

## BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: PROPOSED NEW RULES 25-30.032, ) DOCKET NO. 900031-WS  
 25-30.033, 25-30.034, 25-30.036, )  
 25-30.037, F.A.C.; REPEAL OF RULES ) ORDER NO. 23585  
 25-30.040, 25-30.041, 25-30.045, )  
 F.A.C.; & AMENDMENT OF RULES 25-30.030, ) ISSUED: 10-8-90  
 25-30.031, AND 25-30.035, F.A.C., )  
relating to Water and Sewer Certification. )

NOTICE OF RULEMAKING

NOTICE is hereby given that the Commission, pursuant to section 120.54, Florida Statutes, has initiated rulemaking to PROPOSE NEW RULES 25-30.032, 25-30.033, 25-30.034, 25-30.036, 25-30.037, F.A.C.; REPEAL RULES 25-30.040, 25-30.041, 25-30.045, F.A.C.; AND AMEND RULES 25-30.030, 25-30.031, AND 25-30.035, F.A.C., relating to Water and Sewer Certification.

The attached Notice of Rulemaking will appear in the October 12, 1990 edition of the Florida Administrative Weekly. If requested, a hearing will be held at the following time and place:

9:30 a.m., November 9, 1990  
 Room 122, Fletcher Building  
 101 East Gaines Street  
 Tallahassee, Florida

Written requests for hearing and written comments or suggestions on the rules must be received by the Director, Division of Records and Reporting, Florida Public Service Commission, 101 East Gaines Street, Tallahassee, FL 32399, no later than November 2, 1990.

By Direction of the Florida Public Service Commission,  
 this 8th day of OCTOBER, 1990.

  
 STEVE TRIBBLE, Director  
 Division of Records & Reporting

( S E A L )

MCB/cp

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DOCUMENT NUMBER-DATE

09040 OCT-8 1990

FPSC-RECORDS/REPORTING

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FLORIDA PUBLIC SERVICE COMMISSION

Division of Appeals

DOCKET NO. 900031-WS

RULE TITLE:	RULE NO.:
Notice of Application	25-30.030
Written Objections	25-30.031
Applications	25-30.032
Application for Original Certificate of Authorization and Initial Rates and Charges	25-30.033
Application for Certificate of Authorization for Existing Utility Currently Charging for Service	25-30.034
Application for Grandfather Certificate	25-30.035
Application for Amendment to Certificate of Authorization	25-30.036
Application for Authority to Transfer	25-30.037
Application for Authority to Transfer	25-30.040
Application for Approval of Transfer to a Governmental Agency	25-30.041
Application for Amended Certificate Pursuant to an Extension of Service Area Pursuant to Either s. 367.061, F.S. or s. 367.041, F.S.	25-30.045
PURPOSE AND EFFECT: The purpose of the proposed rules and amendments is to reorganize and improve Commission requirements	

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for the certification of water and wastewater utilities. The rules reflect legislative changes to Chapter 367, Florida Statutes. The effect of the rules is to clarify and better organize the certification process and to codify current Commission policies in this area.

SUMMARY: The proposed rules and rule amendments set out the notice and filing requirements for all types of certification of water and wastewater utilities and they extend the time for filing objections to applications for certification from 20 to 30 days. Separate rules are created for each type of certificate application. These rules specify the information a utility must include in its application for original certification, transfer, extension, or deletion of a certificate. Duplicative rules are deleted.

RULEMAKING AUTHORITY: 367.121(1)(f), F.S.

LAW IMPLEMENTED: 367.031, 367.045, 367.071, F.S.

SUMMARY OF THE ESTIMATE OF ECONOMIC IMPACT OF THESE RULES: The proposed rules and rule amendments will not significantly increase Commission costs because the rules primarily codify current Commission practice. Similarly the rules are not expected to have a significant economic effect on the utilities. The rules which require notice to customers when any type of certification, transfer, extension or deletion is sought is the major explicit increased cost identified, and that cost is minimal.

WRITTEN COMMENTS OR SUGGESTIONS ON THE PROPOSED RULE MAY BE

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SUBMITTED TO THE FPSC, DIVISION OF RECORDS AND REPORTING, WITHIN 21 DAYS OF THE DATE OF THIS NOTICE FOR INCLUSION IN THE RECORD OF THE PROCEEDING. IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:30 A.M., November 01, 1990

PLACE: Room 122, 101 East Gaines Street, Tallahassee, Florida.

THE PERSON TO BE CONTACTED REGARDING THESE RULES AND THE ECONOMIC IMPACT STATEMENT IS: Director of Appeals, Florida Public Service Commission, 101 East Gaines Street, Tallahassee, Florida 32399

THE FULL TEXT OF THE RULES ARE:

23-30.030 Notice of Application Intention.

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

(2) Before providing notice in accordance with this section, ~~a or an extension of service, the~~ utility shall obtain from the Commission a list of municipalities, water utilities, and wastewater sewer utilities within a four-mile radius. The utility's request for the ~~entitled to receive notice, the request for the~~ list shall include a ~~legal~~ description, of the area to be covered in the description is a description with

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in township, range and land sections, of the territory in the application. ~~as specific references,--it shall be easily plotted on an official county or city property tax map.~~

~~(2)--Thereafter, the utility shall give notice of its intention in accordance with this subsection.~~

(3) ~~(a)~~ The Notice ~~notice~~ shall be appropriately styled:

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

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

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

(d) Notice of Application for a Transfer of (Water,) Wastewater, or Water and Wastewater ~~(Sewer)-(Water and Sewer) Certificate(s); or , Notice of Extension (or deletion) of (Water (Sewer)-(Water and Sewer) Service~~

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

(4) ~~(b)~~ The Notice ~~notice~~ shall include the following:

(a) state the name and address of the applicant;

(b) and a description, using township, range and section references, of the territory proposed to be either served, added, deleted, or transferred;

(c) a statement that any objections to the Application must be filed with the Director, Division of Records and Reporting, 101 East Gaines Street, Tallahassee, Florida 32399-0870, no later

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than 30 days after the last date that the Notice was mailed or published, whichever is later. The notice shall be given at least thirty and no more than one hundred eighty days prior to the filing of any application for a certificate change pursuant to either 87-367r041 or 367r071y-FrSr

(5) Within seven days of filing its application, the utility shall provide a copy of the Notice, by certified mail or personal service, to:

(a) the governing body of the county in which the utility is located;

(b) the governing body of any municipality within a four-mile radius of the utility system or the territory proposed to be served;

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

(d) any water or wastewater utility within a four-mile radius of the territory proposed to be served, added, deleted, or transferred; --The notice shall be given at least thirty and no more than one hundred eighty days prior to the commencement of any construction associated with any proposed extension pursuant to 87-367r061y-FrSr--In the event of a prima facie valid protest to the notice the one hundred eighty day time limitation does not apply

(e) the office of Public Counsel; and The notice shall be given by certified mail or personal delivery to the governing-

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~~body-of-the-county-in-which-the-system-is-located, the governing  
 body-of-any-municipality-within-a-4-mile-radius-of-the-system,  
 any-water-or-sewer-utility, within-a-4-mile-radius-of-the  
 territory-proposed-to-be-served, area-planning-agency-designated  
 by-the-Clean-Water-Act, 33-U.S.C. 1288(2)-(Chapter-758, Title-II,  
 section-308-Prbr-92-500, Prbr-94-217), the-public-counsel, and  
 the-Commission.~~

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

(6) Within seven days of the date the utility files  
 its application, it shall also provide a copy of the Notice, by  
 regular mail or personal service, to each customer, if any, of the  
 system to be certificated, transferred, acquired, or deleted.

(7) ~~(f)~~ The Notice ~~notice~~ shall be published once each week,  
 for three consecutive weeks, in a newspaper of general circulation  
 in the territory proposed to be served, added, deleted, or  
 transferred. ~~to-be-served.~~ The first publication shall be no  
 sooner than 21 days before the date the application is filed, and  
 no later than seven days after the date the application is filed.  
~~within-seven-days-of-the-date-the-application-is-filed.~~

~~(g)--in-the-case-of-a-transfer, additional-notice-of  
 intention-shall-be-given-by-mail-or-personal-delivery-to-the  
 customers-of-the-system-being-transferred.~~

(8) This rule does not apply to applications for grandfather  
 certificates filed under section 367.171, Florida Statutes.

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

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

History: New 4/5/81, formerly 25-10.061, Transferred from  
 25-10.0061 and Amended 11/9/86, Amended \_\_\_\_\_.

25-30.031 Written Objection.

(1) A written objection to a Notice of Application for all applications for certificate changes, except an extension pursuant to Section 367.061, Florida Statutes, is timely made if it is filed it is within 30 20 days after of the last day that of the required the Notice notice is mailed or published by the applicant, or within 20 days of the official date of filing, whichever is later.

(2) A written objection must state the grounds for the objection with particularity to an extension pursuant to section 367.061, F.S., is timely made if it is within 30 days of the last day of the required notices.

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

Law Implemented: 367.045, F.S.

History: New 11/9/86. Amended \_\_\_\_\_.

25-30.032 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, or transfer by filing a completed application and fifteen copies, in accordance with either 25-30.033, 25-30.034, 25-30.035, 25-30.036, or 25-30.037(1) or (2), F.A.C. However, a utility shall apply for a transfer to a



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governmental authority by filing a completed application and two copies, in accordance with Rule 25-30.037 (3) and (4), F.A.C. The application shall be filed with the Director, Division of Records and Reporting, 101 East Gaines Street, Tallahassee, Florida 32399-0870. Sample application forms may be obtained from the Division of Water and Wastewater, Bureau of Certification, 101 East Gaines Street, Tallahassee, Florida 32399-0873.

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

(3) The official filing date of an application for an original certificate, any amendment to an existing certificate, or any transfer shall be the date a completed application is filed with the Division of Records and Reporting, except that the noticing requirements set forth in Rule 25-30.030 do not need to be completed at that time. If, however, the utility has not completed the noticing within 22 days of filing the application, the official filing date shall be the date the noticing is complete. The affidavit that the applicant has provided notice of its actual application required by Section 367.045, Florida Statutes, shall be filed within 35 days after filing the application.

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Specific Authority: 367.121, F.S.

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

History: New

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

(1) Each application for an original certificate of  
authorization and initial rates and charges shall provide the  
following information:

(a) the applicant's name and address;

(b) the nature of the applicant's business organization,  
i.e., corporation, partnership, limited partnership, sole  
proprietorship, association, etc.;

(c) the name(s) and address(es) of all corporate officers,  
directors, partners, or any other person(s) owning an interest in  
the applicant's business organization;

(d) whether the applicant has made an election under Internal  
Revenue Code § 1362 to be an S corporation;

(e) a statement showing the financial and technical ability  
of the applicant to provide service, and the need for service in  
the proposed area. The statement shall identify any other  
utilities within a 4-mile radius that could potentially provide  
service, and the steps the applicant took to ascertain whether  
such other service is available;

(f) A statement that the provision of service will be  
consistent with the water and wastewater sections of the local

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comprehensive plan, as approved by the Department of Community Affairs, or, if not, a statement demonstrating why granting the certificate of authorization would be in the public interest.

(g) the date applicant plans to begin serving customers;

(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.;

(j) 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, or a copy of an agreement which provides for the continued use of the land, such as a 99-year lease. The applicant may submit a contract for the purchase and sale of land with an unexecuted copy of the warranty deed, provided the applicant files an executed and recorded copy of the deed, or executed copy of the lease, within thirty 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, Florida Administrative Code. Model tariffs are available from the Division of Water and Wastewater, 101 East Gaines Street, Tallahassee, Florida 32399-0870;

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(l) a description of the territory to be served, using township, range and section references;

(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.

(o) a statement regarding the separate capacities of the proposed lines and treatment facilities in terms of ERCs and gallons per day. If development will be in phases, separate this information by phase;

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

(q) if (p) above does not include effluent disposal by means of spray irrigation, a statement that describes with particularity the reasons for not using spray irrigation;

(r) a detailed statement (balance sheet), certified if available, of the financial condition of the applicant, that shows all assets and liabilities of every kind and character. The statement shall be prepared in accordance with Rule 25-30.115,

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Florida Administrative Code;

(s) a statement of profit and loss (operating statement), certified if available, of the applicant for the preceding calendar or fiscal year. If an applicant has not operated for a full year, then for the lesser period;

(t) a list of all entities which have provided, or will provide funding to the utility, their financial statements or copies of any financial agreements;

(u) 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 Water and Wastewater;

(v) a schedule showing the projected cost of the proposed system(s) by NARUC account numbers and the related capacity of each system in ERCs and gallons per day. If the utility will be built in phases, this shall apply to the first phase;

(w) a schedule showing the projected operating expenses of the proposed system by NARUC 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

(x) a schedule showing the projected capital structure including the methods of financing the construction and operation of the utility until the utility reaches 80% of the design

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capacity of the system.

Specific Authority: 367.121, F.S.

Law Implemented: 367.031, 367.045, F.S.

History: New.

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

(1) Each existing utility currently charging for service, which is applying for an initial certificate of authorization, other than under section 367.171, Florida Statutes, shall provide the following information:

(a) the utility's complete name and address;

(b) the nature of the utility's business organization, i.e., corporation, partnership, limited partnership, sole proprietorship, association, etc.;

(c) the name(s) and address(es) of all corporate officers, directors, partners, or any other person(s) owning an interest in the utility;

(d) a statement regarding the financial and technical ability of the applicant to continue to provide service;

(e) 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;

(f) one original and two copies of sample tariff, containing all rates, classifications, charges, rules, and regulations, which

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shall be consistent with Chapter 25-9, Florida Administrative Code. Sample tariffs are available from the Division of Water and Wastewater, 101 East Gaines Street, Tallahassee, Florida 32399-0870;

(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;

(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 Regulation;

(l) the date the utility was established; and

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

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Specific Authority: 367.121, F.S.

Law Implemented: 367.045, F.S.

History: New.

(SUBSTANTIALLY REWORDED. SEE FLORIDA ADMINISTRATIVE CODE FOR CURRENT LANGUAGE)

25-30.035 Applications for Grandfather Certificates.

(1) Each applicant for a certificate of authorization under the provisions of section 367.171, Florida Statutes, shall provide the following information:

(a) the utility's complete name and address;

(b) the nature of the utility's business organization, i.e., corporation, partnership, limited partnership, sole proprietorship, association, etc.;

(c) the name(s) and address(es) of all corporate officers, directors, partners, or any other person(s) owning an interest in the utility;

(d) the date the utility was established;

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

(f) 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;

(g) one original and two copies of a sample tariff, containing all rates, classifications, charges, rules, and



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regulations, which shall be consistent with Chapter 25-9, Florida Administrative Code. Sample tariffs are available from the Division of Water and Wastewater, 101 East Gaines Street, Tallahassee, Florida 32399-0870.

(h) a statement specifying on what date and under what authority the current rates and charges were established;

(i) a description, using township, range, and section references, 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, Florida Statutes, became applicable to the utility;

(j) 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, and the map shall be of sufficient scale and detail to enable correlation with the description of the territory to be served;

(k) 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; and

(l) the numbers and dates of any permits issued for the systems by the Department of Environmental Regulation.

~~(i)--Each-utility-subject-to-regulation-by-the-Commission-shall-~~

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apply-by-completing-an-application-form-prescribed-and-supplied  
 by-the-Commission-and-submitting-that-completed-application-form  
 and-fifteen-copies-of-it-to-the-Director-of-Records-and-Reporting  
 at-101-East-Gaines-Street-Tallahassee-Florida-32301-81453.

(2)--The-utility-may-file-a-combined-application-when-the  
 utility-is-seeking-a-certificate-for-a-water-and-sewer-system.  
 However-the-Commission-will-treat-the-combined-application-as-if  
 separate-applications-had-been-filed-for-the-water-system-and-for  
 the-sewer-system-and-the-utility-shall-remit-a-separate  
 application-fee-for-each-system.

(3)--In-addition-to-meeting-the-requirement-of-sr-367.041,  
 F.S., the-utility-shall-provide:

(a)--Its-fully-accurate-name-and-address;

(b)--The-character-of-its-organization,-i.e.,-corporation,  
 partnership,-individual-proprietorship,-association;

(c)--The-name-and-addresses-of-any-corporate-officers-and  
 directors-or-the-names-and-addresses-of-any-persons-owning-an  
 interest-in-the-utility-which-is-not-a-corporation;

(d)--The-date-the-utility-was-established;

(e)--The-number-of-its-active-connections-in-operation-on-the  
 date-Chapter-367,-F.S.,-became-or-will-become-applicable-to-the  
 applicant;

(f)--Evidence-that-the-utility-owns-the-land-where-the-utility  
 treatment-facilities-are-located-or-a-copy-of-the-agreement-which  
 provides-for-the-continuous-use-of-the-land.

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(g) -- Consistent with a model tariff which the utility may obtain from the Director of the the Division of Water and Sewer of the Commission, all rates, classifications, charges, rules and regulations for service furnished or to be furnished, and an explanation, if necessary, of any discrepancy or difference between rates to be charged and rates being charged on the date of the application, -- if the applicant has rates and charges in effect at the time of the application of the application, a statement shall be submitted which indicates the date the rates were established, and by what authority they were established, if the applicant is a new utility seeking approval of initial rates, a cost study supporting the requested rates shall be submitted, -- A sample cost study and assistance in preparing the initial rates is available from the Division of Water and Sewer.

(h) -- Territory proposed to be served, including:

1. Detailed map showing existing lines and facilities and extensions thereof under construction and the territory served thereby, said map to be of sufficient scale and detail to enable correlation with a description of the territory proposed to be served on the effective date of Chapter 367, Florida Statutes.

2. Statement relating the capacity of existing lines and facilities and extensions thereof under construction.

(i) -- Description of the territory to be served using metes and bounds with township, range and section references.

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(j)--Serial-number-or-numbers-and-respective-date-or-dates-of approval-of-engineering-plans-and-specifications-for-any-existing and/or-proposed-water-or-sewer-system-given-by-the-Florida Department-of-Health-and-Rehabilitative-Services, Division-of Health.--Permit-number-or-numbers-and-respective-date-or-dates-if issuance-of-any-permit-for-sewer-systems-issued-by-the-Department of-Environmental-Regulation.

(k)--Detailed-statement-(balance-sheet)-of-financial-condition of-the-applicant-showing-all-assets-and-liabilities-of-every-kind and-character, said-statement-prepared-in-accordance-with-Rule 25-30.115.

(l)--Statement-of-profit-and-loss-(operating-statement)-of applicant-for-the-preceding-calendar-or-fiscal-year-if-applicant has-operated-for-such-period, or-any-lesser-period-if-applicant has-not-operated-for-a-full-year.

(m)--Certified-financial-statements-of-the-applicant-shall-be filed-if-they-exist.

(n)--A-statement-listing-those-providing-the-principal-funding to-the-utility, along-with-their-financial-statement-and-copies of-any-financial-agreements.

(o)--A-schedule-showing-the-projected-cost-of-the-proposed system(s)-by-NrArRrUrEr-account-numbers-and-the-related-capacity of-each-system-in-equivalent-residential-connections-(ERCs)-and gallons-per-day.

(p)--A-schedule-showing-the-projected-operating-expenses-of-

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the-proposed-system-by-NrArRrUrEr-account-numbers-when-80%-of-the  
 designed-capacity-of-the-system-is-being-utilized.

(g)--A-schedule-showing-the-projected-capital-structure  
 including-the-methods-of-financing-for-the-construction-and  
 operation-of-the-utility-in-the-initial-years-of-the-development.

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

Specific Authority: 367.121, F.S.

Law Implemented: 367.171 ~~367.041~~, F.S.

History: Amended 7/21/65, 1/7/69, 2/3/70, 3/6/71, 9/12/74,  
 3/26/81, formerly 25-10.02, Transferred from 25-10.002 and Amended  
 11/9/86, Amended \_\_\_\_\_.

25-30.036 Application for Amendment to Certificate of  
 Authorization.

(1) Each utility proposing to extend its service area shall  
 provide the following:

(a) the utility's complete name and address;  
(b) a statement showing the financial and technical ability  
 of the utility to provide service and the need for service in the  
 area requested. The statement shall identify any other utilities  
 within a 4-mile radius that could potentially provide such service;

(c) a statement that 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

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Affairs, or, if not, a statement demonstrating why granting the amendment would be in the public interest.

(d) evidence that the utility owns the land upon which the utility treatment facilities that will serve the proposed territory are located or a copy of an agreement, such as a 99-year lease, which provides for the continued use of the land;

(e) a description of the territory proposed to be served, using township, range and section references;

(f) one copy of a detailed system map showing the proposed lines, treatment facilities, and the territory proposed to be served. The map shall be of sufficient scale and detail to enable correlation with the description of the territory;

(g) if the utility is planning to build a new wastewater treatment plant, or upgrade an existing plant to serve the proposed territory, provide a written description of the proposed method(s) of effluent disposal;

(h) if (g) above does not include effluent disposal by means of spray irrigation, a statement that describes with particularity the reasons for not using spray irrigation.

(i) one copy of the official county tax assessment map or other map showing township, range, and section, with a scale such as 1"=200' or 1"=400', with the proposed territory plotted thereon by use of metes and bounds or quarter sections, and with a defined reference point of beginning.

(j) a statement describing the capacity of the existing

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lines, the capacity of the treatment facilities, and the design capacity of the proposed extension;

(k) the numbers and dates of any permits issued for the proposed systems by the Department of Environmental Regulation;

(l) a detailed statement regarding the proposed method of financing the construction, and the projected impact on the utility's capital structure;

(m) a description of the types of customers anticipated to be served by the extension, i.e., single family homes, mobile homes, duplexes, golf course clubhouse, commercial, etc.;

(n) a statement regarding the projected impact of the extension on the utility's monthly rates and service availability charges;

(o) the original and two copies of sample tariff sheets reflecting the additional service area; and

(p) the applicant's current certificate for possible amendment.

(2) Each utility proposing to delete a portion of its service area shall submit the following:

(a) the utility's complete name and address;

(b) a description of the territory proposed to be deleted, using township, range and section references;

(c) one copy of a detailed system map showing the existing lines, treatment facilities, and territory served. The map shall be of sufficient scale and detail to enable correlation with the

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legal description of the territory;

(d) the number of current active connections within the territory to be deleted;

(e) one copy of the official county tax assessment map, or other map, showing township, range, and section with a scale such as 1"=200' or 1"=400', with the territory proposed to be deleted plotted thereon by use of metes and bounds or quarter sections, and with a defined reference point of beginning.

(f) a statement specifying the reasons for the proposed deletion of territory;

(g) a statement indicating why the proposed deletion of territory is in the public interest;

(h) a statement as to the effect of the proposed deletion on the ability of any customer or potential customer to receive water and wastewater service, including alternative source(s) of service;

(i) the original and two copies of sample tariff sheets reflecting the revised service area; and

(j) the applicant's current certificate for possible amendment.

Specific Authority: 367.121, F.S.

Law Implemented: 367.045, F.S.

History: New.

25-30.037 Application for Authority to Transfer.

(1) Each application for transfer of certificate of authorization, facilities or any portion thereof, to a



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non-governmental entity shall include the following information:

- (a) the complete name and address of the transferor;
- (b) the complete name and address of the transferee;
- (c) the nature of the transferee's business organization, i.e., corporation, partnership, limited partnership, sole proprietorship, or association;
- (d) the name(s) and address(es) of all of the transferee's corporate officers, directors, partners or any other person(s) who will own an interest in the utility;
- (e) the date and state of incorporation or organization of the transferee;
- (f) the names and locations of any other water or wastewater or water and wastewater utilities owned by the transferee;
- (g) a copy of the contract for sale, which shall include:
  - 1. purchase price and terms of payment, and
  - 2. a list of the assets purchased and liabilities assumed or not assumed;
- (h) 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;
  - 6. leases;

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- (i) a statement describing the financing of the purchase;
- (j) a statement indicating how the transfer is in the public interest, including a summary of the transferee's experience in water or wastewater utility operations, a showing of the transferee's financial ability to provide service, and a statement that the transferee will fulfill the commitments, obligations and representations of the transferor;
- (k) a list of all entities which have provided, or will provide, funding to the transferee, their financial statements and copies of any financial agreements;
- (l) the proposed net book value of the system as of the date of the proposed transfer. If rate base has been established by this Commission, indicate the order number and date issued and identify all adjustments made to update this rate base to the date of transfer;
- (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 transferor are not available for inspection by the Commission, a statement by the transferee that a good faith, extensive effort has been made to obtain such books and records for inspection by the Commission;
- (o) 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;

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(p) a statement regarding the disposition of any outstanding regulatory assessment fees, fines, or refunds owed;

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

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

(2) In case of a change in majority organizational control, the application shall include:

(a) the information required under paragraphs (a), (b), (d), (f), (i), (j), (k), (o), and (q) of subsection (1);

(b) a copy of the purchase agreement;

(c) a statement from the transferee that it has obtained or will obtain all the books and records of the utility; and

(d) if the books and records of the transferor are not available, a statement by the transferee that a good faith, extensive effort has been made to obtain such books and records.

(3) 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 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;

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

(e) a statement describing the disposition of customer deposits and interest thereon; and

(f) a statement regarding the disposition of any outstanding regulatory assessment fees, fines or refunds owed.

(4) 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.

(c) the original and two copies of sample tariff sheets reflecting the remaining territory.

(5) Upon its receipt of items required in (3)(a), (b), (c), and (d), the Commission will issue an order acknowledging that the facilities or any portion thereof have been acquired by the

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governmental authority.

(6) Upon receipt of the items required in (3)(e) and (f) and, if applicable, (4)(a), (b), and (c), upon payment of all regulatory assessment fees due and owing, and upon the completion of all pending proceedings before the Commission, the Commission will issue an order amending or cancelling the utility's certificate.

Specific Authority: 367.121, F.S.

Law Implemented: 367.071, F.S.

History: New.

25-30.040 Application for Authority to Transfer.

Specific Authority: 367.121, F.S.

Law Implemented: 367.071, F.S.

History: New 6/10/75, Amended 4/5/81, 8/30/83, formerly 25-10.07, Transferred from 25-10.007 and Amended 11/9/86, Repealed \_\_\_\_\_.

25-30.041 Application for Approval of Transfer to a Governmental Agency.

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

Law Implemented: 367.071, 367.151, F.S.

History: New 11/9/86, Repealed \_\_\_\_\_.

25-30.045 Application for Amended Certificate Pursuant to an Extension of Service Area Pursuant to Either s.367.061, F.S. or s. 367.041, F.S.

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

Law Implemented: 367.041, 367.06, F.S.

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History: New 6/10/80, Amended 4/5/81, formerly 25-10.08,  
Transferred from 25-10.008 and Amended 11/9/86, Repealed \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jo Ann Chase, Division  
of Water and Wastewater.

NAME OF SUPERVISOR OR PERSON(S) WHO APPROVED THE PROPOSED RULES:  
Florida Public Service Commission

DATE PROPOSED RULES APPROVED: September 11, 1990

If any person decides to appeal any decision of the Commission  
with respect to any matter considered at the rulemaking hearing,  
if held, a record of the hearing is necessary. The appellant must  
ensure that a verbatim record, including testimony and evidence  
forming the basis of the appeal is made. The Commission usually  
makes a verbatim record of rulemaking hearings.