

ORIGINAL

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DIVISION OF WATER & WASTEWATER
CHARLES H. HILL
DIRECTOR
(850) 413-6900

Public Service Commission

November 16, 1998

DOCUMENT NUMBER - DATE

12897 NOV 17 98

FPSC-RECORDS/REPORTING

Mr. Norman F. Mears
Rhema Business Services, Inc.
1344 Vickers Drive
Tallahassee, FL 32303-3041

Re: Docket No. 981338-WS, Application for grandfather certificates to operate water and wastewater utility in Polk County by Plantation Landings, Ltd.

Dear Mr. Mears:

Your application on behalf of Plantation Landings, Ltd., (Landings) for grandfather certificates was received by the Commission on October 14, 1998, and assigned the above referenced docket number and name. Staff has preliminarily reviewed the application for deficiencies as well as for items that need clarification or correction. These items are as follows:

Deficiencies:

1. Rate Authority. Pursuant to Rule 25-30.035(8), Florida Administrative Code (F.A.C.), a statement is required on the date and under what authority the current rates and charges were established. The application contained a statement that the rates are disclosed within the prospectus and lease pursuant to Chapter 723, Florida Statutes, governing mobile home rental communities. However, no information was provided as to the effective date.

- ACK _____
- AFA _____
- APP _____
- CAF _____
- CMU _____
- CTR _____
- EAG _____
- LEG _____
- IN _____
- JPC _____
- RCH _____
- SEC 1
- NAS _____
- DTH _____

Please provide a statement indicating when the current rates were put into effect.

As verification of the existing rates, please provide a copy of the portions of the prospectus and lease that pertain to the utility's water and wastewater rates and when they were authorized.

Also, please provide a statement specifically indicating whether or not the County ever authorized the utility's current rates. This statement is needed for legal purposes.

2. Legal Description and Territory Map. Rule 25-30.035(9), F.A.C., requires a legal description of the territory the utility is serving and Rule 25-30.035(11), F.A.C., requires a territory map reflecting that description. The legal description appears to match the territory

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map provided. However, the legal description is missing information. (See attached fax of maps and legal description)

The utility's engineer, Mr. Ivan King, has been notified by staff's engineer, Mr. Richard Redemann, P.E., of the apparent discrepancy. A revision to either the legal description or territory map has been requested. Please ensure that Mr. King's correction(s) are provided with your response and, if necessary, Tariff Sheet No. 3.1 is corrected in both the water and wastewater tariffs.

(Note: The legal description "less and except" for Parcel B one North or South is missing. For Parcel C the map does not reflect this area "Less an Excepted". [Please see map.] The last parcel in Section 31 is not connected to Section 25. Also, there was no map of Section 31. [Please see map.]

3. Permit Information. Rule 25-30.035(12), F.A.C., requires the numbers and dates of any permits issued by the Florida Department of Environmental Protection (FDEP) or designated agency. For the water system, the application indicates the water permit number issued by the Southwest Florida Water Management District but does not indicate the date. For the wastewater system, the application indicates the current wastewater permit number issued by FDEP, but not the date, and it also indicates a new permit is pending.
 - a) Please indicate the dates the water construction permit and the current wastewater permit were issued.
 - b) For verification purposes, and for information needed for rates, please provide copies of the utility's water construction permit and both its current wastewater permit as well as its application for a new wastewater permit.
 - c) Also, please provide both the water and wastewater Monthly Operating Reports (MORs) for the twelve (12) months immediately prior to filing.
 - d) Please specifically indicate whether or not the utility is in a water caution area and, if so, which one.

Clarifications / Corrections:

4. Tariff Address and Phone Number. The address and phone number for the utility on Landing's tariffs is the same as that given for all the partners listed in the application, i.e., 5015 South Florida Avenue, Lakeland, Florida, 33813.

Please explain whether the address is for a management company and, if so, please indicate the name of the management company.

Also, please indicate how far this address is from the physical location of the utility, and its customers, and whether or not the phone numbers would be local calls.

5. Tariff Rates. The water and wastewater tariff rates for the Residential Service Schedules show a fixed monthly charge of \$12.00 which includes up to 3,000 gallons of water. The customers are then billed for any usage above 3,000 gallons using. The Commission discourages combining normal usage in the base facility charge.

Please provide an analysis of customer bills for the twelve (12) months immediately preceding the filing to include:

- a) number of customers each month exceeding 3,000 gallon minimum charge
- b) average usage each month for customers exceeding 3,000 gallon minimum charge
- c) average usage each month for customers not exceeding 3,000 gallon minimum charge.

If changing the rate structure to separate usage from base facility charges would represent a hardship for the utility, please provide a detailed explanation. For instance, would it require an amendment to the utility's prospectus and, if so, what is the anticipated cost and length of time to implement this change?

6. Combined Rates. It appears that the utility has the same rate schedule for both water and wastewater service. Please verify whether there is one rate schedule to cover the costs of both services.
7. Cost of Service. If the rates and charges in Item 6, above, apply to both services, they will have to be allocated to the separate tariffs based on the relative cost to provide the services. Please provide an estimate of the relative costs to provide each service along with supporting documentation.
8. Miscellaneous Tariff Correction.

- a) Table of Contents. In the "Table of Contents" for the water tariff (Tariff Sheet No. 2.0), the tariff sheet number(s) for Rates and Charges Schedules, Rules and Regulations, Service Availability and Standard Forms are supposed to be just the sheet number(s) for the indexes. Also the tariff sheet numbers for "Territory Served" should be 3.0-3.1 (Note: The "Table of Contents" for the wastewater tariff was done correctly.)
- b) Tariff Page Numbering. The tariff page numbering in the wastewater tariff is off sequence starting with the second page of "Technical Terms and Abbreviations" which should have been Tariff Sheet No. 5.1. The two pages for the "Index of Rules and Regulations" should have been Tariff Sheet Nos. 6.0 and 6.1. Then the first page of the actual Rules and Regulations would have been Tariff Sheet No. 7. As a

consequence of the misnumbering, the page numbers for the rules in the "Index of Rules and Regulations" do not correspond to their tariff location.

- c) Technical Terms and Abbreviations. In the definition for "Point of Collection" the term is accidentally referred to as the "Point of Connection."
- d) Rules and Regulations--Signed Applications Necessary. The Index of Rules and Regulations for Water Tariff Sheet No. 6.1 and Wastewater Tariff Sheet No. 7.0, lists "Signed Application Required." The actual heading for the rule is "Signed Application Necessary." Please correct either the indexes or the rule headings to be consistent.
- e) Rules and Regulations--Payment of Water and Wastewater Service Bills Concurrently. The Index of Rules and Regulations for Wastewater Tariff Sheet No. 7.0, also lists "Payment of Water and Sewer Service Bills Concurrently." The actual rule heading is "Payment of Wastewater and Water Service Bills Concurrently." Please correct either the index or the rule heading to be consistent. In any case, "wastewater" is the preferred term over "sewer."
- f) Rules and Regulations--Withholding Service. Since not all violations of the rules and regulations in the utility's tariffs may be adequate cause for refusal or discontinuance of service pursuant to Rule 25-30.320, F.A.C., please remove the second paragraph of Rule 5.0 in both the water and wastewater tariffs.
- g) Rule and Regulations--Limitation of Use. Commission rules to not prohibit a customer of a utility from remetering. However, the customer must first have the utility's written consent, which the utility may withhold for cause. Please remove the second paragraph of Rule 7.0 in the water tariff and include at the end of the third paragraph of both the water and wastewater tariff the following parenthetical phrase taken from the model tariffs:

(This shall not be construed as prohibiting a Customer from remetering.)
- h) Rates and Charges. The "Index of Rates and Charges Schedules" in the water tariff (Tariff Sheet No. 16.0) differs from the actual headings for four (4) of the schedules: Customer Deposits, Fire Protection Charges, Meter Test Deposits, and Service Availability Fees and Charges. Please correct either the index or the schedule headings to be consistent.

The Index of Rates and Charges Schedules in the wastewater tariff (Tariff Sheet No. 18.0) differs from the actual headings for Customer Deposits and Service Availability Fees and Charges. Please correct either the index or the schedule headings to be consistent.

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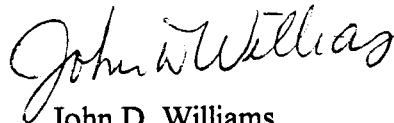
- i) Application for Service. Pursuant to Rule 25-30.310, F.A.C., a signed application is required prior to the initiation of service. (See also Rule 3.0 in the "Rules and Regulations" section of the utility's water and wastewater tariffs.) Once the utility's tariffs are effective, a signed application will be required on a going-forward basis for requests for service from new residents.

Please have the utility develop an application for water and wastewater service and provide a legible copy on the "Application for Service" tariff sheet. A sample application is included in the model tariffs. In any case, the application should include information on the payment period as well as how much notice the utility requires prior to service being voluntarily disconnected. This later provision is important since the "Rules and Regulations" section of the utility's tariffs do not contain a full "Termination of Service" rule--only a "Temporary Discontinuance of Service" rule.

- j) Customer's Bill. The sample Customer's Bill provided in both the water and wastewater tariffs. Please provide a legible copy for the applicable tariff sheets. (Note: If the utility's water and wastewater charges are separated pursuant to Item 6, above, modified bills may be necessary.)

Please file an original and five copies of your response to the items listed above with the Division of Records and Reporting on or before January 8, 1999. If you have any questions regarding the information requested, please contact Ms. Stephanie Clapp (850) 413-6997.

Sincerely,



John D. Williams
Chief, Bureau of Policy Development
and Industry Structure

JDW:sc

Attachments

cc: Division of Water and Wastewater (Hill, Lowe, Messer, Clapp, Redemann)
Division of Legal Services (Crosby)
Division of Records and Reporting

State of Florida



Public Service Commission

FAX COVER SHEET

DATE: October 23, 1998

FROM: Division of Water & Wastewater, Richard Redemann P.E.
Florida Public Service Commission

FAX (850) 413-7000

If you have any questions or problems, please contact me at (850) 413-6999.

TO: Mr. Ivan King

FAX NUMBER: 6-1-941-299-7826

PHONE NUMBER: 6-1-941-325-6146

comments: Docket No. 981338-WS; Plantation Landings, Ltd

In the area Less and Excepted for Parcel B one North or South is missing.
For Parcel C The map does not reflect this area Less an Excepted. Please see the map. Is the
Description in error?

The last parcel in Section 31 is not connected to Section 25. Also, there was no map of Section
31. Please see the map attached.

Please review the maps and territory description and advise if it is correct.

Number of pages including cover sheet: 4

PLANTATION LANDINGS, LTD.

WATER AND WASTEWATER SERVICE AREA

POLK COUNTY

In Part of Section 25, Township 27 South, Range 26 East, and Section 31, Township 27 South, Range 27 East, Polk County,, Florida described as follows:

Section 25, Township 27 South, Range 26 East,

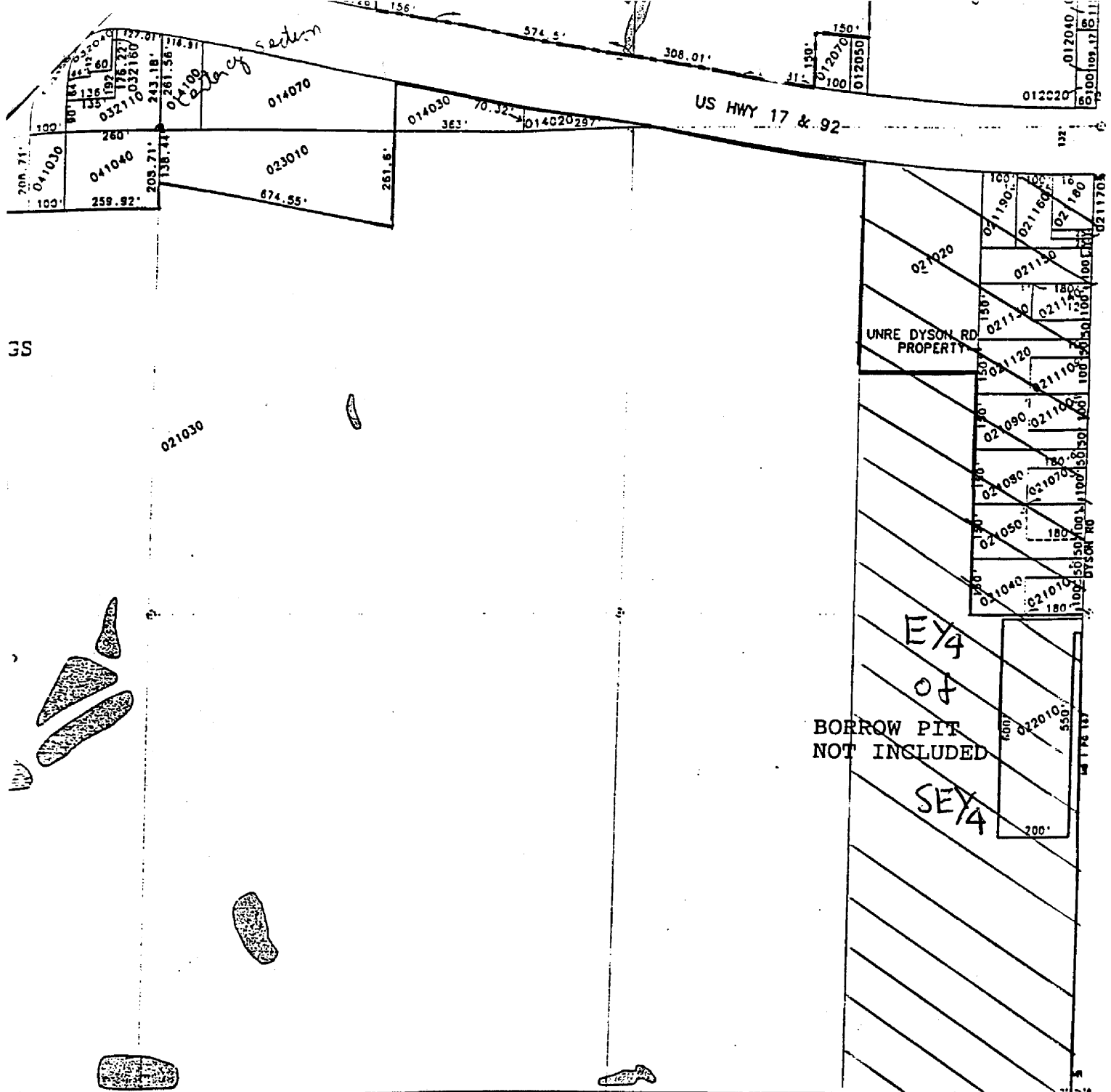
Commence at the Southwest corner of the SE 1/4 of the SW 1/4 of the NE 1/4, thence run N 89°50'54" E a distance of 366.37 feet to the Point of Beginning; thence run N 00°07'52" W a distance of 70.32 feet; thence run S 79°03'37" E along the southerly boundary line of U.S. 17-92 (State Road 600) to the intersection of said line with the North boundary line of said South 1/2 of Section 25; thence run S 89°50'54" W to the point of Beginning; and

That part of the East 3/4 of the South 1/2 of Section 25, Township 27 South, Range 26 East which lies south of U.S. 17-92 (State Road 600) LESS AND EXCEPT the following tracts of land:

- A. The North 208.71 feet of the Easterly 869.6 feet of the NE 1/4 of the SW 1/4 of Section 25.
- B. That certain parcel of land described as follows: commence at the center of Section 25, Township 27 South, Range 26 East; thence run S 00°12'09" E along the quarter line a distance of 138.44 feet; thence run S 79°38'00" E a distance of 674.55 feet; thence run N 00°10'00" W a distance of 261.60 feet; thence run westerly along the North boundary line of the S 1/2 of said Section 25 to the Point of Beginning.
- C. The East 1/4 of the Southeast 1/4 of said Section 25.

Section 31, Township 27 South, Range 27 East Plantation Landings (percolation pond)

Commence at the Northwest corner of Section 31, Township 27 South, Range 27 East, Polk County, Florida run S 00°00'54" W, along the West boundary of said Section 31, a distance of 30.0 feet to the Point of Beginning; thence run N 89°38'18" E a distance of 558.0 feet; thence run S 00°16'22" W, a distance of 37.81 feet; thence run S 86°35'00" E, a distance of 688.0 feet; thence run S 03°00'00" E, a distance of 295.0 feet; thence run N 83°07'00" W, a distance of 925.0 feet; thence run N 04°25'00" E, a distance of 237.0 feet; thence run S 89°38'18" W, a distance of 360.0 feet to a point in the West boundary of said Section 31; thence run N 00°03'54" E, a distance of 25.0 feet to the Point of Beginning. LESS AND EXCEPT the West 25.0 feet, thereof, for road Right-of-Way of Dyson Road.



35

021030

UNRE DYSON RD
PROPERTY

EY4
of
BORROW PIT
NOT INCLUDED
SEY4

981338-WS

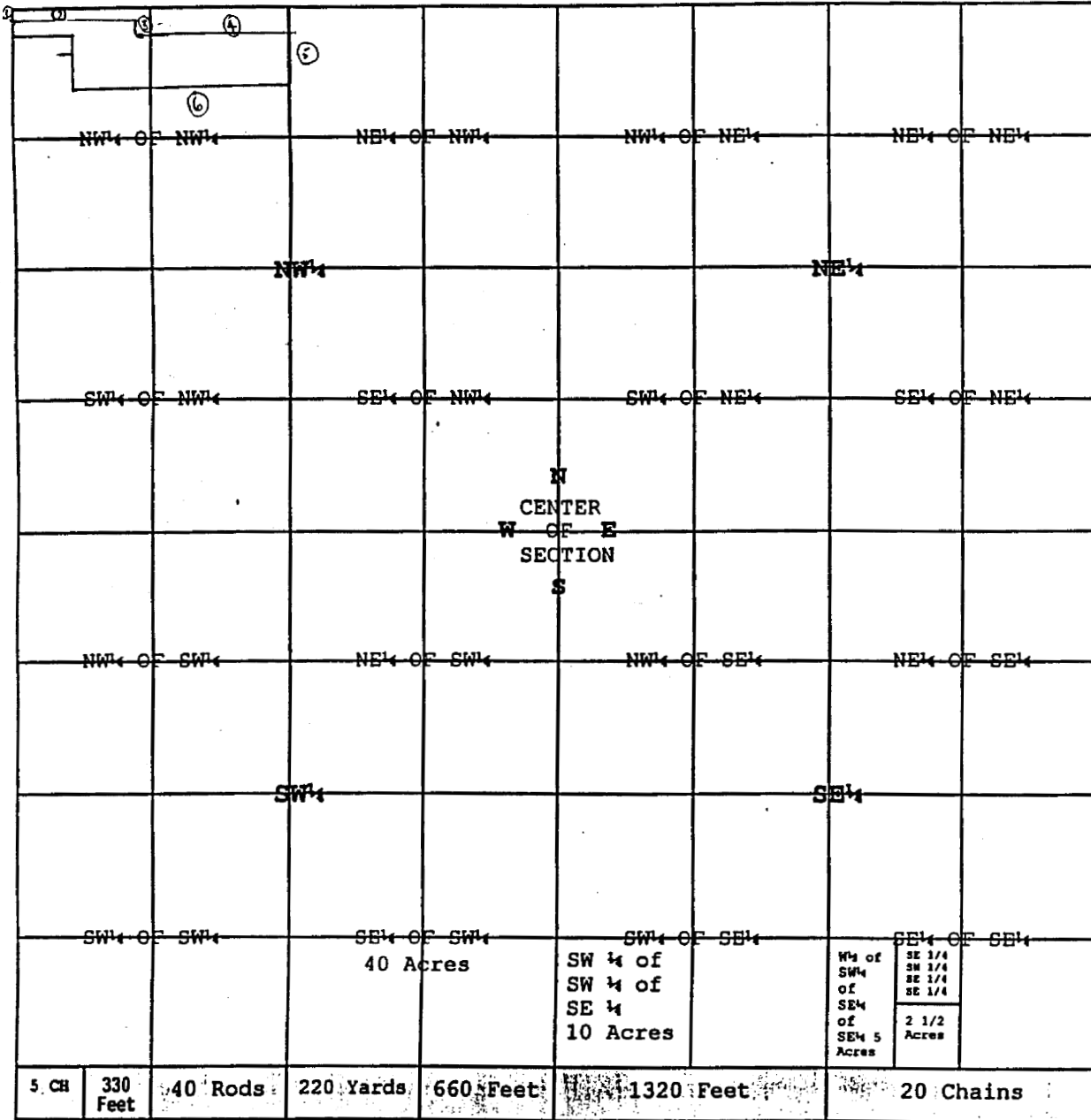
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PLANTATION LANDINGS, LTD.
Application For Grandfather Certificate
Exhibit IX

SEC 25 T27S R 21E

Section Chart

Section 31 Township 27 South Range 27 East



Scale - 8 Inches Equals 1 mile
1 Inch Equals 10 Chains, 660 Feet, 40 Rods or 220 Yards

One Rod = 16.5 feet; 1/4 Chain or 25 Links
One Link = 7.92 Inches;
One Chain = 66 feet, 4 Rods or 100 Links
One Mile = 5,280 feet, 320 Rods or 80 Chains

All Measurements in Government Surveys are Indicated by Links and Chains
One Square Rod Contains 272.5 Square Feet
One Acre is about 208.25 Feet Square
One Acre Contains 43,560 Square Feet, or 160 Suare Rods.
1/2 an Acre (Homestead within City Limits) Contains 21,780 Square Feet.
Ten Square Chins = One Acre
A Section of Land is one Square Mile and Contains 640 Acres.
1/4 Section Contains 160 Acres.
A township Area is 36 Square Miles and Contains 23,040 Acres.

Sectional Map of a Township With Adjoining Sections

36	31	32	33	34	35	36	31
1	6	5	4	3	2	1	6
12	7	8	9	10	11	12	7
13	18	17	16	15	14	13	18
24	19	20	21	22	23	24	19
25	30	29	28	27	26	25	30
36	31	32	33	34	35	36	31
1	6	5	4	3	2	1	6