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September 26, 2006

VIA HAND DELIVERY

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

RE: Town and Country Utilities Company
Docket No: 060602
Our File No. 40050.03

Dear Ms. Bayo:

Enclosed please find an original and 15 copies of a Motion for Temporary Rule Waiver for Town and County Utilities Company for filing in the above referenced docket. Should you have any question or concerns, please feel free to call.

Sincerely



John R. Jenkins
For the Firm

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- DMP _____
- DOM _____
- DTR _____
- ECR _____
- ECL _____
- JRJ/jvm
- DPC _____ Enclosure
- RCA _____ cc: Terry Holihen, Esq.
Mr. Chuck DeSanti
- SCR _____
- SGA _____
- SEC 1
- DTH Kum P.

DOCUMENT NUMBER-DATE

08878 SEP 26 06

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application of)
Town and Country Utilities Company for)
original wastewater certificate)
in Lee and Charlotte Counties, Florida.)
_____)

Docket No.: 060602

MOTION FOR TEMPORARY RULE WAIVER

Town and Country Utilities Company ("Applicant"), by and through its undersigned counsel and pursuant to Section 120.542, Florida Statutes, moves this Commission for a temporary waiver of certain rule requirements, and in support thereof, states:

1. As set forth in its Application for Original Wastewater Certificate, the Utility has requested that the Commission bifurcate the certification and initial rate making functions so that the Utility may obtain its certificate expeditiously in order to proceed with its environmental permitting.

2. On September 11, 2006, the Utility filed a Motion for Temporary Rule Waiver from the requirements of the following rules ("First Motion"):

25-30.033 (1) (k) - The original and two copies of tariffs.

25-30.033 (1) (t) - A cost study supporting proposed rates and changes.

25-30.033 (1) (u) - A schedule showing the projected cost of the system.

25-30.033 (1) (v) - A schedule showing projected operating expenses.

25-30.033 (1) (w) - A schedule showing the projected capital structure.

The Utility further requested a temporary waiver from the requirements of the following rules: (i) Rule 25-30.033(1)(j), a contract for land upon which utility treatment facilities will be located, but submitted a letter from the land owner (a related party) that it will convey title to a plant site when

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FPSC-COMMISSION CLERK

the location is determined; (ii) Rule 25-30.033 (1)(h), the number of equivalent residential connections (ERCs) proposed to be served by meter size and customer class, but submitted land use types, dwelling unit counts, population projections, and design capacity (in ERCs, although not by meter size and customer class) of the wastewater treatment plant by phase; and, (iii) Rule 25-30.033(1)(o), a statement of line capacity by phase, but provided the anticipated capacity information for its treatment facilities; and (iv) Rule 25-30.033(1)(m), a detailed system map.

3. The First Motion is pending before the Commission.

4. In addition, and for the same purpose as set forth in the First Motion, the Utility requests a temporary waiver from the requirements of Rules 25-30.033(1)(r) requiring a detailed financial statement; and, Rule 25-30.033(1)(s) requiring financial statements of affiliates providing funding to the Applicant.

5. The Utility's engineers are in the process of refining the construction cost estimates for the wastewater facilities. Conventional, tax exempt and related party funding sources are being identified and considered. The flow of funds into the Utility in the form of equity, inter-company loans and the availability of third party financing is still being determined. It is anticipated that, prior to submitting rate-setting information to the Commission, these funding sources will be identified and quantified, and a meaningful, detailed financial statement for both the Utility and any related party providing funds will be filed.

6. With Commission approval, the information required by the foregoing rules will be filed by the Utility sufficiently in advance of providing service to allow the Commission time for evaluation prior to initial rate-setting. See, In re: Application for Certificates to provide water and wastewater service in Sumter County by Central Sumter Utility Company, L.L.C., Order No. PSC-05-0844-PAA-WS (August 18, 2005).

WHEREFORE, Town and Country Utilities Company requests this Commission enter an Order temporarily waiving the requirements of Rules 25-30.033 (1) (r) and (j), Fla. Admin. Code.

Respectfully submitted this
26th day of September, 2006, by:

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