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DIVISION OF ECONOMIC REGULATION
(850) 413-6900

Public Service Commission

April 11, 2008

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COMMISSION
CLERK

W. F. McCain & Associates, Inc.
1171 19th Street
Vero Beach, Florida 32960
Attn: John Frederick Lang

Re: Re: Docket No. 080164-WU, Application for quick take amendment of Certificate 439-W to extend water service territory in Brevard County by San Sebastian Water.

Dear Mr. Lang:

After an initial review of the application in the above referenced docket, staff has identified the following deficiencies and additional information needed to complete our review and processing of the application.

Deficiencies

1. As required by section 367.045 (1) (a), Florida Statutes, and Rule 25-30.030, Florida Administrative Code (F.A.C.), the utility must provide notice of the application and affidavits that the notice was given to the customers, the governing bodies, and privately owned water and wastewater utilities. The notice must also be published in a local newspaper of general circulation. Please provide a copy of the notice of the application and affidavits of noticing as required in Rule 25-30.030, F.A.C. and an example of a notice.
2. Rule 25-30.036 (3) (o) F.A.C., requires an original and two copies of sample tariff sheets reflecting the additional service area. The tariff sheets included with the application, did not reflect the additional service area requested by the utility.

Additional Information

1. Upon review of the utility's rates and charges authorized by the Commission, it has been determined that there are no applicable general service monthly rates. The marina which the utility proposes to provide service to will be considered a general service customer. The utility cannot charge the marina for service until the Commission has approved the rates and charges for its particular class of service. Rule 25-30.135 (2), F.A.C., indicates that no utility may modify or revise its schedules of rates and charges until the utility files and receives approval from the Commission for any such modification or revision. Section 367.091 (5), Florida Statutes, requires that the utility furnish a schedule of rates or charges for a new class of service not previously approved by the Commission. The

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Commission may approve such rates or charges as filed or may approve such other rates or charges for the new class of service which it finds are just, reasonable, and compensatory.

2. The commitment letter included with the application indicates a possible developer's agreement between the parties. This possible agreement appears to fall outside of the utility's existing service availability policy. Therefore, pursuant to Rule 25-30.550, F.A.C. a special service availability contract shall be approved by the Commission prior to becoming effective. A special service availability contract has not yet been formally submitted to the Commission for consideration.

The original and four copies of the response to the information requested in this letter should be filed with the Commission on or before May 12, 2008. When filing the response, please be sure to refer to Docket No. 080164-WU, and direct the response to:

Office of Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Should you have any questions concerning the information in this letter, please contact Stanley Rieger at (850) 413-6970.

Sincerely,



Patti Daniel
Public Utilities Supervisor
Bureau of Certification, Economics & Tariffs

PD/SDR:kb

cc: Division of Economic Regulation (Rieger)
Office of the General Counsel (Young)
Office of Commission Clerk (Calkins)