

18 November 1997

971531-SU

Director, Division of Records and Reporting
FLORIDA PUBLIC SERVICE COMMISSION
2540 Shumard Oak Boulevard
Tallahassee, Florida 33299-0850

Subject: Submittal of Application Package for Grandfather Certificate for the Village Lakeland Wastewater System

Project: Village Lakeland Wastewater System, Polk County, Florida

Applicant: ABCA, Inc.

EVI Job No.: 97033000

Dear Sir or Madam:

We are pleased to submit one original and two copies of this Application for a Grandfather Certificate for the Village Lakeland Wastewater System, owned by ABCA, Inc. This wastewater utility system was previously regulated by the Polk County Utilities Commission. Also enclosed is Check No. 100823012 in the amount of \$500.00 for the required application fee.

Please call us if you have any questions or need additional information. We sincerely appreciate your assistance on this important Project.

Yours truly,
ENVISORS, INC.

B. L. Higgins

Beth L. Higgins, AICP
Project Manager

Check received with filing and forwarded to Fiscal for deposit. Fiscal to forward a copy of check to BAR with proof of deposit.

Initials of person who forwarded check

97 NOV 20 10:11

DOCUMENT NUMBER-DATE
11952 NOV 20 97
FPSC-RECORDS

MARS
FORWARDED
TO WAW

BLH/bbb
Enclosure:
Copy to:

As stated.

Billie Messer, Regulatory Analyst Supervisor, PSC; Frank D. Tucker, Jr., Senior Vice President, First Union Bank; Robert Appleyard, President, Appleyard & Company; Paul Lowry, Utility Manager, ABCA, Inc.; Jerry A. Cadden, CPA, Valiente, Hernandez & Co., P.A.; EVI Job and Cost Files; F:\CORRES\MISC\11997\97033000.L03

**APPLICATION
FOR
GRANDFATHER CERTIFICATE**

971531-SU

Applicant

ABCA, Inc.

Submitted For

**THE VILLAGE LAKELAND
WASTEWATER SYSTEM
Polk County, Florida**

Submitted To

THE FLORIDA PUBLIC SERVICE COMMISSION

November 1997

ENVISORS
ENGINEERING & PLANNING

(941) 324-1112

DOCUMENT NUMBER-DATE

WINTER HAVEN, FLORIDA

11952 NOV 20 1997
FPSC-RECORDS/REPORTING

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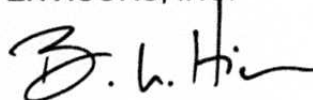
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Please call us if you have any questions or need additional information. We sincerely appreciate your assistance on this important Project.

Yours truly,
ENVISORS, INC.



Beth L. Higgins, AICP
Project Manager

BLH/bbb

Enclosure: As stated.

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APPLICATION FOR GRANDFATHER CERTIFICATE

Village Lakeland Wastewater System

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Transmittal Letter

Table of Contents

Completed Application Form

Attachment 1	List of Corporate Officers and Directors
Exhibit A	Evidence of Ownership
Exhibit B	Franchise Agreement and Rate Resolution
Exhibit C	Wastewater Tariff
Exhibit D	Legal Description of Service Territory
Exhibit E	Territory Map
Exhibit F-1	System Map
Exhibit F-2	Territory Maps (2 Sheets)

- D) **If the applicant is a corporation, list names, titles and addresses of corporate officers and directors. (Use additional sheets if necessary).**
SEE ATTACHMENT 1
- E) **If the applicant is not a corporation, list names and addresses of all persons or entities owning an interest in the organization. (Use additional sheets if necessary).**
N/A

PART II. SYSTEM INFORMATION

- A) **WATER NOT APPLICABLE TO ABCA, Inc.**
- (1) **Exhibit ____ - A statement describing the proposed type(s) of water service to be provided (i.e. potable, non-potable or both).**
- (2) **Provide a description of the types of customers served (i.e., single family homes, mobile homes, duplexes, commercial, etc.).**

- (3) **Exhibit ____ - Provide 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.**
- (4) **Indicate permit numbers and dates of approval of water treatment facilities by the Department of Environmental Protection (DEP) or the agency designated by DEP to issue permits:**

- (5) **Indicate when the wastewater utility system was established.**

- (6) **Exhibit ____ - Evidence that the utility owns the land where the wastewater treatment facilities are located. Or, if the utility does not own the land, a copy of the agreement which provides for the long term continuous use of the land, such as a 99-year lease. The Commission may consider a written easement or other cost-effective alternative.**
- B. **WASTEWATER**
- (1) **Provide a description of the types of customers served (i.e., single family homes, mobile homes, duplexes, commercial, etc.).**
MOBILE HOMES ON MINIMUM 6,000 SQUARE FOOT LOTS

- (2) Exhibit ___ - Provide 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.

Existing Customers Currently Served:	244
Constructed Lots Not Yet Occupied/Served:	79
Future Lots Not Yet Constructed:	<u>604</u>
Total Existing and Future Customers in Service Area:	927

- (3) Indicate permit numbers and dates of approval of wastewater treatment facilities by the Department of Environmental Protection (DEP) to the agency designated by DEP to issue permits:
FDEP Permit No. DO53-254859 - Issued 11/25/96
- (4) Indicate when the wastewater utility system was established. 1972
- (5) Exhibit A - Evidence that the utility owns the land where the wastewater treatment facilities are located. Or, if the utility does not own the land, a copy of the agreement which provides for the long term continuous use of the land, such as a 99-year lease. The Commission may consider a written easement or other cost-effective alternative.

PART III. RATES AND TARIFFS

- A) Exhibit B - A statement specifying on what date and under what authority the current rates and charges were established.
- B) Exhibit C - The original and two copies of water and/or wastewater tariff(s) containing all rates, classifications, charges, rules and regulations. Sample tariffs are enclosed with the application package.

PART IV. TERRITORY DESCRIPTION AND MAPS

A) TERRITORY DESCRIPTION.

1. Exhibit D - An accurate description, using township, range and section references as specified in Rule 25-30.030(2), Florida Administrative Code, of the territory the utility was serving or was authorized to serve on the day Chapter 367, Florida Statutes, became applicable. If the water and wastewater service territories are different, provide separate descriptions.

B) TERRITORY MAPS.

1. Exhibit E - One copy of an official county tax assessment map or other map showing township, range and section with a scale such as 1"=200' or 1"=400' on which the proposed territory plotted by use of

metes and bounds or quarter sections with a defined reference point of beginning. If the water and wastewater service territories are different, provide sperate maps.

C) **SYSTEM MAPS.**

1. **Exhibit F - One copy of detailed map(s) showing existing lines and facilities and the territory proposed to be served. Any requested territory not served at the time of application shall be specifically identified. Map(s) shall be of sufficient scale and detail to enable correlation with a description of the territory to be served. Provide separate maps for water and wastewater systems.**

PART V. **FILING FEE**

Indicate the filing fee enclosed with the application:

N/A (for water) and/or \$500.00 (for wastewater).

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

- (1) For applications in which the utility has the capacity to serve up to 100 ERC's the filing fee shall be \$100.00.
- (2) For applications in which the utility has the capacity to serve from 101 to 200 ERC's the filing fee shall be \$200.00.
- (3) For applications in which the utility has the capacity to serve from 201 to 500 ERC's the filing fee shall be \$500.00.
- (4) For applications in which the utility has the capacity to serve from 501 to 2,000 ERC's the filing fee shall be \$1,000.00.
- (5) For applications in which the utility has the capacity to serve from 2,001 to 4,000 ERC's the filing fee shall be \$1,750.00.
- (6) For applications in which the utility has the capacity to serve more than 4,000 ERC's the filing fee shall be \$2,250.00.

PART V. AFFIDAVIT

I, FRANK D. TUCKER, JR. (applicant) do solemnly swear or affirm that the facts stated in the foregoing application and all exhibits attached thereto are true and correct and that said statements of fact thereto constitutes a complete statement of the matter to which it relates.

BY: 
Applicant's Signature

Frank D. Tucker, Jr
Applicant's Name (TYPED)

Vice President ABCA, INC
Applicant's Title

Subscribed and sworn to before me this 14th of November 1997




Notary Public

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



Attachment 1

List of Corporate Officers and Directors

APPLICATION FOR GRANDFATHER CERTIFICATE

Village Lakeland Wastewater System

RECEIVED

AUG 18 1997

WINTER HAVEN

ABCA, Inc.

UNANIMOUS CONSENT OF THE BOARD OF DIRECTORS TO ACTION WITHOUT A MEETING.

We, the undersigned, being all of the directors of ABCA, Inc., do hereby adopt the following resolutions by signing our written consent thereto:

Resolution Regarding Election of Officers

RESOLVED, that each individual listed below be, and each individual hereby is, elected to the office or offices set opposite their name, to serve until the next annual meeting of the Board of Directors, or until their successors have been duly elected and qualified:

Robert L. Andersen	Senior Vice President
Tracey W. Anklin	Vice President
Robert T. Atwood	Executive Vice President
Dale R. Balman	Vice President
Robert F. Bertges	Senior Vice President
Fred N. Bohler, Jr.	Vice President
Curtis L. Brouwer	Vice President
Nicholas V. Christopolis,	Vice President
III	
Francis C. Clark	Senior Vice President
Thomas Hal Clarke, Jr.	Senior Vice President
Lisa P. Clontz	Assistant Secretary
Stephen C. Coates	Executive Vice President
James Robert Connors	Senior Vice President
Mariann Cooper	Assistant Secretary
Robert R. Dunlap	Vice President
Jackson Thomas Dunn, Jr.	Senior Vice President
Joseph F. Fortunato	Vice President
Bridget A. Foster	Vice President
Richard R. Gause	Vice President
Herman T. Goins, Jr.	Tax Officer
Robert A. Gray	Vice President
Donald Grushka	Vice President
Tim Gwinn	Tax Officer
John D. Hardman	Senior Vice President
James H. Hatch	Senior Vice President
Kent S. Hathaway	Senior Vice President
Lyle A. Holmes	Vice President
Thomas M. Howard	Assistant Vice President
Laurence W. Howard, III	Vice President
Cynthia P. Johnson	Tax Officer
John W. Johnson	Vice President
Nancy S. Jones	Vice President
D. Bryan Jordan	Senior Vice President
Jack B. Kester, Jr.	Vice President
Warren R. Leighton	Vice President
Keith D. Lembo	Senior Vice President & Secretary
Judith M. Likens	Vice President
Dorothy Y. London	Vice President
Richard S. Ludlow	President
Victoria I. McDonald	Vice President & Assistant Secretary
Lewis C. Messer	Vice President
Jerry M. Miller, Jr.	Senior Vice President
Priscilla J. Moench	Vice President
Carol R. Mullis	Assistant Secretary

FUNC.

Edward M. Newman
Judith N. Newman
Thomas D. Newman
Nancy I. O'Brien
Marinus D. Otte
Frederick W. Preston, Jr.
David W. Reed
Gary R. Sessions
Robert B. Shenkman
Terry D. Simpkins
Kenneth R. Stancliff
Arlene Teague
Charles L. Terribile
Gloria A. Thompson
Frank D. Tucker, Jr.
Fernando I. Vasquez
Gary R. Walker
Larry J. Wertz
William T. Wood
J. David Yorker

Vice President
Vice President
Assistant Vice President
Senior Vice President
Vice President
Vice President
Assistant Vice President
Vice President
Vice President
Vice President
Senior Vice President
Assistant Vice President
Senior Vice President
Vice President
Senior Vice President
Vice President
Vice President
Treasurer
Senior Vice President
Vice President

FURTHER RESOLVED, that, with respect to the aforementioned individuals, the acts and actions by such individuals as performed in the capacities indicated on behalf of this Corporation are hereby ratified and confirmed.

Resolution Regarding Regulation O

WHEREAS, absent this resolution, the Chairman of the Board, the President, the Vice Presidents, the Secretary and the Treasurer of this Corporation (the "Executive Officers") might be deemed to be subject to the provisions of Regulation O of the Board of Governors of the Federal Reserve System ("Regulation O"); and

WHEREAS, Regulation O is intended to cover only those executive officers of First Union Corporation or its subsidiaries who participate or have the authority to participate in major policymaking functions of First Union Corporation or any of First Union Corporation's subsidiary banks;

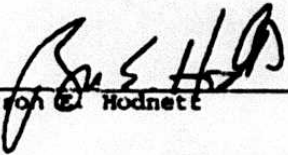
BE IT, THEREFORE, RESOLVED, that the Executive Officers of this Corporation, except for those Executive Officers who may also be executive officers of First Union Corporation and/or any of First Union Corporation's banking subsidiaries and are named as such in the most current Regulation O resolution adopted by the Board of Directors of First Union Corporation or any of its banking subsidiaries, are hereby excluded from participating in major policymaking functions of First Union Corporation and any of First Union Corporation's subsidiary banks.


Resolution Regarding Execution of Documents

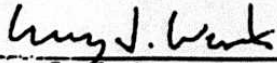
RESOLVED, that the President and any Vice President or Assistant Vice President of the Corporation, or any one of said officers along with the Secretary or any Assistant Secretary of this Corporation, if required, be and they are hereby fully authorized to sign, execute, acknowledge, verify, deliver or accept on behalf of and in the name of this Corporation to execute, including but not limited to, all agreements, indentures, mortgages, deeds, conveyances, transfers, certificates, declarations, receipts, discharges, releases, satisfactions, settlements, undertakings, petitions, schedules, accounts, affidavits, bonds, proxies, and other instruments of documents; provided, however, that where required, any such instrument shall be attested by one of said officers other than the officer executing such instrument. Any such instrument may also be executed, acknowledged, verified, delivered, or accepted on behalf of the Corporation in such other manner and by such other officers as the Board may from time to time direct. The provisions of this resolution are supplementary to any pertinent provisions of this Corporation's bylaws.

MUNC

This action is effective as of April 15, 1997.


Byron E. Hodnett


John A. Mitchell, III


Larry J. Wertz

PLAC:



Exhibit A
Evidence of Ownership

APPLICATION FOR GRANDFATHER CERTIFICATE
Village Lakeland Wastewater System

Prepared By and for: **Lee Stuart Smith, Esq.**
MOLLAND & KNIGHT
P. O. Box 1526
Orlando, FL 32802-1526
(407) 425-8800

DEPT 115 10.00
DEPT 291 1.50
DEPT 251 3090.50
7053 H
CHECKS 3102.00
7939A

12/28/95

SPECIAL WARRANTY DEED

The Grantor, **FIRST UNION CORPORATION OF VIRGINIA**, as successor in interest by merger with **Ameribanc Investors Group**, a Maryland business trust, f/k/a **MIW Investors of Washington**, an unincorporated business trust, f/k/a **Mortgage Investors of Washington**, a Maryland business trust, in consideration of Ten Dollars (\$10.00) and other valuable consideration received from the Grantee, hereby grants and conveys to the Grantee **ABCA, Inc.**, a Florida corporation, whose mailing address is **Special Assets Division, Post Office Box 1000, Mail Code FL-2202 Orlando, Florida 32802**, and whose Taxpayer ID# is _____, the lands in **Polk County, Florida**, described on attached **Exhibit A (Tax Parcel ID# see Exhibit A)**.

This conveyance is subject to encumbrances, easements and restrictions of record and to the lien of real estate taxes.

The Grantor hereby covenants that the lands are free of all encumbrances, except as stated herein, that lawful seisin of and good right to convey the lands are vested in the Grantor, and the Grantor hereby warrants the title to the lands and will defend the same against the lawful claims of anyone claiming by, through or under the Grantor.

Dated this 27 day of December, 1995.

signed in the presence of:

FIRST UNION CORPORATION OF VIRGINIA

Michael W. Shaver
Name: Michael W. Shaver

Mrs. Jane Collins
Name: JANE JANE COLLINS

By: James E. Griffith
Name: JAMES E. GRIFFITH
as its VICE president

STATE OF VIRGINIA
CITY
COUNTY OF BUCKINGHAM

The foregoing instrument was acknowledged before me this 27th day of December, 1995, by James E. Griffith, as Vice president of **FIRST UNION CORPORATION OF VIRGINIA**, as successor in interest by merger with **Ameribanc Investors Group**, a Maryland business trust, f/k/a **MIW Investors of Washington**, an unincorporated business trust, f/k/a **Mortgage Investors of Washington**, a Maryland business trust, on behalf of the corporation, who is personally known to me (or has produced _____ as identification).

Karen C. Beckner
NOTARY PUBLIC
Name: Karen C. Beckner
Commission No.: _____
My commission expires: June 30, 1997

(NOTARY SEAL)
ORL-146529.1/833

Documentary Tax Pd. \$ 3090.50
Intangible Tax Pd. \$ _____
E.D. "Bud" Bixon, Clerk, Polk Co.
By: [Signature] Deputy Clerk

95DEC 28 PM 4:13

152887

3090.50

1/1
A/c

EXHIBIT "A"

Legal Description

PARCEL III

Utility Site of THE VILLAGE-LAKELAND, UNIT NUMBER THREE, according to the map or plat thereof recorded in Plat Book 62, page 14, of the public records of Polk County, Florida. (Parcel I.D. #232824-242220--001640)

PARCEL IV

The Northeast 1/4 of the Northwest 1/4 of Section 23, Township 28 South, Range 24 East, Polk County, Florida, LESS AND EXCEPT the PLAT OF THE VILLAGE-LAKELAND, UNIT NUMBER THREE, according to the map or plat thereof recorded in Plat Book 62, page 14, of the public records of Polk County, Florida; and LESS AND EXCEPT the following described parcel; Beginning 1622 feet East of the Northwest corner of said Section 23; run thence South 0°01'00" East, 100.37 feet; thence South 89°55'30" East, 130 feet; thence North 0°51'00" West, 100.16 feet; thence North 89°55'30" West, 130 feet to the Point of Beginning. (Parcel I.D. #232824-000000-031010)

PARCEL V

The Southeast 1/4 of the Northwest 1/4 of Section 23, Township 28 South, Range 24 East, Polk County, Florida. (Parcel I.D. #232824-000000-032010)

PARCEL VI

The West 1/4 of the Southeast 1/4 of Section 23, Township 28 South, Range 24 East, Polk County, Florida. (Parcel I.D. #232824-000000-23010)

PARCEL VII

The North 300 feet of the East 1/2 of the Southwest 1/4; the East 500 feet of the South 500 feet of the North 800 feet of the East 1/2 of the Southwest 1/4; the East 320 feet of the South 600 feet of the North 1400 feet of the East 1/2 of the Southwest 1/4; and the East 220 feet of the East 1/2 of the Southwest 1/4; LESS AND EXCEPT the North 1400 feet thereof, all being in Section 23, Township 28 South, Range 24 East, Polk County, Florida. (Parcel I.D. #232824-000000-041020)

PARCEL VIII

The South 1/2 of the Southeast 1/4 of the Southwest 1/4 of Section 14, Township 28 South, Range 24 East, Polk County, Florida, LESS AND EXCEPT the following described parcel:

Commencing at the Southwest corner of said Section 14; thence South 89°55'30" East, along the South boundary thereof 1325.00 feet to the Southeast corner of the Southwest 1/4 of the Southwest 1/4 of said Section 14 and the Point of Beginning; continue thence South 89°55'30" East, 427.00 feet; thence North 0°01'00" West 339.84 feet; thence North 89°55'30" West, 427.00 feet, more or less, to the East boundary of said Southwest 1/4 of the Southwest 1/4; thence Southerly along said East boundary 339 feet, more or less, to the Point of Beginning.

ALSO LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCEL:

Beginning at the Northwest corner of Lot 1 of the PLAT OF THE VILLAGE-LAKELAND, UNIT NUMBER THREE, according to the map or plat thereof recorded in Plat Book 62, page 14, of the public records of Polk County, Florida; thence run Northerly along an extension of said West boundary of said Lot 1 thereof to the water's edge of lake; thence meandering Southeasterly along said water's edge to the Northeast corner of said Lot 1; thence Southwesterly along the Northerly boundary of said Lot 1 to the Point of Beginning. (Parcel I.D. #142824-000000-042010)

Prepared By and Return to:
Lee Stuart Smith, Esq.
MOLLAND & KNIGHT
P. O. Box 1526
Orlando, FL 32802-1526
(407) 425-8500

DEPT 115 9.00
DEPT 291 1.50
DEPT 251 634.90
TOTAL 645.40
CASH 1.00
CHECKS 644.40

12/28/95

7940A

SPECIAL WARRANTY DEED

The Grantor, AMERIBANC SERVICE CORPORATION, a Virginia corporation, in consideration of Ten Dollars (\$10.00) and other valuable consideration received from the Grantee, hereby grants and conveys to the Grantee ABCA, Inc., a Florida corporation, whose mailing address is Special Assets Division, Post Office Box 1000, Mail Code FL-2202 Orlando, Florida 32802, and whose Taxpayer ID# is _____, the lands in Polk County, Florida, described on attached Exhibit A (Tax Parcel ID# see Exhibit A).

This conveyance is subject to encumbrances, easements and restrictions of record and to the lien of real estate taxes.

The Grantor hereby covenants that the lands are free of all encumbrances, except as stated herein, that lawful seisin of and good right to convey the lands are vested in the Grantor, and the Grantor hereby warrants the title to the lands and will defend the same against the lawful claims of anyone claiming by, through or under the Grantor.

Dated this 27 day of December, 1995.

Signed in the presence of:

AMERIBANC SERVICE CORPORATION
a Virginia corporation

Michael W. Shaver
Name: Michael W. Shaver

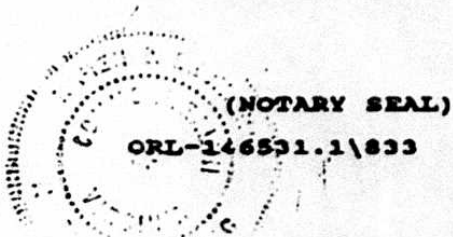
Mary Jane Collins
Name: MARY JANE COLLINS

By: James E. Griffith
Name: JAMES E. GRIFFITH
as its VICE president

STATE OF VIRGINIA
CITY OF _____
COUNTY OF ROANOKE

The foregoing instrument was acknowledged before me this 27th day of December, 1995, by James E. Griffith, as Vice president of AMERIBANC SERVICE CORPORATION, a Virginia corporation, who is personally known to me (or has produced as identification).

Karen C. Beckner
NOTARY PUBLIC
Name: Karen C. Beckner
Commission No.: _____
My commission expires: June 30, 1997



Documentary Tax Pd. \$ 634.90
Intangible Tax Pd. \$ _____
E.D. "Bud" Dixon, Clerk, Polk Co.
By: [Signature] Deputy Clerk

95 DEC 28 PM 4: 14

152888

4.90

158
10.50
Ald

EXHIBIT "A"**Legal Description****PARCEL III:**

The North 1/4 of the Southwest 1/4 of the Northwest 1/4 of Section 23, Township 28 South, Range 24 East, Polk County, Florida, LESS AND EXCEPT the South 70 feet of the West 150 feet; and LESS AND EXCEPT the North 100 feet of the West 435.6 feet; and LESS AND EXCEPT right-of-way for Reynolds Road. (Parcel I.D. #232824-000000-034030)



Exhibit B

Franchise Agreement and Rate Resolution

APPLICATION FOR GRANDFATHER CERTIFICATE

Village Lakeland Wastewater System

THE VILLAGE LAKELAND

FRANCHISE AGREEMENT

SECTION 1: There is hereby granted to Ameribanc Investors Group, (hereinafter referred to as "Utility" or "Grantee"), for a period of five (5) years from the date of ¹⁻²³⁻⁹⁵ the acceptance of this franchise as hereinafter provided, the right, authority and obligation to construct, establish, own, control, operate and maintain a sewage treatment plant and collection system within the boundaries of the property described in Exhibit "A" attached hereto and by reference made a part hereof, lying and being in Polk County, Florida, which lands are not within the municipal limits of any incorporated city or town in Polk County, Florida, and are not now being served by a municipally owned or operated sewer system, and are not now being served by individuals, firms or corporations under a franchise granted by the Board of County Commissioners or Utilities Commission in said County of Polk and State of Florida; and to construct, maintain and repair sewer lines together with the necessary manholes and service pipes for the purpose of collecting and transporting sewage in such areas and to make all necessary house and building connections upon, along, and in and under the roads, streets, alleys and public places in said area, and also to repair, replace, enlarge and extend the same, and to carry on the business of furnishing sewage service in said areas for a consideration, subject to the ordinances, rules and regulations of the Board of County Commissioners of Polk County, Florida, or the Polk County Utilities Commission and subject to the conditions and provisions of this resolution and all applicable Federal, State, and local laws, ordinances, rules and regulations.

SECTION 2: The Utility shall make all improvements, additions and extensions to the plant and collection systems as needed to provide service within its service area provided that the cost of extending collection lines is reasonable in relation to anticipated usage. Excess costs are to be borne

by the developer or new customer.

SECTION 3: The Utility shall at all times be subject to and comply with all ordinances, rules and regulations of the Board of County Commissioners or the Polk County Utilities Commission now or hereafter in force covering the use of streets, roads, avenues, alleys and public grounds.

For the purpose of carrying into effect the privilege granted by Section 1 hereof, the Grantee is hereby authorized to make all necessary excavations in such roads, streets, alleyways and public grounds situated in the areas above described, but they shall be done within a reasonable period of time and with the least practical interference with the rights of the public and individuals.

Plans for the installation, extension, modification or expansion of the sewage collection system or plant and appurtenances thereto are subject to the approval of the Director of the Polk County Utilities Division. Where collection lines or other facilities are to be located in the public right-of-way or other public grounds, or where the disturbance of such lands is necessary for purposes of maintenance or repair, the Grantee shall also secure a permit from the County Engineer prior to the initiation of any site activities, except where an emergency exists.

SECTION 4: The Grantee shall restore all roads, streets, alleys, sidewalks and public grounds when excavated by it, to a condition as good as it was at the time of such excavation or damage. In the case of a public right-of-way or other public lands, the affected area shall be restored to the standards set by the County Engineer. In case any obstruction or other damage caused by said Grantee shall remain for an unreasonable length of time after notice to remove it, or in case of neglect by said Grantee to protect any dangerous place by proper guards, the Polk County Board of County Commissioners may complete the necessary

restoration at the expense of the Grantee.

SECTION 5: If required by the widening, repair, or reconstruction of any road or other public way, the Utility shall move all its utility lines or facilities in such public road or way at no cost to the County.

SECTION 6: The Utility shall be allowed to charge rates and fees according to resolution from time to time adopted by the Polk County Utilities Commission which rates and fees shall be fair and reasonable and not unduly discriminatory and shall be set in accordance with all applicable ordinances, rules and regulations of the Board of County Commissioners and the Polk County Utilities Commission.

SECTION 7: The Utility shall not sell, assign, or transfer its franchise agreement, facilities, assets or any portion thereof without the approval of the Polk County Utilities Commission.

SECTION 8: The Utility shall at all time protect and save harmless the County of Polk from all damage and loss from or arising out of or by reason of, the construction or operation of said sewage system.

SECTION 9: The Utility shall at all times comply with all lawful regulations and requirements of the Polk County Health Department, the Division of Health of the Department of Health and Rehabilitative Services of Florida, the Florida Department of Environmental Regulation and any other regulatory agency having jurisdiction over the operations of the Grantee.

SECTION 10: The right is reserved to the Board of County Commissioners or the Polk County Utilities Commission to levy and collect franchise, utility, or use taxes and inspection or other fees and costs when such taxes, fees or costs are authorized by law or ordinance.

SECTION 11: Where the franchise includes a water system, the Utility shall, as a part of its water system, install and maintain fire hydrants or stand pipes for use of

fire protection in the area served by the Utility's water system. Plans for the installation of fire hydrants or stand pipes are subject to the approval of the Director of the Polk County Utilities Division. Installation and maintenance costs are part of the normal capital improvements costs and operating expenses of the Utility. The Utility shall be given reasonable time to conform to this requirement.

SECTION 12: The Utility shall file its written acceptance of the provisions of this franchise with the Clerk of the Circuit Court of Polk County, Florida, as ex-officio Clerk of the Board, on or before the expiration of sixty (60) days from adoption of this resolution, and certify in such acceptance that it will comply with all ordinances, rules and regulations of the Polk County Board of County Commissioners and in the operation of the sewage system, and will protect and save harmless Polk County Utilities Commission from all damage and loss from or arising out of or by reason of the construction or operation of said sewage system. By acceptance of this franchise the Utility does agree that it will construct, operate and maintain a sewage treatment system in the geographical area of this franchise, furnishing the said area with reasonable sewage service, all in accordance with the rules and regulations of the Board of County Commissioners or the Polk County Utilities Commission. Failure on the part of the Utility to file its acceptance hereof with the Clerk of the Board, as herein provided, or to comply with any of the provisions of this franchise, shall render this franchise null and void.

SECTION 13. This agreement shall take effect and be in force from and after its passage by this Commission and its written acceptance by the Utility and upon such acceptance being filed with the Clerk of the Board of County Commissioners.

DATED this 9th day of January, ~~1989~~, 1990.

POLK COUNTY UTILITIES COMMISSION

By: Ernie Caldwell

Ernie Caldwell, Chairman

ATTEST:

E. D. "BUD" DIXON, Clerk

By: Arthur L. Paulson

Deputy Clerk

EXHIBIT "A"

Village Johnson

Beginning at the Southwest corner of Section 14, Township 26 South, Range 24 East, run thence East along the South boundary of said Section 14 to the Southeast corner of the S.W. 1/4 of the S.W. 1/4 of said Section 14, thence North to the Northwest corner of the South 1/2 of the S.E. 1/4 of the S.W. 1/4 of said Section 14, thence East to the Northeast corner of said South 1/2 of the S.E. 1/4 of the S.W. 1/4, thence South along the East boundary of the West 1/2 of said Section 14 and the East boundary of the West 1/2 of Section 23 of said Township and Range to the Southeast corner of the N.W. 1/4 of said Section 23, thence East to the Northeast corner of the West 1/4 of the S.E. 1/4 of said Section 23, thence south to the Southeast corner of said West 1/4 of the S.E. 1/4, thence West along the South boundary of said Section 23 to a point 220 feet West of the Southeast corner of the S.W. 1/4 of said Section 23, thence North 1247.05 feet, West 100 feet, North 600 feet, West 180 feet, North 500 feet, West to the West boundary of the East 1/2 of the S.W. 1/4 of said Section 23, thence North along said West boundary of said East 1/2 of said S.W. 1/4 and along the West boundary of the S.E. 1/4 of the N.W. 1/4 of said Section 23 to the Northwest corner of said S.E. 1/4 of the N.W. 1/4, thence West along the South boundary of the N.W. 1/4 of the N.W. 1/4 of said Section 23 to the West boundary of said Section 23, thence North along said West boundary to the point of beginning. All in Section 14 and 23, Township 26 South, Range 24 East.

ACCEPTANCE OF FRANCHISE

TO: Polk County, Florida Utilities Commission

This is to advise you that the Ameribanc Investors Group
(Name of Corporation)
accepts the Franchise Agreement adopted by the Commission on January 9, 1990
and that Ameribanc Investors Group agrees to be bound by the
terms and conditions therein.

NAME OF CORPORATION

AMERIBANC INVESTORS GROUP

By: Arthur C. Weid

Arthur C. Weid, President &
Chairman of The Board
Dated: January 23, 1990

ATTEST:

By: Janet E. Norman
Janet Norman, Corporate Secretary

SEAL

①

RESOLUTION

WHEREAS, after public hearing pursuant to notice, the Polk County Utilities Commission finds that the Village Lakeland is entitled to establish wastewater rates based on the following findings:

A. A rate base of \$31,542 for wastewater on Village Lakeland is reasonable considering the Utility's original investment in property used and useful in public service.

B. A revenue requirement at Village Lakeland for \$31,542 is needed for water utility operation.

C. These findings are based upon information supplied by the Utility and may subsequently be adjusted or modified by the Utilities Commission.

D. The connection fee increases requested by the Utility appear to be reasonable.

Effective May 29, 1998, the wastewater rates and charges for Village Lakeland Sewer are established as follows:

SEWER RATES

Flat Rate \$ 10.00

CONNECTION FEES

RESIDENTIAL AND COMMERCIAL SEWER CONNECTION FEES

\$888.00 per Equivalent Residential Connection (ERC)

That the company maintain a full set of books in accordance with standard industry practice and the sewer franchise operations be treated as an independent business for the purpose of implementing Ordinance 82-11.

NOW, THEREFORE, BE IT RESOLVED by the Polk County Utilities Commission, duly assembled, that:

ORDERED THIS 26th day of June, 1998 effective 29th day of May, 1998.

POLK COUNTY UTILITIES COMMISSION

By Ernie Caldwell
ERNIE CALDWELL, Chairman

ATTEST:

E. D. "BUD DIXON, CLERK

By Nette L. Garland
Deputy Clerk

Village Lakeland

SEWER FRANCHISE

December 26, 1993

Dear Village Lakeland Resident,

This is to inform you of a rate increase that is being required by Polk County. The increase is on the sewer charge to you each month; you pay \$12.50 a month - \$10.00 sewer charge and \$2.50 electric charge. The increase is 2.5% of the monthly sewer charge, which is in the amount of \$0.25 a month increase, taking effect January 1, 1994 and payable commencing February 1, 1994 payment. Your rate now will be 12.75 a month. The increase is reimbursable from us to the county.

In the event that you have paid in advance, please add the increase to your next payment for all months that the increase would cover. Attached is a copy of the Resolution from the county. If we can be of any further assistance please contact us at 665-3399 or the address at the bottom of letter.

Sincerely,

Paul Lowry
Manager

encl.

RESOLUTION

WHEREAS, Section 15, Polk County Ordinance No. 82-11, as amended, provides that the Board may set by resolution fees necessary for the proper administration of the Polk County Water and Sewer System Regulatory Ordinance; and

WHEREAS, the Polk County Board of County Commissioners, in general session, duly assembled, approved the regulation of the several utility franchises by the County's Utilities Division and the assessment of a franchise fee in the amount of 2½% of the franchise's gross operating revenues in order to fund the costs of administration of the several utility franchises and enforcement and administration of the Ordinance.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of Polk County, Florida:

1. A franchise administration fee in the amount of 2½% of a franchisee's gross operating revenues is hereby imposed and shall be charged to the customers of the utility. Gross operating revenues exclude connection fees and meter installation fees.
2. Said franchise administration fee shall become effective for the gross operating revenues resulting from the January 1994 utility consumption and resulting February 1994 customer bills, and will be collected quarterly.
3. The franchise administration fee is to be remitted to the County Utilities Division on or before the 15th day of May, August, November and February of each year, beginning May 15, 1994.
4. The franchise administration fee shall be applicable to and binding on all Polk County franchised water and sewer utilities.
5. The franchise administration fees collected may only be used to cover the cost of regulating water and wastewater franchises within Polk County and shall not be commingled with the County's Utilities Division funds.

DULY ADOPTED this 16th day of November, 1993.

ATTEST:
E.D. "BUD" DIXON, Clerk

By: Nette L. Daxland
Deputy Clerk

POLK COUNTY BOARD OF
COUNTY COMMISSIONERS

By: Daniel J. Costello
Daniel J. Costello
Chairman

STATE OF FLORIDA)
)
COUNTY OF POLK (

I, E. D. "Bud" Dixon Clerk of the Board of County Commissioners of Polk County, Florida, hereby certify that the foregoing is a true and correct copy of a resolution authorizing the franchise administration fee in the amount of 2 and 1/2 percent to be used to cover the cost of regulating water and wastewater franchises within Polk County which was adopted by the said Board on the 16th day of November, 1993.

WITNESS my hand and official seal on this 18th day of November, 1993.

E. D. "BUD" DIXON
Clerk and Auditor

(SEAL)

By:

Nettie L. Darland
Nettie L. Darland
Deputy Clerk



**Exhibit C
Wastewater Tariff**

**APPLICATION FOR GRANDFATHER CERTIFICATE
Village Lakeland Wastewater System**

WASTEWATER TARIFF

ABCA, Inc., A Florida Corporation
NAME OF COMPANY

FILED WITH
FLORIDA PUBLIC SERVICE COMMISSION

WASTEWATER TARIFF

ABCA, Inc., A Florida Corporation
NAME OF COMPANY

Special Assets Division

Post Office Box 1000, Mail Code FL-2202

Orlando, Florida 32802
(ADDRESS OF COMPANY)

(904) 361-1470 & (941)667-4778
(Business & Emergency Telephone Numbers)

FILED WITH
FLORIDA PUBLIC SERVICE COMMISSION

Douglas M. Darden, P.E.
ISSUING OFFICER

President, Envisors, Inc.
TITLE

NAME OF COMPANY ABCA, Inc., A Florida Corporation

WASTEWATER TARIFF

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Schedule of Customer Deposits	14.0
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Douglas M. Darden, P.E.
ISSUING OFFICER

President, Envisors, Inc.
TITLE

NAME OF COMPANY ABCA, Inc., A Florida Corporation

WASTEWATER TARIFF

TERRITORY SERVED

CERTIFICATE NUMBER -

COUNTY - Polk

COMMISSION ORDER(s) APPROVING TERRITORY SERVED -

Order Number

Date Issued

Docket Number

Filing Type

(Continued to Sheet No. 3.1)

Douglas M. Darden, P.E.
ISSUING OFFICER

President, Envirors, Inc.
TITLE

NAME OF COMPANY ABCA, Inc., A Florida Corporation

WASTEWATER TARIFF

(Continued from Sheet No. 3.0)

DESCRIPTION OF TERRITORY SERVED

Beginning at the Southwest corner of Section 14, Township 28 South, Range 24 East, run thence East along the South boundary of said Section 14 to the Southeast corner of the S.W. 1/4 of the S.W. 1/4 of said Section 14, thence North to the Northwest corner of the South 1/2 of the S.E. 1/4 of the S.W. 1/4 of said Section 14, thence East to the Northeast corner of said South 1/2 of the S.E. 1/4 of the S.W. 1/4, thence South along the East boundary of the West 1/2 of said Section 14 and the East boundary of the West 1/2 of Section 23 of said Township and Range to the Southeast corner of the N.W. 1/4 of said Section 23, thence East to the Northeast corner of the West 1/4 of the S.E. 1/4 of said Section 23, thence south to the Southeast corner of said West 1/4 of the S.E. 1/4, thence West along the South boundary of said Section 23 to a point 220 feet West of the Southeast corner of the S.W. 1/4 of said Section 23, thence North 1247.05 feet, West 100 feet, North 600 feet, West 180 feet, North 500 feet, West to the West boundary of the East 1/2 of the S.W. 1/4 of said Section 23, thence North along said West boundary of said East 1/2 of said S.W. 1/4 and along the West boundary of the S.E. 1/4 of the N.W. 1/4 of said Section 23 to the Northwest corner of said S.E. 1/4 of the N.W. 1/4, thence West along the South boundary of the N.W. 1/4 of the N.W. 1/4 of said Section 23 to the West boundary of said Section 23, thence North along said West boundary to the point of beginning, All in Section 14 and 23, Township 28 South, Range 24 East.

Douglas M. Darden, P.E.
ISSUING OFFICER

President, Envisors, Inc.
TITLE

NAME OF COMPANY ABCA, Inc., A Florida Corporation

WASTEWATER TARIFF

COMMUNITIES SERVED LISTING

<u>County Name</u>	<u>Development Name</u>	<u>Rate Schedule(s) Available</u>	<u>Sheet No.</u>
Polk	Village Lakeland	RS	13.0

Douglas M. Darden, P.E.
ISSUING OFFICER

President, Envisors, Inc.
TITLE

NAME OF COMPANY ABCA, Inc., A Florida Corporation

WASTEWATER TARIFF

TECHNICAL TERMS AND ABBREVIATIONS

- 1.0 "BFC" - "BFC" is the abbreviation for "Base Facility Charge" which is the minimum amount the utility may charge to the Company's customers and is separate from the amount billed for wastewater consumption on the utility's bills to its customers.
- 2.0 "CERTIFICATE" - A document issued by the Commission authorizing the Company to provide wastewater service in a specific territory.
- 3.0 "COMMISSION" - "Commission" refers to the Florida Public Service Commission.
- 4.0 "COMMUNITIES SERVED" - The group of customers who receive wastewater service from the Company and who's service location is within a specific area or locality that is uniquely separate from another.
- 5.0 "COMPANY" - ABCA, Inc., A Florida Corporation.
- 6.0 "CUSTOMER" - Any person, firm or corporation who has entered into an agreement to receive wastewater service from the Company and who is liable for the payment of that wastewater service.
- 7.0 "CUSTOMER'S INSTALLATION" - All pipes, shut-offs, valves, fixtures and appliances or apparatus of every kind and nature which are located on the customer's side of the "Point of Collection" and used in connection with or forming a part of the installation necessary for disposing of sewage collected from the customer's premises regardless of whether such installation is owned by the customer or used by the customer under lease or other agreement.
- 8.0 "MAIN" - A pipe, conduit, or facility used for conveying wastewater service through individual services or through other mains.
- 9.0 "POINT OF COLLECTION" - For wastewater systems, "point of collection" shall mean point at which the Company's piping, fittings, and valves connection with the customer's piping, fittings and valves.
- 10.0 "RATE" - Amount which the utility may charge for wastewater service which is applied to the customer's water consumption.
- 11.0 "RATE SCHEDULE" - The rate(s) or charge(s) for a particular classification of service plus the several provisions necessary for billing, including all special terms and conditions under which service shall be furnished at such rate or charge.

Douglas M. Darden, P.E.
ISSUING OFFICER

President, Envisors, Inc.
TITLE

NAME OF COMPANY ABCA, Inc., A Florida Corporation

WASTEWATER TARIFF

(Continued from Sheet No. 5.0)

- 12.0 **"SERVICE"** - Service, as mentioned in this tariff and in agreement with customers, shall be construed to include, in addition to all wastewater service required by the customer the readiness and ability on the part of the Company to furnish wastewater service to the customer. Service shall conform to the standards set forth in Section 367.111 of the Florida Statutes.
- 13.0 **"SERVICE LINES"** - The pipe between the Company's mains and the point of delivery and shall include all of the pipe, fittings and valves necessary to make the connection to the customer's premises excluding the meter.
- 14.0 **"TERRITORY"** - The geographical area described by metes and bounds with township, range and section in a certificate, which may be within or without the boundaries of an incorporated municipality and, may include areas in more than one county.

Douglas M. Darden, P.E.
ISSUING OFFICER

President, Envirors, Inc.
TITLE

NAME OF COMPANY ABCA, Inc., A Florida Corporation

WASTEWATER TARIFF

INDEX OF RULES AND REGULATIONS

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(Continued to Sheet No. 6.1)

Douglas M. Darden, P.E.
ISSUING OFFICER

President, Environs, Inc.
TITLE

NAME OF COMPANY ABCA, Inc., A Florida Corporation

WASTEWATER TARIFF

(Continued from Sheet No. 6.0)

	<u>Sheet Number:</u>	<u>Rule Number:</u>
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Douglas M. Darden, P.E.
ISSUING OFFICER

President, Envisors, Inc.
TITLE

NAME OF COMPANY ABCA, Inc., A Florida Corporation

WASTEWATER TARIFF

RULES AND REGULATIONS

1.0 GENERAL INFORMATION - These Rules and Regulations are a part of the rate schedules and applications and contracts of the Company and, in the absence of specific written agreement to the contrary, apply without modifications or change to each and every customer to whom the Company renders wastewater service.

The Company shall provide wastewater service to all customers requiring such service within its certificated territory pursuant to Chapter 25-30, Florida Administrative Code and Chapter 367, Florida Statutes.

2.0 POLICY DISPUTE - Any dispute between the Company and the customer or prospective customer regarding the meaning or application of any provision of this tariff shall upon written request by either party be resolved by the Florida Public Service Commission.

3.0 APPLICATION - In accordance with Rule 25-30.310, Florida Administrative Code, a signed application is required prior to the initiation of service.

4.0 APPLICATIONS BY AGENTS - Applications for wastewater service requested by firms, partnerships, associations, corporations, and others shall be rendered only by duly authorized parties or agents.

5.0 REFUSAL OR DISCONTINUANCE OF SERVICE - The Company may refuse or discontinue wastewater service rendered under application made by any member or agent of a household, organization, or business in accordance with Rule 25-30.320, Florida Administrative Code.

6.0 EXTENSIONS - Extensions will be made to the Company's facilities in compliance with Commission Rules and Orders and the Company's tariff.

7.0 LIMITATION OF USE - Wastewater service purchased from the Company shall be used by the customer only for the purposes specified in the application for wastewater service. Wastewater service shall be rendered to the customer for the customer's own use and shall be collected directly into the Company's main wastewater lines.

In no case shall a customer, except with the written consent of the company, extend his lines across a street, alley, lane, court, property line, avenue, or other way in order to furnish wastewater service to the adjacent property even though such adjacent property may be owned by him. In case of such unauthorized extension, sale, or disposition of service, the customer's wastewater service will be subject to discontinuance until such unauthorized extension, remetering, sale or disposition of service is discontinued and full payment is made to the Company for water service rendered by the Company (calculated on proper classification and rate schedules) and until reimbursement in full is made in full to the Company for all extra expenses incurred for clerical work, testing, and inspections.

Douglas M. Darden, P.E.
ISSUING OFFICER

President, Envisors, Inc.
TITLE

NAME OF COMPANY ABCA, Inc., A Florida Corporation

WASTEWATER TARIFF

(Continued from Sheet No. 7.0)

- 8.0 **CONTINUITY OF SERVICE** - In accordance with Rule 25-30.250, Florida Administrative Code, the company will at all times use reasonable diligence to provide continuous wastewater service and, having used reasonable diligence, shall not be liable to the customer for failure or interruption of continuous wastewater service.

If at any time the Company shall interrupt or discontinue its service, all customers affected by said interruption or discontinuance shall be given not less than 24 hours written notice.

- 9.0 **TYPE AND MAINTENANCE** - In accordance with Rule 25-30.545, Florida Administrative Code, the customer's pipes, apparatus and equipment shall be selected, installed, used and maintained in accordance with standard practice and shall conform with the Rules and Regulations of the Company and shall comply with all Laws and Governmental Regulations applicable to same. The Company shall not be responsible for the maintenance and operation of the customer's pipes and facilities. The customer expressly agrees not to utilize any appliance or device which is not properly constructed, controlled and protected or which may adversely affect the wastewater service; the Company reserves the right to discontinue or withhold wastewater service to such apparatus or device.

- 10.0 **CHANGE OF CUSTOMER'S INSTALLATION** - No changes or increases in the customer's installation, which will materially affect the proper operation of the pipes, mains, or stations of the Company, shall be made without written consent of the Company. The customer shall be liable for any change resulting from a violation of this Rule.

- 11.0 **INSPECTION OF CUSTOMER'S INSTALLATION** - All customer's wastewater service installations or changes shall be inspected upon completion by a competent authority to ensure that the customer's piping, equipment, and devices have been installed in accordance with accepted standard practice and local Laws and Governmental Regulations. Where Municipal or other Governmental inspection is required by local Rules and Ordinances, the Company cannot render wastewater service until such inspection has been made and a formal notice of approval from the inspecting authority has been received by the Company.

Notwithstanding the above, the Company reserves the right to inspect the customer's installation prior to rendering wastewater service, and from time to time thereafter, but assumes no responsibility whatsoever for any portion thereof.

Douglas M. Darden, P.E.
ISSUING OFFICER

President, Envisors, Inc.
TITLE

NAME OF COMPANY ABCA, Inc., A Florida Corporation

WASTEWATER TARIFF

(Continued from Sheet No. 8.0)

12.0 PROTECTION OF COMPANY'S PROPERTY - The customer shall exercise reasonable diligence to protect the Company's property. If the customer is found to have tampered with any utility property or refuses to correct any problems reported by the utility, service may be discontinued in accordance with Rule 25-30.320, Florida Administrative Code. In the event of any loss or damage to property of the Company caused by or arising out of carelessness, neglect, or misuse by the customer, the cost of making good such loss or repairing such damage shall be paid by the customer.

13.0 ACCESS TO PREMISES - In accordance with Rule 25-30.320(2)(f), Florida Administrative Code, the company shall provide the duly authorized agents of the Company access at all reasonable hours to its property. If reasonable access is not provided, service may be discontinued pursuant to the above rule.

14.0 RIGHT OF WAY OR EASEMENTS - The customer shall grant or cause to be granted to the Company, and without cost to the Company, all rights, easements, permits, and privileges which are necessary for the rendering of wastewater service.

15.0 CUSTOMER BILLING - Bills for wastewater service will be rendered - Monthly, Bimonthly, or Quarterly - as stated in the rate schedule.

In accordance with Rule 25-30.335, Florida Administrative Code, the utility may not consider a customer delinquent in paying his or her bill until the twenty-first day after the utility has mailed or presented the bill for payment.

A municipal or county franchise tax levied upon a water or wastewater public utility shall not be incorporated into the rate for water or wastewater service but shall be shown as a separate item on the utility's bills to its customers in such Municipality or County.

If a utility utilizes the base facility and usage charge rate structure and does not have a Commission authorized vacation rate, the utility shall bill the customer the base facility charge regardless of whether there is any usage.

16.0 DELINQUENT BILLS - When it has been determined that a customer is delinquent in paying any bill, wastewater service may be discontinued after the Company has mailed or presented a written notice to the customer in accordance with Rule 25-30.320, Florida Administrative Code.

~~17.0 PAYMENT OF WATER AND WASTEWATER SERVICE BILLS CONCURRENTLY - In accordance with Rule 25-30.320(2)(g), Florida Administrative Code, when both water and wastewater service are provided by the Company, payment of any wastewater service bill rendered by the Company to a customer shall not be accepted by the Company without the simultaneous or concurrent payment of any water service bill rendered by the Company.~~

Douglas M. Darden, P.E.
ISSUING OFFICER

President, Envisors, Inc.
TITLE

NAME OF COMPANY ABCA, Inc., A Florida Corporation

WASTEWATER TARIFF

(Continued from Sheet No. 9.0)

- 18.0 **TERMINATION OF SERVICE** - When a customer wishes to terminate service on any premises where wastewater service is supplied by the Company with wastewater service, the Company may require reasonable notice to the Company in accordance with Rule 25-30.325, Florida Administrative Code.
- 19.0 **UNAUTHORIZED CONNECTIONS - WASTEWATER** - Any unauthorized connections to the customer's wastewater service shall be subject to immediate discontinuance without notice, in accordance with Rule 25-30.320, Florida Administrative Code.
- 20.0 **ADJUSTMENT OF BILLS** - When a customer has been undercharged as a result of incorrect application of the rate schedule, incorrect reading of the meter, incorrect connection of the meter, or other similar reasons, the amount may be billed to the customer as the case may be pursuant to Rules 25-30.340 and 25-30.350, Florida Administrative Code.
- 21.0 **FILING OF CONTRACTS** - Whenever a Developer Agreement or Contract, Guaranteed Revenue Contract, or Special Contract or Agreement is entered into by the Company for the sale of its product or services in a manner not specifically covered by its Rules and Regulations or approved Rate Schedules, a copy of such contracts or agreements shall be filed with the Commission prior to its execution in accordance with Rule 25-9.034 and Rule 25-30.550, Florida Administrative Code. If such contracts or agreements are approved by the Commission, a conformed copy shall be placed on file with the Commission within 30 days of execution.
- 22.0 **EVIDENCE OF CONSUMPTION** - The initiation or continuation or resumption of water service to the customer's premises shall constitute the initiation or continuation or resumption of wastewater service to the customer's premises regardless of occupancy.

Douglas M. Darden, P.E.
ISSUING OFFICER

President, Envisors, Inc.
TITLE

NAME OF COMPANY ABCA, Inc., A Florida Corporation

WASTEWATER TARIFF

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General Service, GS	12.0
Miscellaneous Service Charges	15.0
Residential Service, RS	13.0
Service Availability Fees and Charges	16.0

Douglas M. Darden, P.E.
ISSUING OFFICER

President, Envirors, Inc.
TITLE

NAME OF COMPANY ABCA, Inc., A Florida Corporation

WASTEWATER TARIFF

GENERAL SERVICE

RATE SCHEDULE GS

N/A

- AVAILABILITY - Available throughout the area served by the Company.
- APPLICABILITY - For wastewater service to all customers for which no other schedule applies.
- LIMITATIONS - Subject to all of the Rules and Regulations of this tariff and General Rules and Regulations of the Commission.
- BILLING PERIOD - N/A.
- RATE - N/A.
- MINIMUM CHARGE - N/A.
- TERMS OF PAYMENT - Bills are due and payable when rendered. In accordance with Rule 25-30.320, Florida Administrative Code, if a customer is delinquent in paying the bill for wastewater service, service may then be discontinued.

EFFECTIVE DATE -

TYPE OF FILING - N/A.

Douglas M. Darden, P.E.
ISSUING OFFICER

President, Envisors, Inc.
TITLE

NAME OF COMPANY ABCA, Inc., A Florida Corporation

WASTEWATER TARIFF

RESIDENTIAL SERVICE

RATE SCHEDULE RS

- AVAILABILITY - Available throughout the area served by the Company.
- APPLICABILITY - For wastewater service for all purposes in private residences.
- LIMITATIONS - Subject to all of the Rules and Regulations of this Tariff and General Rules and Regulations of the Commission.
- BILLING PERIOD - Monthly.
- RATE - Flat rate of \$10.25.
- MINIMUM CHARGE - \$10.25.
- TERMS OF PAYMENT - Bills are due and payable when rendered. In accordance with Rule 25-30.320, Florida Administrative Code, if a customer is delinquent in paying the bill for wastewater service, service may then be discontinued.
- EFFECTIVE DATE -
- TYPE OF FILING - Grandfather Certificate.

Douglas M. Darden, P.E.
ISSUING OFFICER

President, Envisors, Inc.
TITLE

NAME OF COMPANY ABCA, Inc., A Florida Corporation

WASTEWATER TARIFF

SCHEDULE OF CUSTOMER DEPOSITS

N/A - No Meters and No Deposits

ESTABLISHMENT OF CREDIT - Before rendering wastewater service, the Company may require an applicant for service to satisfactorily establish credit, but such establishment of credit shall not relieve the customer from complying with the Company's rules for prompt payment. Credit will be deemed so established if the customer complies with the requirements of Rule 25-30.311, Florida Administrative Code.

AMOUNT OF DEPOSIT - The amount of initial deposit shall be the following according to meter size:

	<u>Residential</u>	<u>General Service</u>
5/8" x 3/4"	<u>N/A</u>	<u>N/A</u>
1"	<u>N/A</u>	<u>N/A</u>
1 1/2"	<u>N/A</u>	<u>N/A</u>
Over 2"	<u>N/A</u>	<u>N/A</u>

ADDITIONAL DEPOSIT - Under Rule 25-30.311(7), Florida Administrative Code, the Company may require a new deposit, where previously waived or returned, or an additional deposit in order to secure payment of current bills provided.

INTEREST ON DEPOSIT - The Company shall pay interest on customer deposits pursuant to Rule 25-30.311(4) and (4a). The Company will pay or credit accrued interest to the customers account during the month of _____ each year.

REFUND OF DEPOSIT - After a residential customer has established a satisfactory payment record and has had continuous service for a period of 23 months, the Company shall refund the customer's deposit provided the customer has met the requirements of Rule 25-30.311(5), Florida Administrative Code. The Company may hold the deposit of a non-residential customer after a continuous service period of 23 months and shall pay interest on the non-residential customer's deposit pursuant to Rule 25-30.311(4) and (5), Florida Administrative Code.

Nothing in this rule shall prohibit the Company from refunding a customer's deposit in less than 23 months.

EFFECTIVE DATE -

TYPE OF FILING - N/A

Douglas M. Darden, P.E.
ISSUING OFFICER

President, Envirors, Inc.
TITLE

NAME OF COMPANY ABCA, Inc., A Florida Corporation

WASTEWATER TARIFF

MISCELLANEOUS SERVICE CHARGES

The Company may charge the following miscellaneous service charges in accordance with the terms state herein. If both water and wastewater services are provided, only a single charge is appropriate unless circumstances beyond the control of the Company requires multiple actions.

INITIAL CONNECTION - This charge would be levied for service initiation at a location where service did not exist previously.

NORMAL RECONNECTION - This charge would be levied for transfer of service to a new customer account at a previously served location or reconnection of service subsequent to a customer requested disconnection.

VIOLATION RECONNECTION - This charge would be levied prior to reconnection of an existing customer after disconnection of service for cause according to Rule 25-30.320(2), Florida Administrative Code, including a delinquency in bill payment.

PREMISES VISIT CHARGE (IN LIEU OF DISCONNECTION) - This charge would be levied when a service representative visits a premises for the purpose of discontinuing service for nonpayment of a due and collectible bill and does not discontinue service because the customer pays the service representative or otherwise makes satisfactory arrangements to pay the bill.

Schedule of Miscellaneous Service Charges

Initial Connection Fee	\$ <u>15.00</u>
Normal Reconnection Fee	\$ <u>15.00</u>
Violation Reconnection Fee	\$ <u>Actual Cost (1)</u>
Premises Visit Fee (in lieu of disconnection)	\$ <u>10.00</u>

(1) Actual Cost is equal to the total cost incurred for services.

EFFECTIVE DATE

TYPE OF FILING - Grandfather Certificate

Douglas M. Darden, P.E.
ISSUING OFFICER

President, Envisors, Inc.
TITLE

NAME OF COMPANY ABCA, Inc., A Florida Corporation

WASTEWATER TARIFF

SERVICE AVAILABILITY SCHEDULE OF FEES AND CHARGES**N/A - No Meters - Flat, One-Time Tap Fee: \$880.00**

<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>SHEET NO./RULE NO.</u>
<u>Customer Connection (Tap-in) Charge</u>		
5/8" x 3/4" metered service	N/A	
1" metered service	N/A	
1 1/2" metered service	N/A	
2" metered service	N/A	
Over 2" metered service	N/A	
<u>Guaranteed Revenue Charge</u>		
With Prepayment of Service Availability Charges:		
Residential-per ERC/month ()GPD	N/A	
All others-per gallon/month	N/A	
Without Prepayment of Service Availability Charges:		
Residential-per ERC/month ()GPD	N/A	
All others-per gallon/month	N/A	
Inspection Fee	N/A	
<u>Main Extension Charge</u>		
Residential-per ERC ()GPD	N/A	
All others-per gallon	N/A	
or		
Residential-per lot ()foot frontage	N/A	
All others-per front foot	N/A	
Plan Review Charge	N/A	
<u>Plant Capacity Charge</u>		
Residential-per ERC ()GPD	N/A	
All others-per gallon	N/A	
<u>System Capacity Charge</u>		
Residential-per ERC ()GPD	N/A	
All others-per gallon	N/A	

EFFECTIVE DATE -TYPE OF FILING - Grandfather CertificateDouglas M. Darden, P.E.
ISSUING OFFICERPresident, Envirors, Inc.
TITLE

NAME OF COMPANY ABCA, Inc., A Florida Corporation

WASTEWATER TARIFF

INDEX OF STANDARD FORMS

	<u>Sheet No.</u>
APPLICATION FOR WASTEWATER SERVICE	19.0
COPY OF CUSTOMER'S BILL	20.0

Douglas M. Darden, P.E.
ISSUING OFFICER

President, Envisors, Inc.
TITLE

NAME OF COMPANY ABCA, Inc., A Florida Corporation

WASTEWATER TARIFF

CUSTOMER'S GUARANTEE DEPOSIT RECEIPT

N/A - No Meters and No Deposits

Douglas M. Darden, P.E.
ISSUING OFFICER

President, Envisors, Inc.
TITLE

Application for Wastewater Service

Name _____ Telephone Number _____

Billing Address _____

City _____ State _____ Zip _____

Service Address _____

City _____ State _____ Zip _____

Date service should begin _____

By signing this agreement, the customer agrees to the following:

1. The Company shall not be responsible for the maintenance and operation of the customer's pipes and facilities. The customer agrees not to utilize any appliance or device which is not properly constructed, controlled and protected or which may adversely affect the wastewater service; the Company reserves the right to discontinue or withhold wastewater service to such apparatus or device.
2. The Company may refuse or discontinue wastewater service rendered under application made by any member or agent of a household, organization, or business for any of the reasons contained in Rule 25-30.320, Florida Administrative Code. Any unauthorized connections to the customer's wastewater service shall be subject to immediate discontinuance without notice, in accordance with Rule 25-30.320, Florida Administrative Code.
3. The customer agrees to abide by all existing Company rules and regulations as contained in the tariff.
4. Bills for wastewater service will be rendered monthly, as stated in the rate schedule. Bills must be paid within 20 days of mailing bills. If payment is not made after five working days written notice, service may be discontinued.
5. When a customer wishes to terminate service on any premises where wastewater service is supplied by the Company, the Company may require oral or written notice within 14 days prior to the date the customer desires to terminate service.

Signature

Date

Douglas M. Darden, P.E.
ISSUING OFFICER

President, Envisors, Inc.
TITLE

NAME OF COMPANY ABCA, Inc., A Florida Corporation

WASTEWATER TARIFF

COPY OF CUSTOMER'S BILL

**MONTHLY BILL FOR SEWER AND STREET LIGHTING SERVICES
THE VILLAGE LAKELAND**

1 July 1997

**Mr. and Mrs. John Doe
999 Lazy Lake Drive South
Lakeland, Florida 32202**

Sewer Services Monthly Rate	\$10.25
Street Lighting Services Monthly Rate	\$2.50
Total	\$12.75

Please remit in full on or before **21 July 1997** to:

Mr. Paul Lowry, Utility Manager
ABCA, Inc.
Post Office Box 2303
Eaton Park, Florida 33840

Please call (941) 667-4778 if you have any questions or a change of address. Thank you for your prompt payment.

Douglas M. Darden, P.E.
ISSUING OFFICER

President, Envisors, Inc.
TITLE

NAME OF COMPANY ABCA, Inc., A Florida Corporation

WASTEWATER TARIFF

INDEX OF SERVICE AVAILABILITY

N/A - SEE SHEET NO. 22.0

Sheet Number

Rule Number

Acceptance of Facilities

Availability

Construction of Oversized Facilities

Customer Connection (Tap-in)

Customer Installation (Customer Maintained Lines)

Cost Records and "As-Built" Plans

Design by Independent Engineers

Developer Agreements

Easements and Rights-of-Way

Extensions Outside Certificated Territory

General Information

Inspections

Obligations of Developer

Obligations of Utility

Off-Site Facilities

On-Site Facilities

Refundable Advances

Schedule of Fees and Charges

System Design and Construction

Transfer of Contributed Property - Bills of Sale

Douglas M. Darden, P.E.
ISSUING OFFICER

President, Envisors, Inc.
TITLE

NAME OF COMPANY ABCA, Inc., A Florida Corporation

WASTEWATER TARIFF

SERVICE AVAILABILITY POLICY

N/A

The Village Lakeland Wastewater System serves only one development, a mobile home subdivision called Village Lakeland. To date, a total of 323 lots have been constructed, and 244 are occupied by mobile homes, leaving 79 constructed, unoccupied lots. The remainder of the property within the Service Area is conceptually planned for approximately 604 additional units, for a total of 927 units within the Service Area.

The 323 lots which have been constructed have roads, stormwater management, and water and sewer infrastructure included. The wastewater treatment plant and effluent disposal area are permitted for a total of 70,000 gpd, and are expected to serve the existing units and the unoccupied, constructed lots.

No expansions to the existing system are anticipated until the remainder of the property is developed. Currently, there are no plans for the development of this property by the owner, and the property is actively being marketed for sale and development. Polk County will require that the sewer system be constructed as part of the development of the remainder of the subdivision.

Currently, the utility charges a one-time tap fee of \$880.00 when a new unit is constructed and connected into the system. Thereafter, a flat monthly fee of \$10.25 is collected. No meters are set, and no deposits are required. No other fees are charged at this time.

Douglas M. Darden, P.E.
ISSUING OFFICER

President, Envisors, Inc.
TITLE



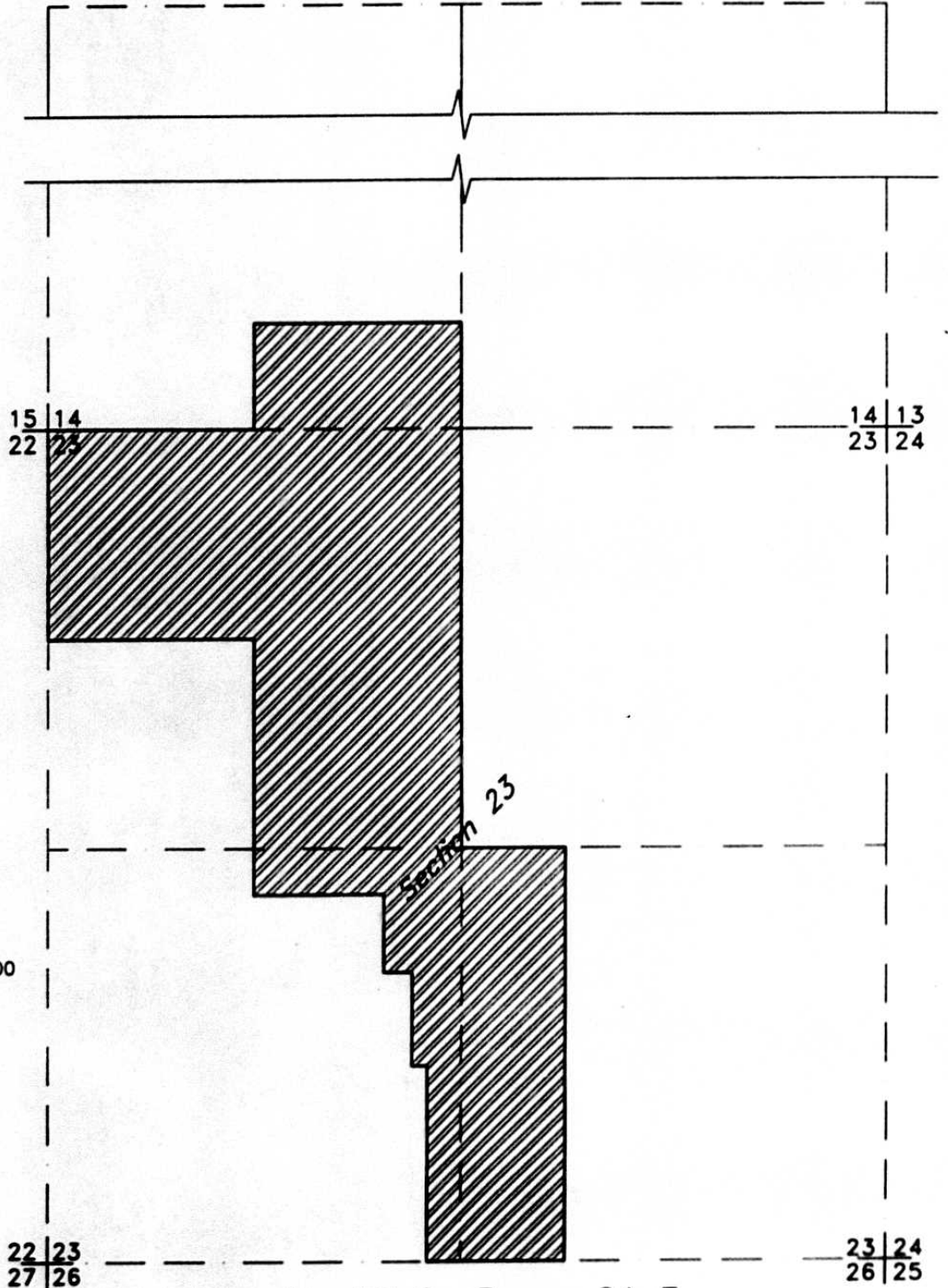
Exhibit D
Legal Description of Service Territory

APPLICATION FOR GRANDFATHER CERTIFICATE
Village Lakeland Wastewater System

Beginning at the Southwest corner of Section 14, Township 28 South, Range 24 East, run thence East along the South boundary of said Section 14 to the Southeast corner of the S.W. 1/4 of the S.W. 1/4 of said Section 14, thence North to the Northwest corner of the South 1/2 of the S.E. 1/4 of the S.W. 1/4 of said Section 14, thence East to the Northeast corner of said South 1/2 of the S.E. 1/4 of the S.W. 1/4, thence South along the East boundary of the West 1/2 of said Section 14 and the East boundary of the West 1/2 of Section 23 of said Township and Range to the Southeast corner of the N.W. 1/4 of said Section 23, thence East to the Northeast corner of the West 1/4 of the S.E. 1/4 of said Section 23, thence south to the Southeast corner of said West 1/4 of the S.E. 1/4, thence West along the South boundary of said Section 23 to a point 220 feet West of the Southeast corner of the S.W. 1/4 of said Section 23, thence North 1247.05 feet, West 100 feet, North 600 feet, West 180 feet, North 500 feet, West to the West boundary of the East 1/2 of the S.W. 1/4 of said Section 23, thence North along said West boundary of said East 1/2 of said S.W. 1/4 and along the West boundary of the S.E. 1/4 of the N.W. 1/4 of said Section 23 to the Northwest corner of said S.E. 1/4 of the N.W. 1/4, thence West along the South boundary of the N.W. 1/4 of the N.W. 1/4 of said Section 23 to the West boundary of said Section 23, thence North along said West boundary to the point of beginning. All in Section 14 and 23, Township 28 South, Range 24 East.

Village Lakeland

Wastewater Service Territory



97033WWT.dwg 11-5-97 2:50:52 pm EST

EVI ENVISORS, Inc.

Consulting Civil & Environmental Engineers, Planners, and Surveyors

2105 Dundee Road
P.O. Box 9309
Winter Haven, FL 33883-9309
(813) 324-1112
FAX (813) 294-6185

18 November 1997

DEPOSIT

97/1531
DATE

Director, Division of Records and Reporting
FLORIDA PUBLIC SERVICE COMMISSION
2540 Shumard Oak Boulevard
Tallahassee, Florida 33299-0850

D 6 5 9

NOV 20 1997

Subject: Submittal of Application Package for Grandfather Certificate for the Village Lakeland Wastewater System

Project: Village Lakeland Wastewater System, Polk County, Florida

Applicant: ABCA, Inc.

EVI Job No.: 97033000

Dear Sir or Madam:

We are pleased to submit one original and two copies of this Application for a Grandfather Certificate for the Village Lakeland Wastewater System, owned by ABCA, Inc. This wastewater utility system was previously regulated by the Polk County Utilities Commission. Also enclosed is Check No. 100823012 in the amount of \$500.00 for the required application fee.

Please call us if you have any questions or need additional information. We sincerely appreciate your assistance on this important Project.

97 NOV 20 PM 11
MAIL ROOM

18 November 1997

DEPOSIT

97/531
DATE

Director, Division of Records and Reporting
FLORIDA PUBLIC SERVICE COMMISSION
2540 Shumard Oak Boulevard
Tallahassee, Florida 33299-0850

D 6 5 9

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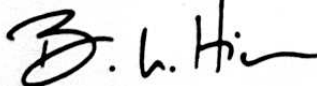
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Please call us if you have any questions or need additional information. We sincerely appreciate your assistance on this important Project.

Yours truly,
ENVISORS, INC.



Beth L. Higgins, AICP
Project Manager

BLH/bbb

Enclosure: As stated.

Copy to: Bill Messer, Regulatory Analyst Supervisor, PSC; Frank D. Tucker, Jr., Senior Vice President, First Union Bank; Robert Appleyard, President, Appleyard & Company; Paul Lowry, Utility Manager, ABCA, Inc.; Jerry A. Cadden, CPA, Valiente, Hernandez & Co., P.A.; EVI Job and Cost Files; F:\CORRES\MISC\1997\97033000.L03