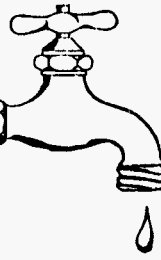


LAKE SUZY UTILITIES, INC.

12408 S.W. SHERI AVENUE
LAKE SUZY, FLORIDA 33821



ORIGINAL
(941) 629-2439

December 9, 1997

Director, Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

RECEIVED
FLORIDA PUBLIC
SERVICE COMMISSION
97 DEC 11 AM 10:10
MAIL ROOM

RE: Docket No. 970657-WS Amendment to application for Original Certificate

Dear Sirs:

Pursuant to the agreement as executed with Charlotte County (enclosed for reference), Lake Suzy Utilities hereby amends our application for our Original Certificate to exclude the Links Subdivision from our wastewater territory as shown in the revised Exhibits and tariff sheets.

Also please note that all that portion of land in section 31, Township 39S, Range 23E Desoto County, Florida lying southwesterly of Interstate Highway # 75 known as the "Byrd" property as described in the Charlotte County / Lake Suzy agreement has been and will remain excluded from our water and wastewater territory descriptions as shown in our application. However, the property description has been modified from the application that has been filed to reflect the Warranty Deed description.

Please find enclosed one original and twelve copies of the revised Exhibits L.1 (description of wastewater territory served) and L.2 (description of water territory served) to reflect the above changes. Also enclosed is one original and two copies of Original Sheet No.s 3.1 and 3.2 of the Water tariff and Original Sheet No.s 4.0 and 4.1 from the Wastewater tariff.

In the very near future you will be receiving a withdrawal of the objection to the Lake Suzy Original Certificate Application as filed by Charlotte County as specified in the above referenced agreement.

If you should have any questions concerning this matter, please advise.

Respectfully Submitted,

Dallas A. Shepard
Dallas A. Shepard, President
Lake Suzy Utilities, Inc.

cc: Charlotte County Attorney's Office (attn; Ms. Martha Young Burton)

- ACK _____
- AFA _____
- APP _____
- CAF _____
- CMR _____
- CTF _____
- EAC _____
- LES 1
- LI 2
- OPD _____
- ROH _____
- SEC 1
- WIS 1
- OTH _____

DOCUMENT NUMBER-DATE
12696 DEC 11 5
FPSC-RECORDS/REPORTING

Ag. 970450AD

ORIGINAL

WATER AND WASTEWATER SERVICE AREA AGREEMENT

THIS AGREEMENT is entered into this 9th day of December, 1997, by and between CHARLOTTE COUNTY, a political subdivision of the State of Florida ("County"), and LAKE SUZY UTILITIES, INC., a Florida corporation ("Lake Suzy").

WITNESSETH:

WHEREAS, County owns and operates Charlotte County Utilities ("CCU") which provides potable water and wastewater services within the Charlotte County Water and Sewer District No. 1; and

WHEREAS, Lake Suzy has filed an Application for Original Certificate for a Utility in Existence and Charging Rates ("Application") with the Florida Public Service Commission ("FPSC") to expand its service area to include the Links Subdivision (described in Exhibit "A" attached hereto and incorporated herein by reference), located wholly within Charlotte County and CCU's service area, formally known as the Charlotte County Water and Sewer District No. 1; and

WHEREAS, Lake Suzy's present service area includes the Byrd Property (described in Exhibit "B" attached hereto and incorporated herein by reference), located in DeSoto County but west of Interstate Highway #75, immediately adjacent to Charlotte County; and

WHEREAS, the parties now desire to enter into this Agreement in order that both the Links Subdivision and the Byrd Property can be provided water and wastewater services in a manner that is economically feasible, in accordance with sound engineering practices, and for the benefit of both parties and their future utility customers.

DOCUMENT NUMBER-DATE
12696 DEC 11 97
FPSC-RECORDS/REPORTING

NOW, THEREFORE, for and in consideration of the mutual covenants and obligations contained herein, County and Lake Suzy hereby agree as follows:

A. LAKE SUZY'S OBLIGATIONS:

1. Following the execution of this Agreement by both parties, Lake Suzy shall amend its FPSC Application to delete the Links Subdivision from its wastewater service area and to delete the Byrd Property from its water and wastewater service areas.

2. Lake Suzy shall provide the Links Subdivision with potable water service.

3. Lake Suzy shall provide County, on a monthly basis, the water meter readings for the Links Subdivision.

B. COUNTY'S OBLIGATIONS:

1. Following the amendment by Lake Suzy of its FPSC Application as described in Paragraph A.1. above and the FPSC's acceptance of such amendment, County shall withdraw its Objection to Lake Suzy's FPSC Application, and County agrees not to file any further objections to said Application.

2. Also following the amendment by Lake Suzy of its FPSC Application as described in Paragraph A.1. above and the FPSC's acceptance of such amendment, County agrees to amend the Charlotte County Water and Sewer District No. 1 to delete the Links Subdivision from its potable water service area and to add the Byrd Property to its potable water and wastewater service area.

3. County shall provide the Byrd Property with potable water and wastewater service.

4. County shall bill its wastewater customers in the Links Subdivision for sewer use charges on a regular billing cycle as determined by County.

C. GENERAL PROVISIONS:

1. If for any reason Lake Suzy is unable or ceases to provide potable water service to the Links Subdivision, all rights to provide potable water service shall revert to County. If Lake Suzy is unable to provide potable water service to the Links Subdivision, County and Lake Suzy agree to meet and negotiate alternative methods of providing such service to the Links Subdivision and other potential Amendments to this Agreement.

2. Any notices or writings permitted or required by this Agreement shall be delivered or mailed to the persons named at the addresses listed below:

County: Director
Charlotte County Utilities
18500 Murdock Circle
Port Charlotte, FL 33948-1094

Lake Suzy: President or Senior Manager
Lake Suzy Utilities, Inc.
12408 SW Sheri Avenue
Lake Suzy, FL 34266

3. This Agreement may only be amended by a writing duly executed by authorized representatives of County and Lake Suzy.

4. This Agreement constitutes the entire agreement between County and Lake Suzy concerning the subject matter of this Agreement, and it has been executed by an authorized representative of each party on the date first written above.

5. No assignment, delegation, or transfer of this Agreement or any part thereof shall be made unless approved in writing by County and Lake Suzy.

6. This Agreement shall be governed and construed in accordance with Florida law. The parties agree that in the event of any litigation arising out of any alleged breach or non-performance of this Agreement, the venue for such litigation shall be in Charlotte County, Florida.

7. This Agreement shall be effective on the date first written above.

IN WITNESS WHEREOF, the parties have executed this contract on the date first written above.

LAKE SUZY UTILITIES, INC.

By: Dallas A. Shepard
Dallas A. Shepard, President

ATTEST:

By: Shelly L. Shepard
Shelly L. Shepard

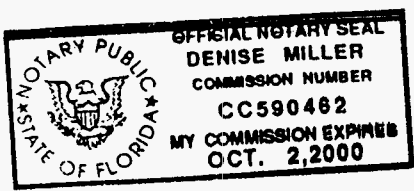
Its Corporate Secretary

STATE OF FLORIDA
COUNTY OF Charlotte

THE FOREGOING Agreement was acknowledged before me this 9th day of December, 1997, by Dallas A. Shepard, President of Lake Suzy Utilities, Inc., who is personally known to me.

Denise Miller
Notary Public of the State of Florida

Print Name: Denise Miller



BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA

By: Matthew D. DeBoer
Matthew D. DeBoer, Chairman

ATTEST:

Barbara T. Scott, Clerk of Court and
Ex-officio Clerk of Court of County
Commissioners

By: Erin Housberg
Deputy Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

Renee Francis Lee
Renee Francis Lee, County Attorney NB

THE LINKS SUBDIVISION

A parcel of land lying in Sections 5 and 6, Township 40 South Range 23 East, Charlotte County, Florida, being more specifically described as follows:

Begin at the Northeast corner of said Section 6 and run S00°21'15" W a distance of 130.00 feet. Thence S89° 38' 45" E a distance of 75.84 feet, to the point of curvature of a curve concave to the South, having a radius of 150.00 feet, a central angle of 24° 44' 38." Thence along said curve a distance of 64.78 feet to the point of tangency. Thence S64°54' 07" E a distance of 49.33 feet, to the intersection with the westerly right-of-way line of Kings Highway. Thence S25° 05' 53" W along said right-of-way a distance of 100.00 feet. Thence N64° 54' 07" W a distance of 87.88 feet. Thence S00° 21' 15"W a distance of 101.54 feet. Thence N89° 38' 45" W a distance of 2721.64 feet. Thence N00° 07' 54" E a distance of 154.03 feet. Thence N39° 05' 37" E a distance of 98.67 feet to the intersection with a curve concave to the East, to the South, and the Southwest, having a radius of 50.00 feet, and a central angle of 219° 49' 31." Thence along said curve a distance of 191.83 feet to a point of reverse curvature of a curve to the left having a radius of 25.00 feet, a central angle of 46° 01' 19." Thence along said curve a distance of 20.08 feet. Thence N32° 53' 49" E along a radial line a distance of 66.67 feet to the intersection with the Northerly line of said Section 6, thence S89° 38' 45" E along said Northerly line a distance of 2661.15 feet to the point of beginning.

Containing 19.81 acres more or less.

EXHIBIT "A"

THE BYRD PROPERTY

All that certain land situate in DeSoto County, Florida, being more particularly described as follows:

Begin at S.W. Corner of Section 31, Township 39 South, Range 23 East, then North along section line to right of way of I-75 (569.00 feet plus or minus) then Southeasterly along I-75 right of way to intersection of South section line (672.1 feet plus or minus) then West to point of beginning (370.99 feet plus or minus) containing 2.4 acres more or less.

EXHIBIT "B"

DESCRIPTION OF WATER TERRITORY SERVED

All of the land in Sections 31 and 32, Township 39S, Range 23E Desoto County, Florida less and except parcel 1 in section 31, plus a portion of land in Sections 29 and 30 Township 39S, Range 23E Desoto County, Florida, plus a portion of land in Section 10 Township 39S, Range 23E Desoto County, Florida and plus a parcel of land in Sections 5 and 6, Township 40S, Range 23E Charlotte County, Florida with all parcels more particularly described as follows:

LESS AND EXCEPT LAND IN SECTION 31 DESOTO COUNTY

All that portion of section 31 Township 39S Range 23E Desoto County Florida lying southwesterly of the Interstate Highway # 75 being more particularly described as follows:

Begin at the southwest corner of section 31, then North along section line to the right of way of I-75 (569.00 feet plus or minus) then Southeasterly along I-75 right of way to the intersection of South section line (672.1 feet plus or minus) then West to the point of beginning (370.99 feet plus or minus) containing 2.4 acres more or less being Parcel 1 of 1.

ADDITIONAL LAND IN SECTIONS 29 AND 30 DESOTO COUNTY

A portion of land in Sections 29 and 30, Township 39 South, Range 23 East, as recorded in the Public records of Desoto County, Florida, being more particularly described as follows:

Commencing at the Southwest corner of aforesaid Section 30, Township 39 South, Range 23 East in DeSoto County, Florida as referenced by the recorded plat of the 46th addition to Port Charlotte Subdivision per plat thereof recorded in plat book 19, pages 45 through 45-FF in the public records of Sarasota County, Florida; thence S89°06'37"E, along the South line of the Southwest quarter of said section 30, a distance of 2000.00 feet to the POINT OF BEGINNING; thence continue S89°06'37"E along the South line of said section 30 a distance of 659.62 feet to the southwest corner of the Southeast 1/4 of said section 30; thence N89°55'34" along the south line of said section 30 a distance of 2656.34 feet to the southwest corner of section 29, township 39 south, range 23 east; thence N89°49'49"E along the south line of said section 29 a distance of 2365.45 feet to a point on the westerly right-of-way of Kings Highway (old State road S-741); thence northeast along said right-of-way along a curve concave to the southeast, with a radius of 2924.79 feet, a chord bearing of N24°53'35"E, and a central angle of 02°35'08" an arc distance of 131.98 feet; thence continue along the westerly right-of-way of Kings Highway N26°11'08"E a distance of 186.94 feet; thence continue along the westerly right-of-way of Kings Highway S63°48'52"E a distance of 10.00 feet; thence continue along the westerly right-of-way of Kings Highway N26°11'08"E a distance of 46.19 feet; thence continue along the westerly right-of-way of Kings Highway N20°09'48"E a distance of 213.11 feet; thence continue along the westerly right-of-way of Kings Highway N44°05'08"E a distance of 72.73 feet; thence continue along the westerly right-of-way of Kings Highway N26°11'08"E a distance of 1743.50 feet; thence leaving said right-of-way N89°53'41"W a distance of 3427.23 feet; thence N89°14'16"W a distance of 3312.51 feet; thence S00°04'14"W a distance of 2191.90 feet to the POINT OF BEGINNING.

ADDITIONAL LAND IN SECTION 10 DESOTO COUNTY

All that part of the southeast quarter of Section 10, Township 39S, Range 23E Desoto County, Florida lying southerly of the S.C.L. RR. and westerly of County Road #761 Road.

DOCUMENT NUMBER-DATE

12696 DEC 11 97

FPSC-RECORDS/REPORTING

ADDITIONAL LAND IN SECTIONS 5 AND 6 CHARLOTTE COUNTY

A parcel of land lying in Sections 5 and 6, Township 40 South Range 23 East, Charlotte County, Florida, being more particularly described as follows:

Begin at the Northeast corner of said Section 6 and run S00°21'15"W a distance of 130.00 feet; thence S89°38'45"E a distance of 75.84 feet to the point of curvature of a curve concave to the South, having a radius of 150.00 feet, a central angle of 24°44'38"; thence along said curve a distance of 64.78 feet to the point of tangency; thence S64°54'07"E a distance of 49.33 feet, to the intersection with the westerly right-of-way line of Kings Highway; thence S25°05'53"W along said right-of-way a distance of 100.00 feet; thence N64°54'07"W a distance of 87.88 feet; thence S00°21'15"W a distance of 101.54 feet; thence N89°38'45"W a distance of 2721.64 feet; thence N00°07'54"E a distance of 154.03 feet; thence N39°05'37"E a distance of 98.67 feet to the intersection with a curve concave to the East, to the South, and Southwest, having a radius of 50.00 feet, and a central angle of 219°49'31"; thence along said curve a distance of 191.83 feet to a point of reverse curvature of a curve to the left having a radius of 25.00 feet, a central angle of 46°01'19"; thence along said curve a distance of 20.08 feet; thence N32°53'49"E along a radial line a distance of 66.67 feet to the interconnection with the Northerly line of said Section 6; thence S89°38'45"E along said Northerly line a distance of 2661.15 feet to the point of beginning.

DESCRIPTION OF WASTEWATER TERRITORY SERVED

All of the land in Sections 31 and 32, Township 39S, Range 23E Desoto County, Florida less and except parcels 1, 2 and 3 in said section 31, plus a portion of land in Sections 29 and 30 Township 39S, Range 23E Desoto County, Florida, and plus a portion of land in Section 10 Township 39S, Range 23E Desoto County, with all parcels more particularly described as follows:

LESS AND EXCEPT LAND IN SECTION 31 DESOTO COUNTY

All three (3) parcels of land are in Section 31, Township 39 South, Range 23 East, DeSoto County Florida. Bearings used in this description are taken from a deed recorded in Official Record Book 130, Pages 570-571, of said public records of DeSoto County, Florida. Said tracts are described as follows:

Begin at the southeast corner of section 31; Thence N89°38'45"W along the south line of said section 31, 2388.17 feet; thence N25°01'05"W, 39.15 feet; thence N32°09'31"W, 134.59 feet; thence N58°16'39"W, 152.45 feet; thence N08°41'03"E, 58.79 feet; thence N11°35'37"E, 720.86 feet; thence N22°03'27"W, 563.84 feet; thence N20°08'35"E, 472.51 feet to the POB of Parcel 1 of 2. Said POB being a point on a curve concave to the southwest with a radius of 400.00 feet and a tangent bearing of S78°44'54"E; thence southeasterly along arc of said curve, 369.13 feet; thence S50°22'47"W, 159.29 feet; thence S17°21'14"E, 704.05 feet; thence S20°42'20"W, 582.63 feet; thence S68°11'54"E, 177.71 feet; thence N74°35'19"E, 353.72 feet; thence S65°20'26"E, 726.23 feet; thence N30°55'45"E, 287.95 feet; thence N45°35'19"W, 863.70 feet; thence N26°26'28"W, 725.47 feet; thence N47°17'25"W, 194.61 feet; S65°37'18"W, 58.42 feet to a point on a curve concave to the southwest with a radius of 460.00 feet, said course is radial to said curve; thence northwesterly along arc of said curve, 427.14 feet to a point on said curve to be labeled as POINT A; thence continuing along said curve 296.21 feet through a total angle of 90°06'00"; thence S65°31'26"W, 239.89 feet to the easterly ROW of Kingsway Circle; thence S24°28'34"E along the easterly ROW of Kingsway Circle, 60.00 feet; thence N65°31'26"E, 241.76 feet to a point on a curve concave to the southwest with a radius of 400.00 feet, thence northeasterly along arc of said curve 249.43 feet to the POB being parcel 1 of 3.

Thence beginning at above referenced POINT A; thence N67°18'04"W, 240.34 feet; thence N74°28'27"W, 56.04 feet; thence N05°02'43"E, 309.07 feet; thence N42°08'49"E, 189.00 feet; thence S85°12'39"E, 778.88 feet; thence S74°40'25"E, 365.65 feet; thence N66°43'21"E, 116.00 feet; thence S58°43'09"E, 183.27 feet to the POB of parcel 2 of 3; thence S10°57'21"W, 110.00 feet; thence N76°33'11"E, 814.18 feet; thence N02°30'36"W, 169.87 feet to the ROW of Kingsway Circle; thence S87°29'24"W, 465.49 feet along the ROW of Kingsway Circle to a point on a curve concave to the north with a radius of 530.00 feet; thence westerly along arc of said curve 67.52 feet; thence N85°12'39"W, 217.99 feet; thence S04°47'21"W, 221.24 feet; thence S58°43'09"E, 51.12 feet to the POB being Parcel 2 of 3.

All that portion of section 31 Township 39S Range 23E Desoto County Florida lying southwesterly of the Interstate Highway # 75 being more particularly described as follows:

Begin at the southwest corner of section 31, then North along section line to the right of way of I-75 (569.00 feet plus or minus) then Southeasterly along I-75 right of way to the intersection of South section line (672.1 feet plus or minus) then West to the point of beginning (370.99 feet plus or minus) containing 2.4 acres more or less being Parcel 3 of 3.

ADDITIONAL LAND IN SECTIONS 29 AND 30 DESOTO COUNTY

A portion of land in Sections 29 and 30, Township 39 South, Range 23 East, as recorded in the Public records of Desoto County, Florida, being more particularly described as follows:

Commencing at the Southwest corner of aforesaid Section 30, Township 39 South, Range 23 East in DeSoto County, Florida as referenced by the recorded plat of the 46th addition to Port Charlotte Subdivision per plat thereof recorded in plat book 19, pages 45 through 45-FF in the public records of Sarasota County, Florida; thence S89°06'37"E, along the South line of the Southwest quarter of said section 30, a distance of 2000.00 feet to the POINT OF BEGINNING; thence continue S89°06'37"E along the South line of said section 30 a distance of 659.62 feet to the southwest corner of the Southeast 1/4 of said section 30; thence N89°55'34" along the south line of said section 30 a distance of 2656.34 feet to the southwest corner of section 29, township 39 south, range 23 east; thence N89°49'49"E along the south line of said section 29 a distance of 2365.45 feet to a point on the westerly right-of-way of Kings Highway(Old State road S-741); thence northeast along said right-of-way along a curve concave to the southeast, with a radius of 2924.79 feet, a chord bearing of N24°53'35"E, and a central angle of 02°35'08" an arc distance of 131.98 feet; thence continue along the westerly right-of-way of Kings Highway N26°11'08"E a distance of 186.94 feet; thence continue along the westerly right-of-way of Kings Highway S63°48'52"E a distance of 10.00 feet; thence continue along the westerly right-of-way of Kings Highway N26°11'08"E a distance of 46.19 feet; thence continue along the westerly right-of-way of Kings Highway N20°09'48"E a distance of 213.11 feet; thence continue along the westerly right-of-way of Kings Highway N44°05'08"E a distance of 72.73 feet; thence continue along the westerly right-of-way of Kings Highway N26°11'08"E a distance of 1743.50 feet; thence leaving said right-of-way N89°53'41"W a distance of 3427.23 feet; thence N89°14'16"W a distance of 3312.51 feet; thence S00°04'14"W a distance of 2191.90 feet to the POINT OF BEGINNING.

ADDITIONAL LAND IN SECTION 10 DESOTO COUNTY

All that part of the southeast quarter of Section 10, Township 39S, Range 23E Desoto County, Florida lying southerly of the S.C.L. RR. and westerly of County Road #761 Road.