proposed service territory as described in the local comprehensive plan at the time the application is filed. If the proposed development will require a revision to the comprehensive plan, describe the steps taken and to be taken to facilitate those changes, including changes needed to address the proposed need for service; and

~~(f) 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 as approved by the Department of Community Affairs at the time the application is filed, or, if not consistent, a statement demonstrating why granting the certificate of authorization would be in the public interest;~~

4. Any known land use restrictions, such as environmental restrictions imposed by governmental authorities;

~~(l)(g)~~ The date applicant began or plans to begin serving customers. If already serving customers, a description of when and under what circumstances the applicant began serving;

~~(h) The number of equivalent residential connections (ERCs) proposed to be served, by meter size and customer class. If development will be in phases, separate this information by phase;~~

~~(i) A description of the types of customers anticipated, i.e., single family homes, mobile homes, duplexes, golf course clubhouse, commercial, etc.;~~

~~(m)(j) Documentation of the utility's right to access and continued use of Evidence, in the form of a warranty deed, that the utility owns the land upon which the utility treatment facilities are or will be located. Documentation of continued use shall be in the form of a recorded warranty deed, recorded quit claim deed accompanied by title~~

~~insurance, recorded lease, or a copy of an agreement which provides for the continued use of the land, such as a 99-year lease, or recorded easement. The Commission may consider a written easement or other cost-effective alternative.~~ The applicant may submit a contract for the purchase and sale of land with an unrecorded unexecuted copy of the instrument granting the utility's right to access and continued use of the land upon which the utility treatment facilities are or will be located ~~warranty deed,~~ provided the applicant files a an executed and recorded copy of the deed, or executed copy of the lease, within the time required in 30 days after the order granting the certificate;

~~(k) One original and two copies of a sample tariff, containing all rates, classifications, charges, rules, and regulations, which shall be consistent with Chapter 25-9, F.A.C. Model tariffs are available from the Division of Economics, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850;~~

~~(l) A description of the territory to be served, using township, range and section references as specified in subsection 25-30.030(2), F.A.C.;~~

~~(m) 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 proposed to be served;~~

~~(n) 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;~~

~~(n)(o) A description of statement regarding~~ the separate capacities of the existing and proposed lines and treatment facilities in terms of equivalent residential connections (ERCs) and gallons per day estimated demand per ERC for water and wastewater and the basis for such estimate. If the development will be in phases, separate this information shall be separated by phase;

~~(o)(p) A written~~ description of the type of water treatment, wastewater treatment, and method of effluent disposal;

~~(q) If subsection (p) above does not include effluent disposal by means of reuse, a statement that describes with particularity the reasons for not using reuse;~~

~~(r) A detailed financial statement (balance sheet and income statement), certified if available, of the financial condition of the applicant, that shows all assets and liabilities of every kind and character. The income statement~~

~~shall be for the preceding calendar or fiscal year. If an applicant has not operated for a full year, then the income statement shall be for the lesser period. The financial statement shall be prepared in accordance with Rule 25-30.115, F.A.C. If available, a statement of the source and application of funds shall also be provided;~~

~~(s) A list of all entities, including affiliates, upon which the applicant is relying to provide funding to the utility, and an explanation of the manner and amount of such funding, which shall include their financial statements and copies of any financial agreements with the utility. This requirement shall not apply to any person or entity holding less than 10 percent ownership interest in the utility;~~

~~(t) A cost study including customer growth projections supporting the proposed rates, charges and service availability charges. A sample cost study, and assistance in preparing initial rates and charges, are available from the Division of Economics;~~

~~(p) To support the proposed rates and charges, the applicant shall provide:~~

~~1. The existing and projected cost of the system(s) and associated depreciation by year until design capacity is reached using the National Association of Regulatory Utility Commissioners (NARUC) 1996 Uniform System of Accounts (USOA), which is incorporated by reference in Rule 25-30.115, F.A.C. The applicant shall identify the year that 80 percent of design capacity is anticipated. (u) A schedule showing the projected cost of the proposed system(s) by uniform system of accounts (USOA) account numbers pursuant to Rule 25-30.115, F.A.C., and the related capacity of each system in ERCs and gallons per day. If the utility will be built in phases, this shall apply only to the first phase;~~

~~2. The existing and projected annual contributions-in-aid-of-construction (CIAC) and associated amortization by year including a description of assumptions regarding customer growth projections using the same projections used in subparagraph (1)(k)1. above for the proposed service area. The projected CIAC shall identify cash and property contributions and amortization at 100 percent of design capacity and identify the year when 80 percent of design capacity is anticipated. The projected CIAC shall be consistent with the service availability policy and charges in the proposed tariff provided in paragraph (q) below, the schedule provided in subparagraph (1)(p)6. below, and the CIAC guidelines in 25-30.580, F.A.C. If the utility will be built in phases, this shall apply only to the first phase;~~

~~(v) A schedule showing the projected operating expenses of the proposed system by USOA account numbers, when 80 percent of the designed capacity of the system is being utilized. If the utility will be built in phases, this shall~~

~~apply to the first phase; and~~

~~3. (w)~~ A schedule showing the projected capital structure including the methods of financing the construction and operation of the utility until the utility reaches 80 percent of the design capacity of the system. If the utility will be built in phases, this shall apply only to the first phase;

4. The current annual operating expenses and the projected annual operating expenses at 80 percent of design capacity using the NARUC USOA. If the utility will be built in phases, this shall apply only to the first phase;

5. A schedule showing how the proposed rates were developed;

6. A schedule showing how the proposed service availability policy and charges were developed, including meter installation, main extension, and plant capacity charges, and proposed donated property; and

7. A schedule showing how the customer deposits and miscellaneous service charges were developed, including initial connection, normal reconnection, violation reconnection, and premises visit fees, consistent with Rules 25-30.311 and 25-30.460, F.A.C.; and

(q) A tariff containing all rates, classifications, charges, rules, and regulations which shall be consistent with Chapter 25-9, F.A.C. Form PSC 1010 (12/15), entitled "Water Tariff," which is incorporated by reference in this rule and is available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-06247> and Form PSC 1011 (12/15), entitled "Wastewater Tariff," which is incorporated by reference in this rule and is available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-06248>, are example tariffs that may be completed by the applicant and included in the application. These forms may also be obtained from the Commission's website, www.floridapsc.com.

(2) The base facility and usage rate structure (as defined in subsection 25-30.437(b), F.A.C.) shall be utilized for metered service, unless an alternative rate structure is supported by the applicant and authorized by the Commission.

(3) A return on common equity shall be established using current equity leverage formula established by order of this Commission pursuant to Section 367.081(4), F.S., unless there is competent substantial evidence supporting the use of a different return on common equity.

(4) Utilities obtaining ~~original initial~~ certificates of authorization pursuant to this rule are authorized to accrue allowance for funds used during construction (AFUDC) for projects found eligible pursuant to subsection 25-30.116(1), F.A.C.

(a) The applicable AFUDC rate shall be determined as the utility's projected weighted cost of capital as demonstrated in its application for original certificate and initial rates and charges.

(b) A discounted monthly AFUDC rate calculated in accordance with subsection 25-30.116(3), F.A.C., shall be used to insure that the annual AFUDC charged does not exceed authorized levels.

(c) The date the utility shall begin to charge the AFUDC rate shall be the date the certificate of authorization is issued to the utility so that such rate can apply to the initial construction of the utility facilities.

Rulemaking Authority 350.127(2), 367.045(1), 367.121, 367.1213 FS. Law Implemented 367.031, 367.045, 367.1213 FS. History—New 1-27-91, Amended 11-30-93,_____.

25-30.034 Application for Original Certificate of Authorization for Existing Utility Currently Charging for Service.

(1) Each applicant for an original certificate of authorization for an existing utility currently charging for service, which is applying for an initial certificate of authorization, other than an application filed under Section 367.171, F.S., shall file with the Commission Clerk provide the following information: set forth in paragraphs (a) through (o) and, if applicable, paragraphs (2)(a) through (c). Form PSC 1002 (12/15), entitled "Application for Original Certificate of Authorization for Existing Utility Currently Charging for Service," which is incorporated by reference in this rule and is available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-06238>, is an example application that may be completed by the applicant and filed with the Office of Commission Clerk to comply with this subsection. This form is also available on the Commission's website, www.floridapsc.com.

(a) A filing fee pursuant to Rule 25-30.020(2)(a), F.A.C.;

(b) Proof of noticing pursuant to Rule 25-30.030, F.A.C.;

(c)(a) The utility's complete name, and address, telephone number, Federal Employer Identification Number, authorized representative, and if available, e-mail address and fax number;

(d)(b) The nature of the utility's business organization, i.e., corporation, limited liability company, partnership, limited partnership, sole proprietorship, association, etc.; The applicant must provide documentation from the Florida Department of State, Division of Corporations, showing:

1. The utility's business name and registration/document number for the business, unless operating as a sole proprietor; and

2. The utility's fictitious name and registration number for the fictitious name, if operating under a fictitious name;

(e)(e) The name(s), ~~and~~ address(es), and percentage of ownership of each entity or person which owns or will own more than a 5 percent of all corporate officers, directors, partners, or any other person(s) owning an interest in the utility;

(f) A statement indicating whether the application is for water, wastewater, or both. If the applicant is applying for water or wastewater only, the statement shall include how the other service is provided;

(g) A description of the types of customers served, i.e., single family homes, mobile homes, duplexes, golf course clubhouse, or commercial;

(h) A schedule showing the number of customers currently served, by class and meter size, as well as the number of customers projected to be served when the requested service territory is fully developed;

(i)(d) To demonstrate ~~A statement regarding~~ that the applicant has the necessary financial and technical ability of the applicant to continue to provide service to the proposed service area, the applicant shall provide:

1. A detailed financial statement (balance sheet and income statement), audited if available, of the financial condition of the applicant, which shows all assets and liabilities of every kind and character. The financial statements shall be for the preceding calendar or fiscal year. The financial statement shall be prepared in accordance with Rule 25-30.115, F.A.C. If available, a statement of the sources and uses of funds shall also be provided;

2. A list of all entities, including affiliates, upon which the applicant is relying to provide funding to the utility and an explanation of the manner and amount of such funding. The list need not include any person or entity holding less than 5 percent ownership interest in the utility. The applicant shall provide copies of any financial agreements between the listed entities and the utility and proof of the listed entities' ability to provide funding, such as financial statements;

(j) To demonstrate the technical ability of the applicant to provide service, the applicant shall provide the following:

1. A statement of the applicant's experience in the water and wastewater industry;

2. A copy of all current permits from the Department of Environmental Protection (DEP) and the water management district;

3. A copy of the most recent DEP and/or county health department sanitary survey, compliance inspection report, and secondary standards drinking water report; and

4. A copy of all correspondence with the DEP, county health department, and water management district, including consent orders and warning letters, and the utility's responses to the same, for the past five years;

(k) To describe the proposed service area, the applicant shall provide:

1. A legal description of the proposed service area in the format prescribed in Rule 25-30.029, F.A.C.;

2. A detailed system map showing existing and proposed lines and treatment facilities with the territory proposed to be served plotted thereon, consistent with the legal description provided in subparagraph (1)(k)1. above. Any territory not served at the time of the application shall be specifically identified on the system map. The map shall be of sufficient scale and detail to enable correlation with the description of the territory proposed to be served; and

3. An 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, consistent with the legal description provided in subparagraph (k)1. above;

(l) A statement explaining when and under what circumstances the applicant began providing service prior to obtaining a certificate of authorization;

(m)(e) Documentation of the utility's right to access and continued term use of Evidence that the utility owns the land upon which the utility treatment facilities are located. Documentation of continued use shall be in the form of a recorded warranty deed, recorded quit claim deed accompanied by title insurance, recorded lease or a copy of an agreement which provides for the continued use of the land, such as a 99-year lease, or recorded easement. The applicant may submit an unrecorded copy of the instrument granting the utility's right to access and continued use of the land upon which the utility treatment facilities are or will be located, provided the applicant files a recorded copy within the time required in the order granting the certificate. The Commission may consider a written easement or other cost effective alternative;

(n) Documentation specifying on what date and under what authority the current rates and charges were established; and

(o)(f) A One original and two copies of a model tariff, containing all rates, classifications, charges, rules, and regulations, which shall be consistent with Chapter 25-9, F.A.C. Form PSC 1010 (12/15), entitled "Water Tariff" and Form PSC 1011 (12/15), entitled "Wastewater Tariff," which are incorporated by reference in Rule 25-30.033, F.A.C., are example tariffs that may be completed by the applicant and included in the application. These forms may

~~also be obtained from the Commission's website, www.floridapsc.com. Model tariffs are available from the Division of Economics, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850;~~

~~(g) A statement specifying on what date and under what authority the current rates and charges were established;~~

~~(h) A description of the territory to be served, using township, range and section references as specified in subsection 25-30.030(2), F.A.C.;~~

~~(i) One copy of a detailed system map showing the lines, treatment facilities and the territory to be served. Any territory not served at the time of the application shall be specifically identified on the system map. The map shall be of sufficient scale and detail to enable correlation with the description of the territory to be served;~~

~~(j) 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;~~

~~(k) The numbers and dates of any permits issued for the systems by the Department of Environmental Protection;~~

~~(l) The date the utility was established;~~

~~(m) A statement explaining how and why applicant began providing service prior to obtaining a certificate of authorization; and~~

~~(n) A schedule showing the number of customers currently served, by class and meter size, as well as the number of customers projected to be served when the requested service territory is fully occupied.~~

~~(2) If the applicant is requesting any territory not served at the time of application, provide the following:~~

~~(a) To demonstrate A statement showing the need for service in the proposed area, the applicant shall provide the following:~~

~~1. The number of customers proposed to be served, by customer class and meter size, including a description of the types of customers anticipated to be served, i.e., single family homes, mobile homes, duplexes, golf course clubhouse, or commercial. If the development will be in phases, this information shall be separated by phase; and~~

~~2. A copy of all requests for service from property owners or developers in areas not currently served; and~~

~~(b) The current land use designation of the proposed service territory as described in A statement that to the best of the applicant's knowledge, the provision of service in this territory will be consistent with the water and wastewater sections of the local comprehensive plan as approved by the Department of Community Affairs at the time the~~

application is filed. If the proposed development will require a revision to the comprehensive plan, describe the steps taken and to be taken to facilitate those changes, including changes needed to address the proposed need for service described in paragraph (2)(a) above; and, or, if not consistent, a statement demonstrating why granting the territory would be in the public interest.

(c) Any known land use restrictions, such as environmental restrictions imposed by governmental authorities.

Rulemaking Authority 350.127(2), 367.045, 367.121(1), 367.1213 FS. Law Implemented 367.045, 367.1213 FS.

History—New 1-27-91, Amended 11-30-93, _____.

25-30.035 Application for Original Grandfather Certificate of Authorization Following Rescission of Jurisdiction by a County.

(1) Each applicant for an original a certificate of authorization following rescission of jurisdiction by a county under the provisions of Section 367.171, F.S., (commonly known as the grandfather provision), shall file with the Commission Clerk one original of provide the following information: set forth in subsections (2) through (16) below. Form PSC 1003 (12/15), entitled “Application for Original Certificate of Authorization Following Rescission of Jurisdiction by a County (Grandfather Certificate),” which is incorporated by reference in this rule and is available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-06240>, is an example application that may be completed by the applicant and filed with the Office of Commission Clerk to comply with this subsection. This form may also be obtained from the Commission’s website, www.floridapsc.com;

(2) A filing fee pursuant to Rule 25-30.020(2)(d), F.A.C.;

(3)(4) The utility’s complete name, and address, telephone number, Federal Employer Identification Number, authorized representative, and, if available, e-mail address and fax number;

(4)(2) The nature of the utility’s business organization, i.e., corporation, limited liability company, partnership, limited partnership, sole proprietorship, or association, etc.; The applicant must provide documentation from the Florida Department of State, Division of Corporations, showing:

(a) The utility’s business name and registration/document number for the business, unless operating as a sole proprietor; and

(b) The utility’s fictitious name and registration number for the fictitious name, if operating under a fictitious name;

(5)(3) The name(s), and address(es), and percentage of ownership of each entity or person which owns or will own of all corporate officers, directors, partners, or any other person(s) owning more than a 5 percent an interest in the utility;

(6) A statement indicating whether the application is for water, wastewater, or both. If the applicant is applying for water or wastewater only, the statement shall include how the other service is provided;

(7)(4) The date the utility was established;

(8)(5) A description of the types of customers served, i.e., single family homes, mobile homes, duplexes, golf course clubhouse, or commercial, etc.;

(9) A schedule showing the number of customers currently served, by class and meter size, as well as the number of customers projected to be served when the requested service territory is fully developed;

(10) A legal description of the proposed service area in the format prescribed in Rule 25-30.029, F.A.C. The utility must provide documentation of the territory the utility was serving, or was authorized to serve, from the county which had jurisdiction over the utility on the day Chapter 367, F.S., became applicable to the utility;

(11)(6) Documentation of the utility's right to access and continued use of Evidence that the utility owns the land upon which the utility treatment facilities are located. Documentation of continued use shall be in the form of a recorded warranty deed, recorded quit claim deed accompanied by title insurance, recorded lease, or a copy of an agreement which provides for the continued use of the land, such as a 99-year lease, or recorded easement. The applicant may submit an unrecorded copy of the instrument granting the utility's right to access and continued use of the land upon which the utility treatment facilities are or will be located, provided the applicant files a recorded copy within the time required in the order granting the certificate; The Commission may consider a written easement or other cost effective alternative;

(12) Documentation, or if no documentation exists, a statement, specifying on what date and under what authority the current rates and charges were established;

(13)(7) One original and two copies of Aa tariff, containing all rates, classifications, charges, rules, and regulations, which shall be consistent with Chapter 25-9, F.A.C. Form PSC 1010 (12/15), entitled "Water Tariff" and Form PSC 1011 (12/15), entitled "Wastewater Tariff," which are incorporated by reference in Rule 25-30.033, F.A.C., are example tariffs that may be completed by the applicant and included in the application. These forms may also be

~~obtained from the Commission's website, www.floridapsc.com; Sample tariffs are available from the Division of Economic Regulation, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850;~~

~~(8) A statement specifying on what date and under what authority the current rates and charges were established;~~

~~(9) A description using township, range, and section references as specified in subsection 25-30.030(2), F.A.C., of the territory the utility was serving, or was authorized to serve by the county which had jurisdiction over the utility on the day Chapter 367, F.S., became applicable to the utility;~~

~~(14)(10) One copy of A a detailed system map showing the existing and proposed lines, and treatment facilities, with ~~and~~ the territory proposed to be served plotted thereon, consistent with the legal description provided in subsection (10) above. Any territory not served at the time of the application shall be specifically identified, ~~and~~ The map shall be of sufficient scale and detail to enable correlation with the description of the territory to be served;~~

~~(15)(11) An 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, consistent with the legal description provided in subsection (10) above by use of metes and bounds or quarter sections, and with a defined reference point of beginning; and~~

~~(16)(12) The numbers and dates of any A copy of all current permits issued for the systems by the Department of Environmental Protection and water management district. ; and~~

~~(13) A schedule showing the number of customers currently served, by class and meter size, as well as the number of customers projected to be served when the requested service territory is fully occupied.~~

Rulemaking Authority 350.127(2), 367.121, 367.1213 FS. Law Implemented 367.1213, 367.171 FS. History— Amended 7-21-65, 1-7-69, 2-3-70, 3-6-71, Revised 9-12-74, Amended 3-26-81, Formerly 25-10.02, 25-10.002, Amended 11-10-86, 1-27-91, 11-30-93, _____

25-30.036 Application for Amendment to Certificate of Authorization to Extend or Delete Service Area.

(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.

Form PSC 1004 (12/15) entitled "Application for Amendment of Certificate (Extension, Quick Take Extension, or Deletion)," which is incorporated by reference in this rule and is available at

<http://www.flrules.org/Gateway/reference.asp?No=Ref-06241>, is an example application that may be completed by

the applicant and filed with the Office of Commission Clerk to comply with subsection (2), (3), or (4) below. This form may also be obtained from the Commission's website, www.floridapsc.com.

~~(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 subsection (2) of this rule within 45 days of the completion of the notice requirements.~~

~~(2)(3) Each utility proposing to extend its service area (except applications filed pursuant to subsection (3) below), shall file with the Commission Clerk one original of the information set forth in paragraphs (a) through (q). (2) above, which shall file only paragraphs (a), (d), (e), (i), (m), (o), (p), (q), and (r) listed below) shall provide the following:~~

~~(a) A filing fee pursuant to paragraph 25-30.020(2)(b), F.A.C.;~~

~~(b) Proof of Noticing pursuant to Rule 25-30.030, F.A.C.;~~

~~(c)(a) The utility's certificated complete name, and address, telephone number, Federal Employer Identification Number, authorized representative, and, if available, e-mail address and fax number;~~

~~(b) A statement showing the financial and technical ability of the utility to provide service and the need for service in the area requested;~~

~~(d) To demonstrate the need for service in the proposed area, the applicant must provide:~~

1. The number of customers currently being served and proposed to be served, by customer class and meter size, including a description of the types of customers anticipated to be served, i.e., single family homes, mobile homes, duplexes, golf course clubhouse, or commercial;

2. A copy of all requests for service from property owners or developers in areas not currently served;

3. The current land use designation of the proposed service territory as described in the local comprehensive plan at the time the application is filed. If the proposed development will require a revision to the comprehensive plan, describe the steps taken and to be taken to facilitate those changes, including changes needed to address the proposed need for service; and

~~(e)~~ 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;

4. Any known land use restrictions, such as environmental restrictions imposed by governmental authorities;

~~(e)~~(d) If the utility is planning to build a new water or wastewater treatment plant to serve the proposed territory, provide documentation of the utility's right to access and continued use of Evidence that the utility owns the land upon which the new utility treatment facilities that will serve the proposed territory will be are located.

Documentation of continued use shall be in the form of a recorded warranty deed, recorded quit claim deed accompanied by title insurance, recorded lease or a copy of an agreement, such as a 99-year lease, or recorded easement which provides for the continued use of the land. The applicant may submit an unrecorded copy of the instrument granting the utility's right to access and continued use of the land upon which the utility treatment facilities are or will be located, provided that the applicant files a recorded copy within the time required in the order granting the amendment to the certificate of authorization; The Commission may consider a written easement or other cost effective alternative;

~~(f)~~(e) A legal description of the territory proposed to be served, in the format prescribed in Rule 25-30.029, F.A.C. In addition, if the extension of territory is adjacent to existing territory, provide a legal description of the resulting territory including both existing and expanded portions in the format prescribed in Rule 25-30.029, F.A.C. using township, range and section references as specified in subsection 25-30.030(2), F.A.C.;

~~(g)(f)~~ One copy of A a detailed system map showing the proposed lines, and treatment facilities, with and the territory proposed to be served plotted thereon, consistent with the legal description provided in paragraph (2)(f) above. If the territory to be served is adjacent to the utility's existing territory, provide a complete map showing both existing and expanded territories. 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;

~~(h)(i)~~ An 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, consistent with the legal description provided in paragraph (2)(f) above; by use of metes and bounds or quarter sections, and with a defined reference point of beginning;

~~(i)(j)~~ A statement describing the capacity of the existing lines, the capacity of the existing treatment facilities, and the design capacity of the proposed extension;

~~(j)(k)~~ A copy of all current The numbers and dates of any permits issued for the proposed systems by the Department of Environmental Protection and by the water management district;

~~(k)~~ A copy of the most recent DEP and/or county health department sanitary survey, compliance inspection report, and secondary standards drinking water report;

~~(l)~~ A copy of all correspondence with the DEP, county health department and water management district, including consent orders and warning letters, and the utility's response to the same, for the past five years;

~~(m)(4)~~ 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) All tariff pages that reflect the additional proposed service area, which shall be consistent with Chapter 25-9, F.A.C. Form PSC 1010 (12/15), entitled “Water Tariff” and Form PSC 1011 (12/15), entitled “Wastewater Tariff,” which are incorporated by reference in Rule 25-30.033, F.A.C., are example tariffs that may be completed by the applicant and included in the application. These forms may also be obtained from the Commission’s website, www.floridapsc.com; The original and two copies of sample tariff sheets reflecting the additional service area; and

~~(p) The applicant’s current certificate for possible amendment.~~

~~(p)(q)~~ The number of the most recent order of the Commission establishing or changing the applicant’s rates and charges; and -

~~(q)(r)~~ An affidavit that the utility has tariffs and annual reports on file with the Commission.

(3) A request for service territory extension and amendment of an existing certificate (commonly known as a “quick take” amendment) 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 that the proposed new territory includes a maximum of 25 equivalent residential connections within such territory at the time the territory is at buildout. In addition, the statement must include 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, or commercial;

(b) The utility has provided a written statement that, upon investigation;

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; and

(c) The utility has filed an application which meets the requirements of paragraphs (2)(a), (b), (c), (e), (f), (h), (j),

(o), (p) and (q) above.

(4) Each utility proposing to delete a portion of its service area shall file with the Commission Clerk one original of the information set forth in paragraphs (4)(a) through (k) below. ~~submit the following:~~

(a) A filing fee pursuant to paragraph 25-30.020(2)(b), F.A.C.;

(b) Proof of noticing pursuant to Rule 25-30.030, F.A.C.;

(c)(a) The utility's complete name, and address, telephone number, authorized representative, and, if available, e-mail address and fax number. The utility's name should reflect the business and/or fictitious name(s) registered with the Department of State's Division of Corporations;

(d) A statement specifying the reasons for the proposed deletion of territory;

(e)(b) A legal description of the territory proposed to be deleted and a legal description of the remaining territory in the format prescribed in Rule 25-30.029, F.A.C. using township, range and section references;

(f)(c) One copy of Aa detailed system map with the territory proposed to be deleted and retained plotted thereon, consistent with the legal description provided in paragraph (e) above, showing the existing lines, treatment facilities, and territory served. The map shall show existing lines and treatment facilities in the area retained and 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;

(g)(e) An 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, consistent with the legal description provided in paragraph (e) above 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) The number of current active connections within the territory to be deleted, as well as the number of connections retained. For each active connection in the area to be deleted, if any, the A statement must detail as to the effect of the proposed deletion on the ability of those customers any customer or potential customer to receive water and wastewater services service, including alternative source(s) of service;

(i) All The original and two copies of sample tariff pages sheets that reflect reflecting the revised service area, which shall be consistent with Chapter 25-9, F.A.C. Form PSC 1010 (12/15), entitled "Water Tariff," and Form PSC 1011 (12/15), entitled "Wastewater Tariff," which are incorporated by reference in Rule 25-30.033, F.A.C., are example tariffs that may be completed by the applicant and included in the application. These forms may also be obtained from the Commission's website, www.floridapsc.com;

~~(j) The applicant's current certificate for possible amendment;~~

~~(j)(4)~~ The number of the most recent order of the Commission establishing or changing the applicant's rates and charges; and

~~(k)(4)~~ An affidavit that the utility has tariffs and annual reports on file with the Commission.

Rulemaking Authority 350.127(2), 367.045, 367.121, 367.1213 FS. Law Implemented 367.045, 367.1213 FS.

History—New 1-27-91, Amended 11-30-93, _____.

25-30.037 Application for Authority to Transfer.

(1) This rule applies to any application for the transfer of an existing water or wastewater utility system, regardless of whether service is currently being provided. ~~This rule does not apply where the transfer is of an exempt or non-jurisdictional system and will result in the system continuing to be exempt from or not subject to Commission jurisdiction.~~ The application for transfer may result in the transfer or cancellation of the seller's existing certificate, amendment of the buyer's existing certificate or granting of an original initial certificate to the buyer, or a transfer of majority organizational control of the utility.

(a) If a transfer occurs prior to Commission approval, the utility shall submit an application for authority to transfer no later than 90 days after the sale closing date.

(b) When a utility applies for any of the following transfer authorizations by the Commission, it shall provide its application as prescribed in the appropriate subsection below:

1. A transfer of a regulated utility to another regulated utility shall be pursuant to subsection (2) below;

2. A transfer of an exempt entity to a regulated utility shall be pursuant to subsection (3) below;

3. A transfer of a utility in a nonjurisdictional county to a regulated utility that results in a system whose service transverses county boundaries shall be pursuant to subsection (3) below;

4. A change of majority organizational control of a regulated utility shall be pursuant to subsection (4) below; or

5. A transfer of a regulated utility to an exempt entity other than a governmental authority shall be pursuant to subsection (5) below.

(c) Form PSC 1005 (12/15), entitled "Application for Transfer of Certificates or Facilities from a Regulated Utility to Another Regulated Utility," which is incorporated by reference in this rule and which is available at

<http://www.flrules.org/Gateway/reference.asp?No=Ref-06242>, Form PSC 1006 (12/15), entitled "Application for

Transfer of an Exempt Entity to a Regulated Utility or Transfer of a Utility in a Non-jurisdictional County to a Regulated Utility That Results in a System Whose Service Transverses County Boundaries,” which is incorporated by reference in this rule and which is available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-06243>, Form PSC 1007 (12/15), entitled “Application for a Transfer of Majority Organizational Control of a Regulated Utility,” which is incorporated by reference in this rule and which is available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-06244>, and Form PSC 1008 (12/15), entitled “Application for Transfer of Facilities from a Regulated Utility to an Exempt Entity Other Than a Governmental Authority,” which is incorporated by reference in this rule and which is available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-06245>, are example applications that may be completed by the applicant and filed with the Office of Commission Clerk to comply with subsection (2), (3), (4), or (5) below, respectively. These forms may also be obtained from the Commission’s website, www.floridapsc.com.

(2) Transfer of a regulated utility to another regulated utility. Each applicant application for transfer of certificate of authorization, facilities, or any portion thereof, from a regulated utility to another regulated utility to a non-governmental entity shall file with the Commission Clerk the information set forth in paragraphs (a) through (v) below. include the following information:

(a) A filing fee pursuant to Rule 25-30.020(2)(c), F.A.C.:

(b) Proof of noticing pursuant to Rule 25-30.030, F.A.C.:

(c)(a) The certificated complete name, and address, telephone number, certificate number(s), authorized representative, and, if available, e-mail address and fax number of the utility/seller;

(d)(b) The complete name and, address, telephone number, Federal Employer Identification Number, authorized representative and, if available, e-mail address and fax number of the buyer(s) buyer and the new name of the utility if the buyer plans to operate under a different name;

(e) The name, address, telephone number, and if available, e-mail address and fax number of the person in possession of the books and records when the application is filed;

(f)(e) The nature of the buyer’s business organization, i.e., corporation, limited liability company, partnership, limited partnership, sole proprietorship, or association. The buyer must provide documentation from the Florida Department of State, Division of Corporations, showing:

1. The utility's/buyer's business name and registration/document number for the business, unless operating as a sole proprietor, and

2. The utility's/buyer's fictitious name and registration number for the fictitious name, if operating under a fictitious name;

~~(g)(d)~~ The name(s), and address(es) and percentage of ownership of each entity or person that owns or of all of the buyer's corporate officers, directors, partners or any other person(s) who will own more than a 5 percent an interest in the utility;

~~(h)(e)~~ The date and state of incorporation or organization of the buyer;

~~(f)~~ The names and locations of any other water or wastewater utilities owned by the buyer;

~~(i)(g)~~ A copy of the contract for sale and all auxiliary or supplemental agreements. If the sale, assignment, or transfer occurs prior to Commission approval, the contract shall include a provision stating that the contract is contingent upon Commission approval; which shall include, if applicable:

(j) The buyer must provide the following documentation of the terms of the transfer:

1. The date the closing occurred or will occur;

~~2.1.~~ The purchase price and terms of payment;

~~3.2.~~ A list of and the dollar amount of the assets purchased and liabilities assumed or not assumed, including those of nonregulated operations or entities; and

~~4.3.~~ A description of all consideration between the parties, including for example, promised salaries, retainer fees, stock, stock options, and assumption of obligations; and

~~5.(h) Provisions~~ The contract for sale shall also provide for the disposition, where applicable, of the following: 1-
Customer deposits and interest thereon; 2- Any guaranteed revenue contracts; 3- Developer agreements; 4-
Customer advances; 5- Debt of the utility; and 6- Leases;

6. A statement that the buyer will fulfill the commitments, obligations and representations of the seller with regard to utility matters;

7. A statement that the buyer has or will obtain the books and records of the seller, including all supporting documentation for rate base additions since the last time rate base was established for the utility;

8. A statement that the utility's books and records will be maintained using the 1996 National Association of

Regulatory Utilities Commissioners (NARUC) Uniform System of Accounts (USOA), incorporated by reference in Rule 25-30.115, F.A.C.; and

9. A statement that the utility's books and records will be maintained at the utility's office(s) within Florida, or that the utility will comply with the requirements of paragraphs 25-30.110(1)(b) and (c), F.A.C., regarding maintenance of utility records at another location or out-of-state. If the records will be maintained at the utility's office(s), the statement should include the location where the utility intends to maintain the books and records;

~~(i) A statement describing the financing of the purchase;~~

~~(k)(j) A statement explaining why indicating how the transfer is in the public interest, including a summary of the buyer's experience in water or wastewater utility operations, a showing of the buyer's financial ability to provide service, and a statement that the buyer will fulfill the commitments, obligations and representations of the seller with regard to utility matters;~~

(l) To demonstrate the financial ability of the buyer to maintain and operate the acquired utility, the buyer shall provide:

1. A detailed financial statement (balance sheet and income statement), audited if available, of the financial condition of the applicant, that shows all assets and liabilities of every kind and character. The financial statements shall be for the preceding calendar or fiscal year. The financial statement shall be prepared in accordance with Rule 25-30.115, F.A.C. If available, a statement of the sources and uses of funds shall also be provided; and

~~2.(k) A list of all entities, including affiliates, upon which the buyer applicant is relying to provide funding to the utility buyer, and an explanation of the manner and amount of such funding. The list need not include any person or entity holding less than 5 percent ownership interest in the utility. The applicant shall provide copies of any financial agreements between the listed entities and the utility and proof of the listed entities' ability to provide funding, such as financial statements; , which shall include their financial statements and copies of any financial agreements with the utility. This requirement shall not apply to any person or entity holding less than 10 percent ownership interest in the utility;~~

(m) To demonstrate the technical ability of the buyer to provide service, the buyer shall provide:

1. An explanation of the buyer's experience in the water or wastewater industry; and

2. The buyer's plans for ensuring continued operation of the utility, such as retaining the existing plant operator(s)

and office personnel, or contracting with outside entities;

(n) A legal description of the proposed service area in the format prescribed in Rule 25-30.029, F.A.C.;

(o)(4) The proposed net book value of the system as of the date of the proposed transfer, and a statement setting out the reasons for the inclusion of an acquisition adjustment, if one is requested. If rate base has been established by this Commission, provide the docket and state the order number, and date issued and identify all adjustments made to update this rate base to the date of transfer; In addition, provide a schedule of all subsequent changes to rate base;

(m) A statement setting out the reasons for the inclusion of an acquisition adjustment, if one is requested;

(n) If the books and records of the seller are not available for inspection by the Commission or are not adequate for purposes of establishing the net book value of the system, a statement by the buyer that a good faith, extensive effort has been made to obtain such books and records for inspection by the Commission and detailing the steps taken to obtain the books and records;

(p)(e) A statement from the buyer that it has obtained or will obtain copies of all of the federal income tax returns of the seller from the date the utility was first established, or the rate base was last established by the Commission, whichever is later, or, If the tax returns have not been obtained, provide a description of a statement from the buyer detailing the steps taken to obtain the tax returns;

(q)(p) A statement from the buyer that after reasonable investigation, the system being acquired appears to be in satisfactory condition and in compliance with all applicable standards set by the Department of Environmental Protection (DEP) or, if the system is in need of repair or improvement, has any outstanding Notice of Violation of any standard set by the DEP or any outstanding consent orders with the DEP, the buyer shall provide a description of the repairs or improvements that have been identified, the governmental authority that required the repairs or improvements, if applicable, the approximate cost to complete the repairs or improvements, and any agreements between the seller and buyer regarding who will be responsible for any identified repairs or improvements; list of the improvements and repairs needed and the approximate cost to make them, a list of the action taken by the utility with regard to the violation, a copy of the Notice of Violation(s), a copy of the consent order and a list of the improvements and repairs consented to and the approximate cost to make them;

(r) The applicant shall provide the following documents:

1. A copy of the utility's current permits from the DEP and the water management district;

2. A copy of the most recent DEP and/or county health department sanitary survey, compliance inspection report, and secondary standards drinking water report;

3. A copy of all of the utility's correspondence with the DEP, county health department, and water management district, including consent orders and warning letters, and the utility's responses to the same, for the past five years;
and

4. A copy of all customer complaints that the utility has received regarding DEP secondary water quality standards during the past five years;

~~(s)(q)~~ Documentation of the utility's right to access and continued use of Evidence that the utility owns the land upon which the utility treatment facilities are located. Documentation of continued use shall be in the form of a recorded warranty deed, recorded quit claim deed accompanied by title insurance, recorded lease, or a copy of an agreement which provides for the continued use of the land, such as a 99-year lease, or recorded easement. The applicant may submit an unrecorded copy of the instrument granting the utility's right to access and continued use of the land upon which the utility treatment facilities are or will be located, provided that the applicant files a recorded copy within the time required in the order granting the transfer; The Commission may consider a written easement or other cost effective alternative;

~~(t)(r)~~ A statement regarding the disposition of any outstanding regulatory assessment fees, fines, or refunds owed and which entity will be responsible for paying regulatory assessment fees and filing the annual report for the year of the transfer and subsequent years;

~~(u)(s)~~ The original and two copies of sample T-tariff sheets reflecting any changes resulting from the transfer, the change in ownership; Form PSC 1010 (12/15), entitled "Water Tariff" and Form PSC 1011 (12/15), entitled "Wastewater Tariff," which are incorporated by reference in Rule 25-30.033, F.A.C., are example tariffs that may be completed by the applicant and included in the application. These forms are also available on the Commission's website, www.floridapsc.com; and

~~(t)~~ The utility's current certificate(s), or if not available, provide an explanation of the steps the applicant took to obtain the certificate(s).

(v) If the buyer owns other water or wastewater utilities that are regulated by the Commission, provide a schedule reflecting any economies of scale that are anticipated to be achieved within the next three years and the effect on

rates for existing customers served by both the utility being purchased and the buyer's other utilities.

(3) Transfer of an exempt entity to a regulated utility, or transfer of a utility in a nonjurisdictional county to a regulated utility that results in a system whose service transverses county boundaries. Each applicant shall file with the Commission the information set forth in paragraphs (a) through (f) below.

(a) A combined filing fee pursuant to Rule 25-30.020(2)(b) and (c), F.A.C.;

(b) Proof of noticing pursuant to Rule 25-30.030, F.A.C.;

(c) The requirements of paragraphs (2)(c), (d), (e), (f), (g), (h), (i), (j), (k), (l), (m), (n), (o), (p), (q), (r), (s), (t), (u), and (v) above;

(d) The requirements of Rule 25-30.036(2)(h) and (i), F.A.C.;

(e) An explanation of when and under what authority the current rates and charges of the exempt entity or utility in a non-jurisdictional county were established, if applicable; and

(f) An explanation of how the seller is either exempt pursuant to Section 367.022, F.S., or is a utility in a nonjurisdictional county.

(4)(3) In case of ~~A~~ a transfer ~~change~~ of majority organizational control; of a regulated utility. Each applicant for a transfer of majority organizational control shall file with the Commission the information set forth in paragraphs (a) through (d) below. the application shall include the following information:

(a) A filing fee pursuant to Rule 25-30.020(2)(c), F.A.C.;

(b) Proof of noticing pursuant to Rule 25-30.030, F.A.C.;

(c) The requirements of paragraphs (2)(c), (d), (f), (i), (j), (k), (l), (m), (q), (t) and (u) above; and

(d) A description of the ownership transfer, including the date the transfer occurred or will occur and a description of the resulting ownership interests in the utility.

(a)The complete name and address of the seller;

(b)The complete name and address of the buyer;

(c)The name(s) and address(es) of all of the buyer's corporate officers, directors, partners and any other person(s) who will own an interest in the utility;

(d)The names and locations of any other water or wastewater utilities owned by the buyer;

(e)A statement describing the financing of the purchase;

~~(f) A statement describing how the transfer is in the public interest, including a summary of the buyer's experience in water or wastewater utility operations, a showing of the buyer's financial ability to provide service, and a statement that the buyer will fulfill the commitments, obligations and representations of the seller with regard to utility matters;~~

~~(g) A list of all entities, including affiliates, that have provided, or will provide, funding to the buyer, and an explanation of the manner and amount of such funding, which shall include their financial statements and copies of any financial agreements with the utility. This requirement shall not apply to any person or entity holding less than 10 percent ownership interest in the utility;~~

~~(h) A statement from the buyer that after reasonable investigation, the system being acquired appears to be in satisfactory condition and in compliance with all applicable standards set by the DEP or, if the system is in need of repair or improvement, has any outstanding Notice of Violation(s) of any standard(s) set by the DEP or any outstanding consent orders with the DEP, the buyer shall provide a list of the improvements and repairs needed and the approximate cost to make them, a list of the action taken by the utility with regard to the violations, a copy of the Notice of Violation(s), a copy of the consent order and a list of the improvements and repairs consented to and the approximate cost;~~

~~(i) Evidence that the utility owns the land upon which the utility treatment facilities are located, or a copy of an agreement which provides for the continued use of the land, such as a 99 year lease. The Commission may consider a written easement or other cost effective alternative;~~

~~(j) The original and two copies of sample tariff sheets reflecting the change in ownership; and~~

~~(k) The utility's current certificate(s), or if not available, the applicant shall provide an explanation of the steps the applicant took to obtain the certificate(s).~~

(5) A transfer of a regulated utility to an exempt entity other than a governmental authority. Each applicant for a transfer of ownership of a regulated utility to an exempt entity other than a governmental authority shall file with the Commission Clerk the information set forth in paragraphs (a) through (e) below.

(a) A filing fee pursuant to Rule 25-30.020(2)(c), F.A.C.;

(b) Proof of noticing pursuant to Rule 25-30.030, F.A.C.;

(c) The requirements of paragraphs (2)(c), (d), (k), (l), (m), and (r) above;

(d) Documentation of the following terms of the transfer:

1. A copy of the contract for sale and all auxiliary or supplemental agreements. If the sale, assignment, or transfer occurs prior to Commission approval, the contract shall include a provision stating that the contract is contingent upon Commission approval;

2. The closing date;

3. A statement regarding the disposition of customer deposits and interest thereon; and

4. A statement regarding the disposition of any outstanding regulatory assessment fees, fines, refunds, or annual reports; and

(e) An explanation of how the buyer is exempt pursuant to Section 367.022, F.S.

~~(4) Each application for transfer of certificate of authorization, facilities, or any portion thereof, or majority organizational control to a governmental authority shall contain the following information:~~

~~(a) The name and address of the utility and its authorized representative;~~

~~(b) The name of the governmental authority and the name and address of its authorized representative;~~

~~(c) A copy of the contract or other document transferring the utility system to the governmental authority;~~

~~(d) A list of any utility assets not transferred to the governmental authority if such remaining assets constitute a system providing or proposing to provide water or wastewater service to the public for compensation;~~

~~(e) A statement that the governmental authority obtained, from the utility or Commission, the most recent available income and expense statement, balance sheet, statement of rate base for regulatory purposes, and contributions in aid of construction;~~

~~(f) The date on which the governmental authority proposes to take official action to acquire the utility;~~

~~(g) A statement describing the disposition of customer deposits and interest thereon; and~~

~~(h) A statement regarding the disposition of any outstanding regulatory assessment fees, fines or refunds owed.~~

~~(5) If a utility is transferring a portion of its facilities to a governmental agency, it must provide the following additional information:~~

~~(a) A description of the remaining territory using township, range, and section references;~~

~~(b) 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 remaining territory plotted thereon by use of metes and bounds or~~

~~quarter sections, and with a defined reference point of beginning; and~~

~~(e) The original and two copies of sample tariff sheets reflecting the remaining territory.~~

~~(6) Upon its receipt of items required in paragraphs (4)(a), (b), (c), (d), (e) and (f), the Commission will issue an order acknowledging that the facilities or any portion thereof have been acquired by the governmental authority.~~

~~(7) Upon receipt of the items required in paragraphs (4)(g) and (h) and, if applicable, paragraphs (5)(a), (b), and (c), and upon the completion of all pending proceedings before the Commission, the utility's certificate will be amended or cancelled. Amendment or cancellation of the certificate shall not affect the utility's obligation pursuant to Rule 25-30.120, F.A.C., Regulatory Assessment Fees.~~

Rulemaking Authority 367.121, 367.1213, 350.127(2) FS. Law Implemented 367.071, 367.1213 FS. History—New 1-27-91, Amended 11-30-93,_____.

25-30.038 Application for Transfer to a Governmental Authority.

(1) This rule applies to an application to transfer a regulated utility to a governmental authority pursuant to Section 367.071(4)(a), F.S.

(2) Each applicant for acknowledgement of the transfer of facilities, or any portion thereof, from a regulated utility to a governmental authority shall file the information set forth in paragraphs (a) through (h) below with the Office of Commission Clerk. Form PSC 1009 (12/15) entitled "Application for Transfer to a Governmental Authority," which is incorporated by reference in this rule and is available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-06246>, is an example application that may be completed by the applicant and filed with the Office of Commission Clerk to comply with this subsection. This form may also be obtained from the Commission's website, www.floridapsc.com.

(a) The certificated name, address, telephone number, certificate number(s), authorized representative, and, if available, e-mail address and fax number of the utility;

(b) The name, address, and telephone number, and authorized representative, and, if available, e-mail address and fax number of the governmental authority;

(c) The date on which the governmental authority assumed ownership or proposes to assume ownership, operation, management, or control of the utility;

(d) A copy of the contract or other document transferring the utility system to the governmental authority;

(e) A statement that the governmental authority obtained from the utility or Commission the most recent available annual report;

(f) A statement describing the disposition of customer deposits and interest thereon;

(g) A statement regarding the disposition of any outstanding regulatory assessment fees, fines or refunds owed; and

(h) If a utility is transferring only a portion of its facilities to a governmental authority, it must provide the following additional information:

1. A list of any utility assets not transferred to the governmental authority, if such remaining assets constitute a system providing or proposing to provide water or wastewater service to the public for compensation;

2. A legal description of the territory not transferred to the governmental authority in the format prescribed in Rule 25-30.029, F.A.C.;

3. An 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 remaining territory plotted thereon, consistent with the legal description provided in paragraph (2)(h)2. above; and

4. Tariff sheets reflecting the remaining territory. Form PSC 1010 (12/15), entitled "Water Tariff" and Form PSC 1011 (12/15), entitled "Wastewater Tariff," which are incorporated by reference in Rule 25-30.033, F.A.C., are example tariffs that may be completed by the applicant and included in the application. These forms may also be obtained from the Commission's website, www.floridapsc.com.

Rulemaking Authority 367.045, 367.121, 350.127(2) FS. Law Implemented 367.045, 367.071 FS. History—New

25-30.039 Notice of Application for Name Change

(1) This rule shall apply to a certificated utility that changes its name only, with no change in the ownership or control of the utility or its assets.

(2) Before notifying its customers of a utility name change, the utility shall provide Commission staff with the following: Each application for approval of a change in name of a certificated utility shall include the following information:

(a) The utility's certificated complete name, address, telephone number, certificate number(s), authorized representative, and, if available, e-mail address and fax number and type of business entity of the certificated utility;

(b) The ~~proposed~~ change in name and documentation from the Florida Department of State, Division of Corporations, showing:

1. The utility's business name and registration/document number for the business, unless operating as a sole proprietor, and

2. The utility's fictitious name and registration number for the fictitious name, if operating under a fictitious name the type of business entity under the new name;

~~(c)~~ A statement setting out the reasons for the name change;

~~(c)~~~~(d)~~ The effective date of the name change;

~~(d)~~~~(e)~~ In the case of a corporation, limited partnership, or any other type of entity that is chartered by the State of Florida or any other state, a copy of the certificate, or other document issued by the state showing its acceptance of the entity's new name. In addition, an officer of the entity shall provide A statement that the ownership and control of the utility and its assets will not change under the new proposed name. ~~In the case of a sole proprietorship, general partnership, or any other type of entity not chartered by the State of Florida or any other state, a statement, signed by a duly authorized representative, that the ownership and control of the utility and its assets will not change under the proposed name;~~

~~(e)~~~~(f)~~ A draft ~~proposed~~ notice to be sent to the customers of the utility informing them of the change in utility name; and

~~(f)~~~~(g)~~ A ~~An original and two copies of a proposed~~ tariff reflecting the name change, including all standard forms, Form PSC 1010 (12/15), entitled "Water Tariff," and Form PSC 1011 (12/15), entitled "Wastewater Tariff," which are incorporated by reference in Rule 25-30.033, F.A.C., are example tariffs that may be completed by the applicant and included in the application. These forms may also be obtained from the Commission's website, www.floridapsc.com. ; and,

~~(h)~~ ~~The applicant's current certificate.~~

(3) After the Commission staff approves the customer notice, the utility shall send the approved customer notice to all existing customers with the next regular billing, advising them of the name change. The utility shall file with the Commission Clerk a statement verifying the date that the notice was actually sent to the customers.

Rulemaking Authority 350.127(2), 367.121, 367.1214 FS. Law Implemented 367.121, 367.1214 FS. History—New 11-30-93, Amended _____.

25-30.090 Abandonments.

(1) This rule applies to any person, lessee, trustee, or receiver owning, operating, managing, or controlling a utility which intends to abandon the utility. The provisions of this rule are intended to prevent service interruptions to the utility customers.

(2) The notice of abandonment to be issued by the utility to the Commission and the county's administrator, pursuant to ~~required by~~ Section 367.165, F.S., shall identify ~~include~~ the following:

(a) The utility's name and address;

(b) The person to contact regarding this notice, including that person's ~~their~~ address, ~~and~~ telephone number, and, if available, e-mail address and fax number;

~~(c) The location of the utility's books and records;~~

~~(c)(d)~~ The date of the notice;

~~(d)(e)~~ The date the utility will be abandoned;

~~(e)(f)~~ Whether the water system, wastewater system, or both are to be abandoned;

~~(f)(g)~~ A statement of the reason the utility will ~~is to~~ be abandoned;

~~(g)(h)~~ A statement of the status of the utility with the Department of Environmental Protection regarding outstanding citations or violations; and

~~(h)~~ The location of the utility's books and records.

(3) Within 10 days of ~~the~~ appointment of a receiver by the circuit court, the receiver shall provide the Commission with a copy of the order of appointment and shall request from the Commission a copy of the utility's tariff and most recent annual report.

(4) Within 90 days of ~~the~~ appointment, a ~~of the~~ receiver who is not a governmental authority ~~the receiver~~ shall file the utility's water and/or wastewater a proposed tariff that is revised to show ~~revision amending the title page to reflect~~ the name, address and telephone number of the receiver and identifies the receiver as the issuing officer. This revision shall not affect the certificated name of the utility. Form PSC 1010 (12/15), entitled "Water Tariff" and Form PSC 1011 (12/15), entitled "Wastewater Tariff," which are incorporated by reference in Rule 25-30.033,

F.A.C., are example tariffs that may be completed by the applicant and included in the application. These forms may also be obtained from the Commission's website, www.floridapsc.com.

(5) ~~During the pendency of the receivership,~~ The receiver shall fulfill ~~be responsible for fulfilling~~ the utility's obligations pursuant to Chapter 367, F.S., and Chapter 25-30, F.A.C., during the pendency of the receivership.

However, In no event shall a receiver shall not be held responsible by the Commission for failure to provide safe, efficient and sufficient service where such failure is substantially caused by actions or omissions pre-dating appointment of the receiver, unless the receiver is given reasonable opportunity to rectify such failure.

~~(6) If the receiver appointed by the circuit court is a governmental authority as defined by Section 367.021(7), F.S., the governmental authority, upon request, shall be found exempt pursuant to Section 367.022(2), F.S.~~

Rulemaking Authority 350.127(2), 367.121 FS. Law Implemented 367.121, 367.165 FS. History—New 11-30-93,

Amended _____.