

# ORIGINAL

## BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Application of CLOUD GROVE )  
 UTILITIES, LLC for original water )  
 and wastewater Certificates in )  
 St. Lucie County, Florida )  
 \_\_\_\_\_ )

DOCKET NO.: 060821-WS

CLOUD GROVE UTILITIES, LLC'S  
MOTION FOR TEMPORARY RULE WAIVER

Cloud Grove Utilities, LLC ("Utility"), by and through its undersigned attorneys 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, the Utility has requested that the Commission bifurcate the rate making and certification functions so that the Utility may obtain its certificates expeditiously in order to proceed with its water use permitting and wastewater treatment plant permitting.

2. In order to accomplish the bifurcation, the Utility requests a temporary waiver from the requirements of the following Rules:

- |                 |   |
|-----------------|---|
|                 | 25-30.033(1)(j) - Proof of ownership of land.                             |
| CMP _____       |   |
| COM _____       | 25-30.033 (1) (k) - The original and two copies of tariffs.               |
| CTR _____       | 25-30.033 (1) (m) - System Map showing proposed lines and facilities.     |
| ECR _____       |   |
| GCL _____       | 25-30.033(1)(p) - Description of type of water and wastewater treatment.  |
| OPC _____       | 25-30.033 (1) (r) - A detailed financial statement.                       |
| RCA _____       |   |
| SCR _____       | 25-30.033 (1) (t) - A cost study supporting proposed rates and changes.   |
| SGA _____       | 25-30.033 (1) (u) - A schedule showing the projected cost of the systems. |
| SEC <u>1</u>    | 25-30.033 (1) (v) - A schedule showing projected operating expenses.      |
| OTH <u>Kimp</u> | 25-30.033 (1) (w) - A schedule showing the projected capital structure.   |

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3. 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.

This Commission has recently granted a Rule Waiver under virtually identical circumstances. In re: Application for certificates to provide water and wastewater service in Putnam County by Mariposa Utility Company, LLC, Order No.: PSC-06-0835-PAA-WS (October 9, 2006). See also, 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).

As this Commission recognized in those Orders, the Utility faces a conundrum by virtue of Section 367.031, Florida Statutes, because it cannot procure a water use permit or wastewater treatment plant permit until it procures a certificate from the Commission. However, detailed facility cost information cannot be determined until it receives its other permits.

WHEREFORE, Cloud Grove Utilities, LLC, requests this Commission enter an Order temporarily waiving the requirements of Rules 25-30.033 (1) (k), (m), (p), (r), (t), (u), (v), and (w).

Respectfully submitted on this 21<sup>st</sup> day of December, 2006, by:

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