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Public Service Commission

January 20, 2005

Ms. Kathryn G.W. Cowdery  
Ruden McClosky  
215 South Monroe Street, Suite 815  
Tallahassee, FL 32301

**Re: Doc. No. 041418 - WS -- Application for Deletions and amendments to portions of service territory in Seminole County by CWS Communities LP d/b/a Palm Valley Utilities, holder of Certificates 277-W and 223-S**

Dear Ms. Cowdery:

Your application to amend certificate Nos. 277-W and 223-S in Seminole County for CWS Communities LP d/b/a Palm Valley Utilities, has been received and reviewed by the Commission staff. This letter addresses deficiencies and additional information needed regarding your application filed on December 21, 2004.

Deficiencies

1. Financial and Technical Ability. Pursuant to Rule 25-30.036(3)(b), Florida Administrative Code, the applicant shall provide a statement showing the financial and technical ability of the utility to provide service. No statement was provided with the application.
2. Local Comprehensive Plan. Pursuant to Rule 25-30.036(3)(c), Florida Administrative Code, the applicant shall provide a statement showing that to the best of its knowledge the provision of service will be consistent with the local comprehensive plan. No statement was provided with the application.
3. Land Ownership. Pursuant to Rule 25-30.036(3)(d), Florida Administrative Code, the applicant is to provide evidence that the utility either owns or has a lease which provides for the continued use of the land upon which the utility treatment facilities are located. No statement was provided with the application.
4. Capacity of lines and treatment facilities, DEP permits, method of financing and projected impact on capital structure, type of customers, and projected impact on rates and charges. Pursuant to Rules 25-30.036(3)(j),(k),(l),(m), and (n), Florida Administrative Code, the applicant is to provide statements and other information concerning the above referenced items. No information was provided with the application.

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Page 2

January 20, 2005

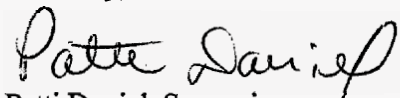
5. **Certificates.** Pursuant to Rule 25-30.036(3)(p), Florida Administrative Code, the applicant is to provide its current certificate for possible amendment. In its application, the utility indicated that its certificates were on file at the Commission to be amended to show a name change as approved in Docket No. 040765-WS. Our records indicate that the certificates were not submitted with that case. Therefore, the certificate rule requirement is still outstanding.

#### Additional Information

1. **Territory Description and Noticing.** As you are aware, the utility in its application submitted a composite territory description which represents an area after consideration has been given to the proposed extended and deleted areas. Although the composite description is acceptable as a territory description, there is concern that not all property owners were made aware of the utility's intention to delete territory. Please provide assurances, including supporting documentation, that the affected property owners, either by correspondence, noticing, or some other form of contact, were made aware of the proposed deletions.
2. **Application Fee.** The utility submitted an application fee in the amount of \$2,000. Since the actual number of affected ERCs is unknown, for the areas to be extended or deleted, staff is unable to verify if the submitted fee is appropriate. Please submit a calculation as to how the fee was determined.

Your response to this letter should be filed with the Commission on or before February 18, 2005. Please include the docket number and direct the response to the Director, Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399. If you have any questions please call Mr. Stanley Rieger at (850) 413-6970, or Mr. Ralph Jaeger at (850)413-6234.

Sincerely,



Patti Daniel, Supervisor  
Bureau of Certification & Tariffs

cc: Office of General Counsel (Jaeger)  
Division of Economic Regulation (Rieger)  
Division of the Commission Clerk & Administrative Services