

ORIGINAL

RUTLEDGE, ECENIA, PURNELL & HOFFMAN

PROFESSIONAL ASSOCIATION
ATTORNEYS AND COUNSELORS AT LAW

STEPHEN A. ECENIA
RICHARD M. ELLIS
KENNETH A. HOFFMAN
THOMAS W. KONRAD
MICHAEL G. MAIDA
MARTIN P. McDONNELL
J. STEPHEN MENTON

POST OFFICE BOX 551, 32302-0551
215 SOUTH MONROE STREET, SUITE 420
TALLAHASSEE, FLORIDA 32301-1841

TELEPHONE (850) 681-6788
TELECOPIER (850) 681-6515

R. DAVID PRESCOTT
HAROLD F. X. PURNELL
MARSHA E. RULE
GARY R. RUTLEDGE

GOVERNMENTAL CONSULTANTS
MARGARET A. MENDUNI
M. LANE STEPHENS

June 17, 2003

030541-W/S

Ms. Blanca Bayo, Director
Commission Clerk and Administrative Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

HAND DELIVERY

COMMISSION
CLERK

JUN 17 PM 2:34

RECEIVED FPSC

Re: In re: Application by Florida Water Services Corporation for Acknowledgment of Transfer of Clay County and Bradford County Land and Facilities to the Clay County Utility Authority, and Cancellation of Certificate Nos. 554-W and 003-W

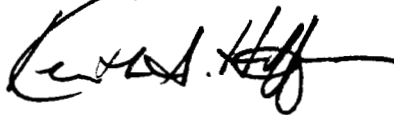
Dear Ms. Bayo:

Enclosed for filing on behalf of Florida Water Services Corporation ("Florida Water") in the above-styled docket is an original and five copies of Florida Water's Application for Acknowledgment of Transfer of Clay County and Bradford County Land and Facilities to the Clay County Utility Authority, and Cancellation of Certificate Nos. 554-W and 003-W.

Please acknowledge receipt of these documents by stamping the extra copy of this letter "filed" and returning the copy to me.

Thank you for your assistance with this filing.

Sincerely,



Kenneth A. Hoffman

KAH/rl
Enclosures

Flawater\Bayo.clay

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FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER DATE

05361 JUN 17 8

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application by Florida Water Services)
Corporation for Acknowledgment of Transfer of)
Clay County and Bradford County Land and)
Facilities to the Clay County Utility Authority,)
and Cancellation of Certificate Nos. 554-W)
and 003-W.)
_____.)

Docket No. 030541-WS

Filed: June 17, 2003

**FLORIDA WATER SERVICES CORPORATION'S
APPLICATION FOR ACKNOWLEDGMENT OF
TRANSFER OF CLAY COUNTY AND BRADFORD COUNTY
LAND AND FACILITIES TO THE CLAY
COUNTY UTILITY AUTHORITY AND
CANCELLATION OF CERTIFICATE NOS.
554-W AND 003-W**

Florida Water Services Corporation ("Florida Water"), by and through its undersigned counsel, and pursuant to Section 367.071(4), Florida Statutes, and Rule 25-30.038(4), Florida Administrative Code, hereby files this Application for Acknowledgment of the Transfer of Florida Water's Bradford County and Clay County land and facilities to the Clay County Utility Authority ("CCUA") and Cancellation of Certificate Nos. 554-W and 003-W. In support of this Application, Florida Water states as follows:

1. The name and address of the regulated utility is:

Florida Water Services Corporation
1000 Color Place
Apopka, Florida 32703
(407) 598-4165 (Telephone)
(407) 598-4241 (Facsimile)

DOCUMENT NUMBER DATE
05361 JUN 17 8
FPSC-COMMISSION CLERK

2. The name and address of Florida Water's authorized representatives are:

Kenneth A. Hoffman, Esq.
J. Stephen Menton, Esq.
Rutledge, Ecenia, Purnell & Hoffman, P.A.
P. O. Box 551
Tallahassee, Florida 32302
(850) 681-6788 (Telephone)
(850) 681-6515 (Facsimile)

3. Florida Water provides water services in Bradford County pursuant to Certificate No. 554-W. Florida Water provides water services in Clay County pursuant to Certificate No. 003-W.

4. The CCUA is exempt from regulation by the Commission pursuant to Section 367.022(2), Florida Statutes.¹

5. On May 7, 2003, the Circuit Court of the Fourth Judicial Circuit, in and for Clay County, Florida, entered a Stipulated Order of Taking and Stipulated Final Judgment in Clay County Utility Authority v. Florida Water Services Corporation, Clay County Circuit Court Case No. 02-1051-CA-E, pursuant to the condemnation procedures set forth under Chapter 73, Florida Statutes. As a result of this condemnation proceeding, CCUA acquired title to Florida Water's land and facilities in Bradford and Clay Counties and is scheduled to commence operations of such facilities on or about August 7, 2003. Copies of the Stipulated Order of Taking and Stipulated Final Judgment entered in the CCUA condemnation proceeding are attached hereto as Composite Exhibit "A."

¹CCUA was created by a special act, ch. 94-491, Laws of Florida, effective October 1, 1994. Under Section 2 of Ch. 94-491, the CCUA is "created and established (as) a local governmental body, corporate and politic...." Section 3(1) of Ch. 94-491 confirms that "the purpose of this act (is) to repose in the authority all powers with respect to water and sewer, and such other additional utilities as may be hereafter designated which are now, in the future could be, or could have been but for this act, exercised by Clay County." A county is a "governmental authority" subject to the "approval as a matter of right" provisions of Section 367.071(4)(a), Florida Statutes. See §§367.021(7) and 1.01 (8), Fla. Stat. (2002).

6. The CCUA has obtained the most recently available income and expense statement, balance sheet, statement of rate base for regulatory purposes, and contributions-in-aid-of-construction applicable to the land and facilities transferred by Florida Water to the CCUA, as required by Section 367.071(4)(a), Florida Statutes.

7. The deposits of Florida Water's customers in Bradford and Clay Counties currently remain with Florida Water and will be transferred with the individual customer accounts upon commencement of operations by the CCUA.

8. All regulatory assessment fees for Florida Water have been paid in full.

9. There are no fines or refunds owed.

10. The legal description of Florida Water's water territory in Bradford and Clay Counties is attached hereto as Exhibit "B."

11. All additional and supplemental information required under Rule 25-30.038(4), Florida Administrative Code, is included in the Application attached hereto as Exhibit "C."

12. Florida Water's original Certificate Nos. 554-W (Bradford County) and 003-W (Clay County) are filed herewith.

WHEREFORE, Florida Water requests that this Commission:

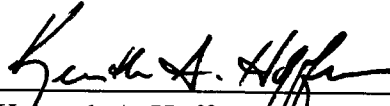
A. Grant Florida Water's Application;

B. Acknowledge the transfer of Florida Water's land and facilities situated in Bradford and Clay Counties to the Clay County Utility Authority, as a matter of right, pursuant to Section 367.071(4)(a), Florida Statutes;

C. Cancel Certificate Nos. 554-W and 003-W; and

D. Grant such other relief as is appropriate.

Respectfully submitted this 17th day of June, 2003.

A handwritten signature in black ink, appearing to read "Kenneth A. Hoffman", written over a horizontal line.

Kenneth A. Hoffman, Esq.

J. Stephen Menton, Esq.

Rutledge, Ecenia, Purnell & Hoffman, P.A.

P. O. Box 551

Tallahassee, Florida 32302

(850) 681-6788 (Telephone)

(850) 681-6515 (Facsimile)

Flawatera\bradfordtransferapplication

COPY

IN THE CIRCUIT COURT OF
THE FOURTH JUDICIAL
CIRCUIT IN AND FOR CLAY
COUNTY, FLORIDA

CLAY COUNTY UTILITY AUTHORITY,
a local governmental body, corporate
and politic,

Plaintiffs,

v.

FLORIDA WATER SERVICES
CORPORATION, a Florida corporation;
SUNTRUST BANK, CENTRAL FLORIDA,
NATIONAL ASSOCIATION, a national
banking association; JIMMY WEEKS,
CLAY COUNTY TAX COLLECTOR; and
TELIA N. PEARSON, BRADFORD COUNTY
TAX COLLECTOR,

Defendants.

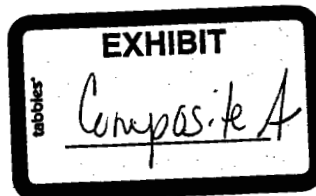
CASE NO. 02-1051-CA-E

STIPULATED ORDER OF TAKING

Pursuant to the stipulation of the Plaintiff, the Clay County Utility Authority ("Plaintiff"), and the Defendant, Florida Water Services, Inc. ("Florida Water") owner of the property and interests which are the subject of this eminent domain proceeding, and the Court being fully advised in the premises, it is

ORDERED AND ADJUDGED:

1. This Court has jurisdiction of the subject matter and the parties to this cause.
2. The pleadings in this case are sufficient and the Plaintiff is properly exercising its delegated authority.



3. The Plaintiff and Florida Water have acknowledged and agreed that the amount of Four Million Three Hundred Thousand Dollars and no/100 cents (\$4,300,000.00) is the fair and reasonable amount to be deposited in good faith in the Registry of the Court in connection with this Stipulated Order of Taking.
4. The interest sought to be condemned herein as to the subject property is as described on Exhibit "A" attached hereto, and any property subsequently conveyed pursuant to that certain Agreement Regarding Funds Held in Trust executed this date by the Plaintiff, by and through its attorneys, Rose, Sundstrom & Bentley, LLP, and Brigham Moore, LLP, on behalf of Florida Water Services Corporation, and attached hereto as Exhibit "B" ("Agreement").
5. Upon payment of the deposit hereinafter specified into the Registry of this Court, the right, title, or interest specified in the Petition for Eminent Domain, and as more specifically set forth in those legal descriptions attached hereto in Exhibit "A," shall vest in the Plaintiff.
6. Florida Water shall deliver to the Plaintiff all rights, title, or interests in the subject property described in Exhibit "A", or conveyed pursuant to the Agreement, free of all claims, liens, and/or encumbrances.
7. The deposit of the sum referenced herein will secure the persons lawfully entitled to the compensation, as set forth in the Stipulated Final Judgment of this Court.
8. The sum of money to be deposited in the Registry of the Court no later than the close of business on May 9, 2003, shall be in the amount of Four Million Three Hundred Thousand Dollars and no/100 cents (\$4,300,000.00).

9. Upon the deposit as set forth above, and without further notice or order of this Court, the Plaintiff shall be entitled to possession of the property described in the Petition for Eminent Domain, and more fully described in Exhibit "A"; provided, however, that Plaintiff and Florida Water have stipulated and agreed that Florida Water shall remain in possession of that property for purposes of the continued operation of the water utility facility located thereon, for a period of up to 90 days from the date of the deposit referenced above, or for such period of time as may be agreed upon by the parties. The terms of Florida Water's post-taking operational services and possession shall be set out in a separate document, and filed with this Court no later than ten (10) days from the date of entry of this Order.

DONE AND ORDERED in chambers at Clay County, Florida this 7th day of May, 2003.

/s/ McCarthy Crenshaw, Jr.

**MACK CRENSHAW, JR.,
CIRCUIT JUDGE**


Conforming Copies to:

Daron L. Shippy, Esq.
Grady H. Williams, Jr., LL.M.
S.W. Moore, Esq.
Carlyn H. Kowalksy, Esq.
Scott J. Johnson, Esq.
Terrence M. Brown, Esq.
Frances J. Moss, Esq.



STIPULATION

Plaintiff, the Clay County Utility Authority ("Authority"), and the Defendants, Florida Water Services, Inc. ("Florida Water") owner of the property and interests which are the subject of this eminent domain proceeding, stipulate and consent to the entry of the Stipulated Order of Taking set forth above.

BRIGHAM MOORE, LLP


By: S.W. Moore
Florida Bar No. 157268
Andrew Prince Brigham
Florida Bar No. 903930
3277 Fruitville Road, Unit E
Sarasota, FL 34237
(941) 365-3800 Telephone
(941) 952-1414 Facsimile
Special Counsel for Defendant Florida Water
Services Corporation

ROSE, SUNDSTROM & BENTLEY, LLP


By:  Daren L. Shippy, Esq.
Fl. Bar No. 508810
2548 Blairstone Pines Drive
Tallahassee, FL 32301
(850) 877-6555 Telephone
(850) 656-4029 Facsimile
Special Counsel for Plaintiffs

\\csl\keystone\heights\pleadings\Stipulated Order of Takings

IN THE CIRCUIT COURT OF
THE FOURTH JUDICIAL
CIRCUIT IN AND FOR CLAY
COUNTY, FLORIDA

CLAY COUNTY UTILITY AUTHORITY,
a local governmental body, corporate
and politic,

Plaintiff,

v.

FLORIDA WATER SERVICES
CORPORATION, a Florida corporation;
SUNTRUST BANK, CENTRAL FLORIDA,
NATIONAL ASSOCIATION, a national
banking association; JIMMY WEEKS,
CLAY COUNTY TAX COLLECTOR; and
TEILA N. PEARSON, BRADFORD COUNTY
TAX COLLECTOR,

Defendants.

CASE NO.: 02-1051-CA-E

STIPULATED FINAL JUDGMENT

Upon stipulation of the parties affected as set forth herein, and it appearing to the Court that the parties are authorized to enter into such Stipulation, and the Court finding that the compensation to be paid by the condemning authority is full, just, and reasonable for all parties concerned, and the Court being fully advised in the premises, it is

ORDERED AND ADJUDGED:

1. Title to the property described in Exhibit "A" attached hereto, and any property subsequently conveyed pursuant to that certain Agreement Regarding Funds Held in Trust executed this date by Clay County Utility Authority ("Plaintiff"), by and through its attorneys, Rose, Sundstrom & Bentley, LLP, and Brigham Moore, LLP, on behalf of itself and Florida Water

Services Corporation, and attached hereto as Exhibit "B" ("Agreement"), shall vest in the Plaintiff upon the deposit of the sums as are required in the Stipulated Order of Taking entered on even date herewith.

2. The Defendant, Florida Water Services Corporation ("Florida Water"), shall have and recover of and from the Plaintiff the total sum of Four Million Three Hundred Thousand Dollars and no/100 cents (\$4,300,000.00) as full compensation, including all attorney fees and costs incurred herein, for the taking of the property as is described in Exhibit "A" attached hereto, and any property subsequently conveyed pursuant to the Agreement, including all damages of whatever nature arising therefrom which have been incurred by said Florida Water in this cause.
3. Florida Water shall deliver to the Plaintiff all rights, title, or interests in the subject property described in Exhibit "A", or conveyed pursuant to the Agreement, free of all claims, liens, and/or encumbrances.
4. Defendant, Florida Water Services Corporation shall have and recover of and from the Plaintiff as attorneys fees and costs incurred by the Defendant herein the total amount of Two Hundred Thousand Dollars and no/100 cents (\$200,000.00), which sum is included in the amount set forth in paragraph 2 above.
5. Plaintiff, having been previously ordered to deposit the total sum of Four Million Three Hundred Thousand Dollars and no/100 cents (\$4,300,000.00) in the Registry of the Court pursuant to the Stipulated Order of Taking entered herein on the even date herewith, shall not be required to make any additional deposits pursuant to this Stipulated Final Judgment.

6. Upon deposit by the Plaintiff of the total sum of Four Million Three Hundred Thousand Dollars and no/100 cents (\$4,300,000.00) into the Registry of the Court as ordered in the Stipulated Order of Taking herein on even date herewith, the Clerk of the Court is ordered and directed to disburse immediately the amount of Four Million Three Hundred Thousand Dollars and no/100 cents (\$4,300,000.00) in the following manner:

To: Brigham Moore, LLP Trust Account, F/B/O Florida Water Services Corporation, by hand delivery to Andrew Prince Brigham, Esquire, 2963 Dupont Avenue, Suite 3, Jacksonville, FL 32217, telephone (904)730-9001, the sum of \$4,100,000.00.

To: Brigham Moore, LLP, by hand delivery to Andrew Prince Brigham, Esquire, 2963 Dupont Avenue, Suite 3, Jacksonville, FL 32217, telephone (904) 730-9001, the sum of \$200,000.00.

7. The amount of Four Million One Hundred Thousand Dollars and no/100 cents (\$4,100,000.00) to be disbursed by the Clerk of the Court to Brigham Moore, LLP shall be deposited forthwith by Brigham Moore, LLP into an interest-bearing trust account pending apportionment hearing or satisfaction of all pending liens, claims, or other monetary encumbrances on the condemned property, which shall be the responsibility of Defendant Florida Water to resolve, and subject to that Agreement Regarding Funds Held in Trust entered between the Plaintiff, Defendant Florida Water, through its counsel, and Brigham Moore, LLP, on behalf of itself and Florida Water Services Corporation, where such funds shall remain until further order of this Court or distribution by written agreement of Plaintiff, and Defendant Florida Water.

8. The Court reserves jurisdiction to enforce the terms of this Stipulated Final Judgment.

DONE AND ORDERED in chambers at Clay County, Florida this 14 day of May, 2003.

/s/ McCarthy Crenshaw, Jr.

**MACK CRENSHAW, JR.,
CIRCUIT JUDGE**


Conforming Copies to:

Daren L. Shippy, Esq.
Grady H. Williams, Jr., LL.M.
S.W. Moore, Esq.
Carlyn H. Kowalksy, Esq.
Scott J. Johnson, Esq.
Terrence M. Brown, Esq.
Frances J. Moss, Esq.

STIPULATION

Plaintiff, the Clay County Utility Authority, and the Defendant, Florida Water Services, Inc. owner of the property and interests which are the subject of this eminent domain proceeding, stipulate and consent to the entry of the Stipulated Final Judgment set forth above.

BRIGHAM MOORE, LLP


By: S.W. Moore
Florida Bar No. 157268
Andrew Prince Brigham
Florida Bar No. 903930
3277 Fruitville Road, Unit E
Sarasota, FL 34237
(941) 365-3800 Telephone
(941) 952-1414 Facsimile
Special Counsel for Defendant Florida Water
Services Corporation

ROSE, SUNDSTROM & BENTLEY, LLP

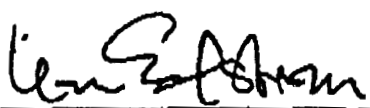

By: Daren L. Shippy, Esq.
Fl. Bar No. 508810
2548 Blairstone Pines Drive
Tallahassee, FL 32301
(850) 877-6555 Telephone
(850) 656-4029 Facsimile
Special Counsel for Plaintiffs

EXHIBIT "A"**A. REAL PROPERTY:**

Clay County Tax Parcel I.D. No. 17-08-23-001750-002-01
Clay County Tax Parcel I.D. No. 19-08-23-022009-000-00
Clay County Tax Parcel I.D. No. 19-08-23-022298-000-00
Clay County Tax Parcel I.D. No. 28-08-23-021784-000-00
Clay County Tax Parcel I.D. No. 30-08-23-022301-000-00
Clay County Tax Parcel I.D. No. 33-08-23-004923-007-02
Bradford County Tax Parcel I.D. No. 05842-0-00000
Bradford County Tax Parcel I.D. No. 05902-0-00000
Bradford County Tax Parcel I.D. No. 006203-A-04500

including all buildings, structures, improvements, appurtenances, and fixtures of any variety, located in or on the real property described above and used or useful in connection with the ownership, maintenance, or operation of the Keystone Water System; and all wells, water treatment facilities, water storage facilities, distribution reservoirs, stand pipes, pump stations, water pipes, water mains, etc., used or useful in connection with the ownership, maintenance, or operation of the Keystone Water System, associated with the above tax parcel identification numbers.

B. PERSONAL PROPERTY:

All of Florida Water's personal property that in anyway belongs, appertains, or is related to the Keystone Water System and providing service thereby, situate on, in, about, or between Keystone Heights, Postmaster Village, Lakeview Villas, Keystone Club Estates, and Geneva Lake Estates, including, without limitation: parcels identified by the Clay County Tax Collector as Nos. 06928-000 and 06928-001; all equipment of any variety, materials, supplies, and any other inventory located in or on the real property described above and used or useful in connection with the ownership, maintenance, or operation of the Keystone Water System; all equipment, hydrants, meters, service connections, etc., used or useful in connection with the ownership, maintenance, or operation of the Keystone Water System; and all wells, water treatment facilities, water storage facilities, distribution reservoirs, stand pipes, pump stations, water pipes, water mains, etc., used or useful in connection with the ownership, maintenance, or operation of the Keystone Water System.

EXHIBIT "A"

C. ALL EASEMENTS, INCLUDING:

<u>County</u>	<u>Grantor</u>	<u>Grantee</u>	<u>Acquisition O.R. Book/Page</u>
Clay	Floyd Baker	So. St. Util.	1395/154
Clay	Baker Sales, Inc.	So. St. Util.	952/665
Bradford	Keystone Golf	Fl. Water Svc.	848/360
Bradford	Wilber E. Thrasher	Fl. Water Svc.	857/195
Bradford	Keystone Club	So. St. Util.	301/33
Bradford	Jack Courtney	So. St. Util.	365/354
Bradford	Jack Courtney	So. St. Util.	365/358
Bradford	Jack Courtney	So. St. Util.	300/153

(The above list of easements has been compiled and is provided based upon reasonable due diligence; however, should any other easements, rights, ways, privileges, or advantages be held by Florida Water that relate to the operation of the Keystone Water System, they will be provided to Plaintiff as provided for herein).

D. MISCELLANEOUS:

All contracts, agreements, leases, permits, licenses, water rights, and customer lists, databases or other property used in connection with the ownership, maintenance, or operation of the Keystone Water System.

AGREEMENT REGARDING FUNDS HELD IN TRUST

The parties hereto, Clay County Utility Authority ("CCUA"), by and through its attorneys, Rose, Sundstrom & Bentley, LLP, and Brigham Moore, LLP, on behalf of itself and Florida Water Services Corporation, pursuant to that Stipulated Order of Taking and Stipulated Final Judgment to be entered in Case No. 02-1051-CA-E, in the Circuit Court, Fourth Judicial Circuit, in and for Clay County, Florida, styled, Clay County Utility Authority v. Florida Water Services Corporation, et al., whereby the sum of Four Million One Hundred Thousand Dollars and no/cents (\$4,100,000.00) is to be disbursed from the Registry of the Court to Brigham Moore, LLP which shall then deposit said sum forthwith into an interest-bearing trust account to be established and maintained by Brigham Moore, LLP, for the benefit of Florida Water Services Corporation, subject to the terms of this Agreement, do hereby stipulate and agree as follows:

1. It is understood that the intent of the parties in entering that Stipulated Order of Taking and Stipulated Final Judgment as referenced above was that CCUA would acquire from Florida Water Services Corporation that water utility system currently operated by Florida Water Services Corporation in Clay and Bradford Counties, Florida (the "System"), including all real property, personal property, equipment, easements, permits, licences, contracts, documents, agreements and other assets of whatever kind or nature, used or useful or relating in any way to the System (the "Property").
2. Within thirty (30) days from the date hereof, Florida Water Services Corporation will make all reasonable and good faith efforts to ensure that the description of the property described in the attachments to the Stipulated Order of Taking and the Stipulated Final Judgment, including but not limited to the legal descriptions, is accurate, adequate, and encompasses the property required

for the purposes described above, and it is further understood and agreed that Florida Water Services Corporation will provide bills of sale, quit claim deeds, warranty deeds, and/or will enter an Amended Order of Taking or Amended Stipulated Final Judgment, as necessary to correct any legal descriptions or convey any and all property required for the above purposes.

3. If not otherwise waived or released, all mortgages, liens, or any other encumbrances reflecting a monetary obligation of Florida Water Services Corporation on any of the property acquired pursuant to the Stipulated Order of Taking will either be paid in full by Florida Water Services Corporation prior to disbursement of the funds held in the Brigham Moore, LLP Trust Account, or will be satisfied from the funds held in that trust account, or the payoff value of any outstanding mortgage, lien, or other encumbrance as of the date of taking will be reimbursed to CCUA by Brigham Moore, LLP from the funds held in its trust account.


4. Any easements held by Florida Water Services Corporation which are necessary for the operation of the System as described above, and which were not included in the property described in attachments to the Stipulated Order of Taking, will be assigned or otherwise transferred to CCUA by Florida Water Services Corporation. Any such easements shall be identified by Florida Water within thirty (30) days from the date hereof.

5. Unless stipulated by the parties otherwise, CCUA shall have sixty (60) days from the date hereof, or within 30 days of receipt of the information described in paragraph 3 and 4 above, whichever is earlier, with which to identify any outstanding mortgages, liens, or other monetary encumbrances, as represented in paragraph 3 above, or any easements as described in paragraph 4 above, and to notify Florida Water Services Corporation, through its attorneys, Brigham Moore, LLP, as to same.

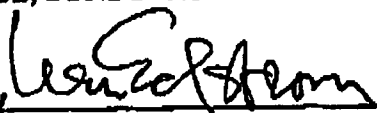
6. Upon compliance with those obligations set forth in paragraphs 2, 3 and 4 above, Brigham Moore, LLP shall disburse the funds from its Trust Account to Florida Water Services Corporation. The parties shall at that time stipulate to distribution of the funds from the Brigham Moore, LLP Trust Account, or either party may apply to the Court for an order for distribution of said funds in accordance with paragraph 6 of the Stipulated Final Judgment entered May ^{7th}, 2003, in this matter.

Dated this 6th day of May, 2003.

BRIGHAM MOORE, LLP


By: S.W. Moore
Florida Bar No. 157268
Andrew Prince Brigham
Florida Bar No. 903930
3277 Fruitville Road, Unit E
Sarasota, FL 34237
(941) 365-3800 Telephone
(941) 952-1414 Facsimile
Special Counsel for Defendant
Florida Water Services Corporation

ROSE, SUNDSTROM & BENTLEY, LLP

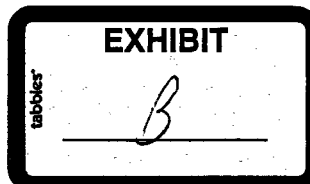

By: Daren L. Shippy, Esq.
Fl. Bar No. 508810
2548 Blairstone Pines Drive
Tallahassee, FL 32301
(850) 877-6555 Telephone
(850) 656-4029 Facsimile
Special Counsel for Plaintiffs

ccua\krystone heights\pleadings\agreement regarding funds held in trust4

BRADFORD COUNTY

Territory Served

<u>Plant Name</u>	<u>Cert. No.</u>	<u>Order No.</u>	<u>Order Issued</u>	<u>Docket Number</u>	<u>Filing Type</u>
Geneva Lake Estates	554-W	0713	05/10/93	921264-WU	Grandfather Cert.
Keystone Club Estates	554-W	0713	05/10/93	921264-WU	Grandfather Cert.



Effective Date: April 18, 1997

By: Forrest L. Ludsen
Forrest L. Ludsen, Vice President
Finance and Administration

BRADFORD COUNTY

Communities Served

Plant
Name

Development
Name

Geneva Lake Estates

Geneva Lake Estates

Keystone Club Estates

Keystone Club Estates

Effective Date: April 18, 1997

By:



Forrest L. Ludeen, Vice President
Finance and Administration

BRADFORD COUNTY

Description Of Territory Served

GENEVA LAKE ESTATES

Township 8 South, Range 22 East, Bradford County, Florida.

Sections 25 and 36

A tract of land situated in Government Lot 4, Section 25, Township 8 South, Range 22 East, and in Government Lots 1, 2, and 3 of Section 36, Township 8 South, Range 22 East, Bradford County, Florida. Said tract being more particularly described as follows:

Commence at the Northeast corner of said Section 36, and run S 00° 27' 23" East, along the East line of said Section 36; a distance of 244.32 feet to the point of beginning; thence continue South 00° 27' 33" East, along the East line of said Section 36, a distance of 60.00 feet; thence run South 89° 32' 48" West, 9.53 feet; thence run Westerly with a curve concave Northerly, said curve having a central angle of 27° 15' 00", a radius of 236.28 feet, an arc length of 112.38 feet and a chord bearing and distance of North 76° 49' 42" West, 111.32 feet; thence run North 63° 12' 12" West, 140.00 feet; thence run Northwesterly with a curve concave Southwesterly said curve having a central angle of 08° 30' 00", a radius of 911.96 feet, an arc length of 135.29 feet, and a chord bearing and distance of North 67° 27' 12" West, 135.17 feet; thence run North 71° 42' 12" West, 250.00 feet; thence run Northwesterly with a curve concave Northeasterly, said curve having a central angle of 19° 30' 00", a radius of 437.38 feet, an arc length of 148.86 feet, and a chord bearing and distance of North 61° 57' 12" West, 148.14 feet; thence run North 52° 12' 12" West, 245.09 feet; thence run Northwesterly with a curve concave Southwesterly, said curve having a central angle of 41° 00' 27", a radius of 100.00 feet, an arc length of 71.57 feet, and a chord bearing and distance of North 72° 42' 25" West, 70.05 feet; thence run South 06° 20' 48" East, 311.95 feet; thence run South 68° 06' 30" East, 722.83 feet; thence run South 40° 36' 29" West, 236.65 feet; thence run Southeasterly with a curve concave Southwesterly, said curve having a central angle of 48° 55' 58", a radius of 140.00 feet, an arc length of 119.57 feet, and a chord bearing and distance of South 24° 55' 32" East, 113.96 feet; thence run South 00° 27' 33" East, 349.86 feet; thence run South 89° 15' 47" East, 400.00 feet to the East line of said section 36, thence run South 00° 27' 33" East, along the East line of said section 36, a distance of 60.00 feet; thence run North 89° 15' 47" West, 3243.28 feet to the Easterly right of way line of State Road No. 21; thence run Northeasterly along the Easterly right of way line of said State Road with a curve concave Southeasterly, said curve having a central angle of 00° 56' 19", a radius of 3785.52 feet, an arc length of 61.02 feet and a chord of 62.01 feet; thence run South 89° 15' 47" East, 1140.96 feet; thence run North 12° 11' 58" East, 479.67 feet; thence run Northeasterly with a curve concave Southeasterly, said curve having a central angle of 49° 15' 55", a radius of 360.00 feet, an arc length of 309.54 feet, and a chord bearing and distance North 36° 49' 55" East, 300.10 feet; thence run North 61° 27' 53" East, 270.46 feet; thence run Northeasterly with a curve concave Northwesterly, said curve having a central angle of 16° 30' 05", a radius of 700 feet, an arc length of 201.60 feet, and a chord distance of 200.91 feet; thence run North 44° 57' 48" East, 497.88 feet; thence run Northwesterly Northerly Northeasterly and Southerly along a curve concave Southeasterly, said curve having a central angle of

Effective Date: April 18, 1997

By: 
Forrest L. Ludson, Vice President
Finance and Administration

BRADFORD COUNTY

Description Of Territory Served

GENEVA LAKE ESTATES (Cont.)

221° 01' 00", an arc length of 173.58 feet and a radius of 45.00 feet; thence run South 52° 12' 12" East, 357.25 feet; thence run Southeasterly with a curve concave Northeasterly, said curve having a central angle of 19° 30' 00", a radius of 377.38 feet, an arc length of 128.44 feet, and a chord bearing and distance of South 61° 57' 12" East, 127.82 feet; thence run South 71° 42' 12" East, 250.00 feet; thence run Southeasterly with a curve concave Southwesterly, said curve having a central angle of 08° 30' 00", a radius of 971.96 feet, an arc length of 114.19 feet and a chord bearing and distance of South 67° 27' 12" East, 144.06 feet; thence run South 63° 12' 12" East, 140.00 feet; thence run Easterly with a curve concave Northerly, said curve having a central angle of 27° 15' 00", a radius of 176.30 feet, an arc length of 83.84 feet and a chord bearing and distance of South 76° 40' 42" East, 83.05 feet; thence run North 89° 32' 48" East, 9.54 feet to the point of beginning.

Effective Date: April 18, 1997

By:

Forrest L. Ludeen

Forrest L. Ludeen, Vice President
Finance and Administration

BRADFORD COUNTY

Description Of Territory Served

KEYSTONE CLUB ESTATES UNIT ONE

Township 8 South, Range 22 East, Bradford County, Florida

Section 24

Being a subdivision of that certain tract or parcel of land, being a part of Section 24, Township 8 South, Range 22 East, Bradford County, Florida, being more particularly described as commencing at the Southeast corner of said Section 24; thence North 88° 15'40" West along the Southerly line of Section 24 - 984.38 feet to a point for the point of beginning, said point being located in the Northerly right of way line of State Road No. 21 a 70 foot right of way as now established: thence continuing North 88° 15'40" West along said Southerly line of Section 24-262.12 feet; thence North 1° 44'20" East, 259.85 feet; thence North 58° 46'00" West 178.08 feet; thence North 13° 85'10" West, 305.48 feet; thence North 29° 16'20" West, 450.00 feet; thence South 50° 48'40" West, 135.80 feet; thence North 29° 16'20" West, 207.00 feet; thence South 60° 43'40" West, 810.00 feet; thence South 29° 16'20" East, 10.00 feet; thence South 60° 43'40" West, 170.00 feet; thence North 29° 16'20" West, 16.00 feet; thence North 60° 43'40" East, 10.00 feet; thence North 29° 16'20" West, 707.00 feet; thence North 60° 43'40" East, 1270.00 feet; thence South 29° 16'20" East, 15.00 feet; thence North 60° 43'40" East, 340.00 feet; thence South 29° 16'20" East, 50.00 feet; thence North 60° 43'40" East, 150.00 feet; thence South 55° 50'20" East, 178.90 feet; thence South 39° 31'40" West, 187.88 feet; thence South 89° 16'20" East, 250.00 feet; thence South 43° 18'30" East, 82.46 feet; thence South 29° 16'20" East, 1440.12 feet; thence South 50° 13'40" West, 61.53 feet to a point in a curve concave to the Southwest, said curve having a radius of 490.00 feet; thence along said curve, a distance of 72.71 feet, as measured along a chord bearing South 24° 36'35" East; thence South 57° 60'10" East, 190.42 feet to a point in the Northerly right of way line of State Road No. 21; thence along a curved right of way line, said curve being concave to the South and having a radius of 1143.95 feet a distance of 526.83 feet as measured along a chord bearing South 86° 29'25" West to the point of beginning.

Effective Date: April 18, 1997

By:

Forrest L. Ludsen

Forrest L. Ludsen, Vice President
Finance and Administration

CLAY COUNTY

Territory Served

<u>Plant Name</u>	<u>Cert. No.</u>	<u>Order No.</u>	<u>Order Issued</u>	<u>Docket Number</u>	<u>Filing Type</u>
Keystone Heights	003-W	15598	01/28/86	850552-WU	Transfer
Lakeview Villas	003-W	22915	05/09/80	891317-WU	Trnsfr; Add'l. Terr.
Postmaster Village	003-W	0071	01/21/84	830744-WU	Additional Territory
Postmaster Village	003-W	17359	04/03/87	861370-WU	Trnsfr; Add'l. Terr.

Effective Date: April 18, 1997

By: Forrest L. Ludsen
Forrest L. Ludsen, Vice President
Finance and Administration

CLAY COUNTY

Communities Served

Plant
Name

Development
Name

Keystone Heights

Keystone Heights

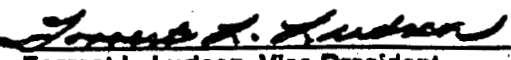
Lakeview Villas

Lakeview Villas

Postmaster Village

Postmaster Village

Effective Date: April 18, 1997

By: 
Forrest L. Ludaen, Vice President
Finance and Administration

CLAY COUNTY

Description Of Territory Served

KEYSTONE HEIGHTS

Township 8 South, Range 23 East, Clay County, Florida.

Beginning at the Northerly intersection of State Road 100 and 214 in Section 28; thence North parallel to the East Section lines of Section 20 and 17, a distance of about 2 ½ miles to a point on the North line of Section 16; thence West along the North line of Sections 16, 17 and 18 to a point on the boundary line between Clay and Bradford Counties; thence South along the West boundary line of Clay County to the point of intersection thereof with the North shore of Lake Geneva; thence in a generally Easterly direction following the North shore of Lake Geneva; to a point due West of the point of beginning; thence East to the point of the beginning; excluding that portion of Section 18 lying North of Brooklyn Lake.

Effective Date: April 18, 1997

By: *Forrest L. Lutsen*
Forrest L. Lutsen, Vice President
Finance and Administration

CLAY COUNTY

Description Of Territory Served

LAKEVIEW VILLAS

The following described lands located in Section 28, Township 8 South, Range 23 East, Clay County, Florida.

Being more particularly described as follows:

In Section 28, Township 8 South, Range 23 East of Clay County, and a portion of Plat Book 5, Page 5 of Lake Geneva Heights; lots 1-23 of Block 4 and lots 1-5, 20-24 of Book 6. . Containing 9.6 acres more or less.

Effective Date: April 18, 1997.

By: 
Forrest L. Ludeen, Vice President
Finance and Administration

CLAY COUNTY

Description Of Territory Served

POSTMASTER VILLAGE

Township 8 South, Range 23 East, Clay County, Florida.

Section 32

All of the South ½ of said Section, plus

Section 33

All of the South ½ of said Section, plus

Township 9 South, Range 23 East, Clay County, Florida.

Section 4

All of the North ½ of the Northeast ¼ of said Section and all of the North ½ of the Northwest ¼ of said Section, plus

Section 5

All of the North ½ of the Northeast ¼ of said Section and all of the North ½ of the Northwest ¼ of said Section.

Effective Date: April 18, 1997

By: 
Forrest L. Ludeen, Vice President
Finance and Administration

APPLICATION FOR TRANSFER TO GOVERNMENTAL AUTHORITY

(Pursuant to Section 367.071(4)(a), Florida Statutes)

TO: **Director, Division of the Commission Clerk & Administrative Services
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850**

The undersigned hereby makes application for the approval of the transfer of all of the facilities operated under Water Certificate No. 554-W located in Bradford County, Florida and all of the facilities operated under Water Certificate No. 003-W located in Clay County, Florida, and submits the following:

PART I APPLICANT INFORMATION

A) The full name (as it appears on the certificate), address and telephone number of the seller (utility):

Florida Water Services Corporation
Name of Utility

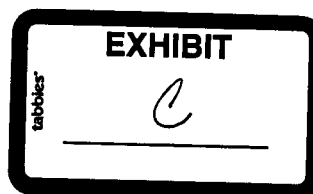
(407) 598-4100 (407) 598-4241
Phone No. Fax No.

1000 Color Place
Office Street Address

Apopka Florida 32703
City State Zip Code

PO Box 609520, Orlando, Florida, 32860-9250
Mailing address if different from street address

www.florida-water.com
Internet address if applicable



B) The name, address and telephone number of a representative of the utility to contact concerning this application:

Kenneth A. Hoffman, Esq. and/or J. Stephen Menton, Esq. (850) 681-6788
Name Phone No.

Rutledge, Ecenia, Purnell & Hoffman, P.A., PO Box 51
Mailing Address

Tallahassee Florida 32302
City State Zip Code

C) The full name, address and telephone number of the governmental authority:

Clay County Utility Authority (CCUA)
Name of Utility

(904) 272-5999 (904) 213-2498
Phone No. Fax No.

3176 Old Jennings Road
Office street address

Middleburg Florida 32068
City State Zip Code

N/A
Mailing address if different from street address

www.tom.morris@clayutility.org
Internet address if applicable

D) The name, address and telephone number of a representative of the governmental authority to contact concerning this application:

Tom Morris (904) 272-5999 ext 2407
Name Phone No.

3176 Old Jennings Road
Street address

Middleburg Florida 32068
City State Zip Code

PART II FINANCIAL INFORMATION

- A) Exhibit A - A copy of the contract pursuant to Rules 25-30.037(4)(c) and (d), Florida Administrative Code.
- B) Exhibit B - A statement regarding the disposition of customer deposits and the accumulated interest thereon.
- C) Exhibit C - A statement regarding the disposition of any outstanding regulatory assessment fees, fines or refunds owed.
- D) Exhibit D - A statement that the buyer (governmental authority) obtained from the utility or the Commission the utility's most recent available income and expense statement, balance sheet and statement of rate base for regulatory purposes and contributions-in-aid-of-construction.
- E) Indicate the date on which the buyer proposes to take official action to acquire the utility:

CCUA acquired ownership of the facilities on May 7, 2003. CCUA will take over operations on or about August 7, 2003.

If only a portion of the utility's facilities is being transferred, a revised territory description and map of the utility's remaining territory must be provided, as discussed in PART III, below.

IF THE UTILITY'S ENTIRE FACILITIES ARE BEING TRANSFERRED, PLEASE DISREGARD PART III OF THIS APPLICATION FORM.

PART III CERTIFICATION

A) **TERRITORY DESCRIPTION**

Exhibit N/A - An accurate description of the utility's revised territory. If the water and wastewater territory is different, provide separate descriptions.

Note: Use the Survey of Public Lands method (township, range, section, and quarter section), if possible, or a metes and bounds description. Give the subdivision or project name. The description should NOT refer to land grants or plat books, but may use geographic boundaries (i.e., road right-of-ways, railroads, rivers, creeks, etc). The object is to make the description as brief, but as accurate as possible.

B) **TERRITORY MAPS**

Exhibit N/A - 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 remaining territory is plotted by use of metes and bounds or quarter sections and with a defined reference point of beginning. If the water and wastewater territory is different, provide separate maps.

C) **TARIFF SHEETS**

Exhibit N/A - The original and two copies of tariff sheet(s) revised to show correct service territory. Please refer to Rules 25-9.009 and 25-9.010, Florida Administrative Code, regarding page numbering of tariff sheets before preparing the tariff revisions. (Pages 11-12.) Sample tariff sheets are attached. (Pages 13-16.)

PART IV AFFIDAVIT

I, Tony Isaacs (applicant) do solemnly swear or affirm that the facts stated in the forgoing 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: *Tony Isaacs*
Applicant's Signature

Tony Isaacs
Applicant's Name (Typed)

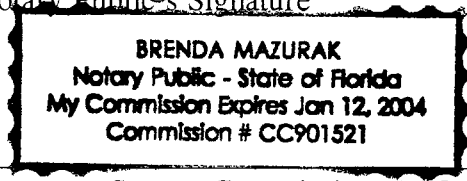
Vice President, Customer Services
Applicant's Title *

Subscribed and sworn to before me this 12th day of

June, 2003 by Tony Isaacs who

is personally known to me or produced identification _____
(Type of Identification Produced)

Brenda Mazurak
Notary Public's Signature



Print, Type or Stamp Commissioned Name of 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.

EXHIBIT A

See Petition, at Paragraph 5

EXHIBIT B

The deposits of Florida Water's customers in Bradford and Clay Counties currently remain with Florida Water and will be transferred with the individual customer accounts upon commencement of operations by the CCUA.

EXHIBIT C

All regulatory assessment fees for Florida Water have been paid in full. There are no fines or refunds owed.

EXHIBIT D

The CCUA has obtained the most recently available income and expense statement, balance sheet, statement of rate base for regulatory purposes, and contributions-in-aid-of-construction applicable to the land and facilities transferred by Florida Water to the CCUA.

FLORIDA PUBLIC SERVICE COMMISSION

**Certificate Number
003 - W**

Upon consideration of the record it is hereby ORDERED
that authority be and is hereby granted to:

FLORIDA WATER SERVICES CORPORATION

Whose principal address is:

1000 Color Place
Apopka, FL 32703 (Clay County)

to provide water service in accordance with the provision of Chapter 367,
Florida Statutes, the Rules, Regulations and Orders of this Commission in the
territory described by the Orders of this Commission.

This Certificate shall remain in force and effect until suspended, cancelled or
revoked by Orders of this Commission.

ORDER 15598	DOCKET 850552-WU
ORDER 17359	DOCKET 861370-WU
ORDER 22915	DOCKET 891317-WU
ORDER PSC-94-0071-FOF-WU	DOCKET 930744-WU
ORDER PSC-97-0427-FOF-WS	DOCKET 970028-WS
ORDER	DOCKET
ORDER	DOCKET
ORDER	DOCKET
ORDER	DOCKET

**BY ORDER OF THE
FLORIDA PUBLIC SERVICE COMMISSION**



Blanca S. Bayo
Director
Division of Records and Reporting

FLORIDA PUBLIC SERVICE COMMISSION

**Certificate Number
554 - W**

Upon consideration of the record it is hereby **ORDERED**
that authority be and is hereby granted to:

FLORIDA WATER SERVICES CORPORATION

Whose principal address is:

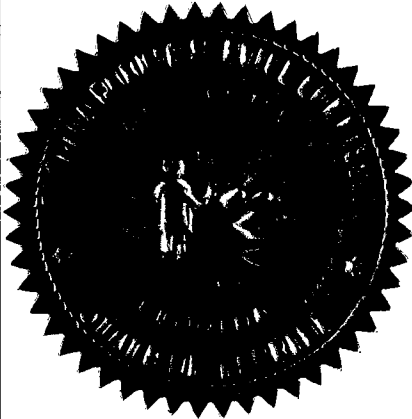
1000 Color Place
Apopka, FL 32703 (Bradford County)

to provide water service in accordance with the provision of Chapter 367,
Florida Statutes, the Rules, Regulations and Orders of this Commission in the
territory described by the Orders of this Commission.

This Certificate shall remain in force and effect until suspended, cancelled or
revoked by Orders of this Commission.

ORDER	PSC-93-0713-FOF-WU	DOCKET	921264-WU
ORDER	PSC-97-0427-FOF-WS	DOCKET	970028-WS
ORDER		DOCKET	
ORDER		DOCKET	
ORDER		DOCKET	

**BY ORDER OF THE
FLORIDA PUBLIC SERVICE COMMISSION**



Blanca S. Bayó

Director
Division of Records and Reporting