

STATE OF FLORIDA

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TIMOTHY DEVLIN, DIRECTOR
DIVISION OF ECONOMIC REGULATION
(850) 413-6900

Public Service Commission

July 11, 2002

Mr. Martin S. Friedman
Rose, Sundstrom & Bentley
2548 Blairstone Pines Drive
Tallahassee, FL 32301

020553 - WS

Re: Docket No. 020553-WS; Application for Amendment of Certificates No. 294-S and 338-W to extend water and wastewater service areas in Brevard County by Burkim Enterprises, Inc.

Dear Mr. Friedman:

After reviewing the application in the above referenced docket, staff has identified the following deficiencies. Please correct and/or provide additional information as requested.

1. As required by Section 367.045(1)(a), Florida Statutes, and Rule 25-30.030, FAC, the utility must provide notice of the application and provide affidavits that the notice was given. The territory description is incorrect. Staff has already provided the utility a copy of the territory description with the errors noted. Since the description is incorrect, the utility must renotify. The notice must be given to the governmental entities and all utilities in the county, all cities located in the county, and to each of the customers in the proposed territory. The notice must be published in a newspaper of general circulation in the area proposed to be served. A new County List is attached (Attachment A). Please refile the affidavits when the noticing is complete. If you have any questions about renoticing, please contact Ms. Alice Crosby at (850) 413-6222 in the Office of General Counsel.

2. As required by Rule 25-30.036(3)(b), Florida Administrative Code, the utility must provide a statement showing the financial and technical ability of the utility to provide service and the need for service in the area requested. The application contained a technical ability statement that was sufficient. The utility's financial ability statement that "Burkim has both financial and technical ability to render sufficient, adequate and efficient service. This is verified by a review of Burkim's 2001 Annual Report on file with the Commission as well as the information contained in Burkim's recent staff assisted rate case" is insufficient. Each docket must be complete within itself. Please provide additional information on Burkim's financial ability.

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3. As required by Rule 25-30.036(3)(f), Florida Administrative Code, provide one copy of a detailed system map showing the proposed lines, treatment facilities, and the territory proposed to be served. The map shall be of sufficient scale and detail to enable correlation with the description of the territory. Although a map was provided on June 26, 2002 the location of the proposed water and wastewater lines were not identified on this map.

4. As required by Rule 25-30.036(3) (i), Florida Administrative Code, the utility must provide one copy of the official county tax map or other map showing township, range, and section, with a scale such as 1"=200' or 1"=400', with the proposed territory plotted thereon by use of metes and bounds or quarter sections, and with a defined reference point of beginning. Although a territory map was provided in the application, we are unable to correlate the descriptions with the map. Therefore, please replot using the new description references in item one above on a map labeling all angles and distances, and resubmit.

5. As required by Rule 25-30.036(3) (j), Florida Administrative Code, provide a statement describing the capacity of the existing lines, the capacity of the treatment facilities, and the design capacity of the proposed extension. According to the application the collection and distribution systems are already constructed, except for the property which is not currently served. The property owner will extend the lines. Please provide information on the maximum day capacity for the water treatment plant, and the capacity of the wastewater treatment plant as rated by the Department of Environmental Protection (DEP). Please identify the methodology used by the DEP for rating the wastewater treatment plant (annual average, maximum month, etc.). Also, provide the current average and maximum flows at the water treatment plant and the current average and maximum flows at the wastewater treatment plant. According to Order No. PSC-01-2511-PAA-WS, in Docket No. 010396-WS, issued December 24, 2001, the utility's water treatment plant was rated 100% used and useful. It does not appear that the utility has the water capacity to serve additional customers. Please provide a letter or permit from the DEP or detailed information from the utility's engineer that explains how the utility can serve the additional water customers.

6. As required by Rule 25-30.036(3) (k), Florida Administrative Code, provide the numbers and dates of any permit issued for the proposed system by the DEP. This information was not provided.

7. As required by Rule 25-30.036(3) (g), Florida Administrative Code, please indicate if the utility is planning to build a new wastewater treatment plant, or upgrading an existing plant to serve the proposed territory and provide a written description of the proposed method(s) of effluent disposal. This information was not provided.

8. As required by Rule 25-30.036(3) (h), Florida Administrative Code, if (7) above does not include effluent by means of reuse, provide a statement that describes with particularity the reasons for not using reuse. This information was not provided.

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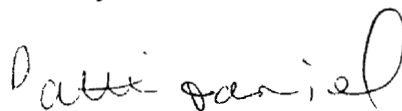
In addition, to the above information, please indicate the total number of water and wastewater customers that the utility is serving outside of currently certificated area. Please provide an explanation of why the utility began serving these customers without the Florida Public Service Commission's approval, and how long the utility has been serving these customers. Also, indicate the total number of water and wastewater customers the utility is planning to serve in the new area(s).

According to page 14 of the above order, the results of the Brevard County Fire Marshal's Office inspection indicates the utility can not meet both fire-flow and pressure requirements, which resulted in a citation. Has the citation been corrected? Does the utility plan to provide the proposed new water customers fire flow protection? If yes, provide a letter or information from the Brevard County Fire Marshal's Office that the utility can now meet both fire-flow and pressure requirements.

Please file an original and five copies of the requested information and one copy of the maps no later than August 12, 2002 with the Commission Clerk and Administrative Services Director, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399.

If you have any questions please contact Richard Redemann, at (850) 413-6999 or Alice Crosby, at (850) 413-6222.

Sincerely,



Patti Daniel, Supervisor
Bureau of Certification

C:\WP6\020553A.RPR

cc: Division of Economic Regulation (Redemann)
Division of the General Counsel (Crosby)
Division of Commission Clerk and Administrative Services (Bayo, Security File)

LIST OF WATER AND WASTEWATER UTILITIES IN BREVARD COUNTY

(VALID FOR 60 DAYS)
07/10/2002-09/07/2002

UTILITY NAME

MANAGER

BREVARD COUNTY

BURKIM ENTERPRISES INC (WS842)
2340 N.E DIXIE HIGHWAY
JENSEN BEACH, FL 34957-5952

KEITH A BURGE
(772) 334-4557

COLONY PARK UTILITIES INC (SU288)
1447 NEWFOUND HARBOR DRIVE
MERRITT ISLAND, FL 32952-2854

LENORE WARREN
(407) 453-1400

EAST CENTRAL FLORIDA SERVICES, INC (WU643)
1700 13TH STREET, SUITE 2
ST CLOUD, FL 34769-4300

JAMES B PAYNE
(407) 957-6744

FLORIDA WATER SERVICES CORPORATION (WU561)
P O BOX 609520
ORLANDO, FL 32860-9520

CARLYN KOWALSKY
(407) 598-4297

NORTHGATE PROPERTIES, INC (WS172)
3277 FIRST AVENUE
MIMS, FL 32754-3134

LESTER GROOMS
(904) 428-0094

PINE LAKE MOBILE HOME ESTATES, INC (SU698)
2505 EBER BLVD
MELBOURNE, FL 32904-8848

MARY DARRELL
(407) 723-2754 OR -2125

SAN SEBASTIAN WATER, LLC (WU388)
7900 FOX CREEK TRAIL
FRANKTOWN, CO 80116-9670

WILLIAM F MCCAIN
(561) 770-1093

SERVICE MANAGEMENT SYSTEMS, INC (WS571)
235 HAMMOCK SHORE DRIVE
MELBOURNE BEACH, FL 32951-3941

JAMES BATES
(407) 723-2522

LIST OF WATER AND WASTEWATER UTILITIES IN BREVARD COUNTY

(VALID FOR 60 DAYS)
07/10/2002-09/07/2002

UTILITY NAME

MANAGER

GOVERNMENTAL AGENCIES

CLERK, BOARD OF COUNTY COMMISSIONERS, BREVARD COUNTY
P O BOX 999
TITUSVILLE, FL 32781-0999

DEP CENTRAL DISTRICT
3319 MAGUIRE BLVD, SUITE 232
ORLANDO, FL 32803-3767

EAST CENTRAL FLORIDA PLANNING COUNCIL
1011 WYMORE ROAD, SUITE 105
WINTER PARK, FL 32789

MAYOR, CITY OF CAPE CANAVERAL
P O BOX 326
CAPE CANAVERAL, FL 32920-0326

MAYOR, CITY OF COCOA
P O BOX 1750
COCOA, FL 32923-1750

MAYOR, CITY OF COCOA BEACH
UTILITIES DIRECTOR
P. O BOX 322430
COCOA BEACH, FL 32932-2430

MAYOR, CITY OF INDIAN HARBOUR BEACH
2055 SOUTH PATRICK DRIVE
INDIAN HARBOUR BEACH, FL 32937-4447

MAYOR CITY OF MELBOURNE
900 EAST STRAWBRIDGE AVENUE
MELBOURNE, FL 32901-4739

LIST OF WATER AND WASTEWATER UTILITIES IN BREVARD COUNTY

(VALID FOR 60 DAYS)
07/10/2002-09/07/2002

<u>UTILITY NAME</u>	<u>MANAGER</u>
MAYOR, CITY OF PALM BAY 120 MALABAR ROAD, S E PALM BAY, FL 32907-3009	
MAYOR, CITY OF ROCKLEDGE P O BOX 488 ROCKLEDGE, FL 32955	
MAYOR, CITY OF SATELLITE BEACH 565 CASSIA BLVD. SATELLITE BEACH, FL 32937-3197	
MAYOR, CITY OF TITUSVILLE P O BOX 2806 TITUSVILLE, FL 32781-2806	
MAYOR, CITY OF WEST MELBOURNE 2285 MINTON ROAD WEST MELBOURNE, FL 32904-4916	
MAYOR, TOWN OF INDIALANTIC 216 FIFTH AVENUE INDIALANTIC, FL 32903-3199	
MAYOR, TOWN OF MALABAR 2725 MALABAR ROAD MALABAR, FL 32950-1427	
MAYOR, TOWN OF MELBOURNE BEACH 507 OCEAN AVENUE MELBOURNE BEACH, FL 32951-2523	
MAYOR, TOWN OF MELBOURNE VILLAGE 555 HAMMOCK ROAD MELBOURNE VILLAGE, FL 32904-2513	

LIST OF WATER AND WASTEWATER UTILITIES IN BREVARD COUNTY

(VALID FOR 60 DAYS)
07/10/2002-09/07/2002

UTILITY NAME

MANAGER

MAYOR, TOWN OF PALM SHORES
151 PALM CIRCLE
PALM SHORES FL 32940-7209

ST JOHNS RIVER WTR MANAGEMENT DISTRICT
P O BOX 1429
PALATKA, FL 32178-1429

STATE OFFICIALS

STATE OF FLORIDA PUBLIC COUNSEL
C/O THE HOUSE OF REPRESENTATIVES
THE CAPITOL
TALLAHASSEE, FL 32399-1300

DIVISION OF THE COMMISSION CLERK AND ADMINISTRATIVE SERVICES
FLORIDA PUBLIC SERVICE COMMISSION
2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FL 32399-0850