

100085-WU

APPLICATION FOR ORIGINAL CERTIFICATE FOR A PROPOSED OR EXISTING SYSTEM REQUESTING INITIAL RATES AND CHARGES (Pursuant to Section 367.045, Florida Statutes)

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

The undersigned hereby makes application for original certificate(s) to operate a water [checked] and/or wastewater utility in LAKE County, Florida, and submits the following information:

PART I APPLICANT INFORMATION

A) The full name (as it appears on the certificate), address and telephone number of the applicant: BLACK BEAR RESERVE WATER COMPANY, INC. Name of utility (352) 483 9522 (352) 483-9523 Phone No. Fax No. 24525 C.R. 44A Office street address EUSTIS FL. 32736 City State Zip Code P.O. Box 440, EUSTIS, FL. 32727 Mailing address if different from street address blackbearwater@centurylink.net Internet address if applicable

COM [ ] B) The name, address and telephone number of the person to contact concerning this application: Name WAYNE SMITH Phone No. (352) 636 2151 Street address 36802 BARRING TON DR. City EUSTIS State FL. Zip Code 32736

- COM [ ]
APA [ ]
ECR [checked]
GCL [ ]
RAD [ ]
SSC [ ]
ADM [ ]
OPC [ ]
CLK [ ]

PSC/ECR 009-W (Rev. 2/91) Check received with filing and forwarded to Fiscal for deposit. Fiscal to forward deposit information to Records.

Initials of person who forwarded check: KM

DOCUMENT NUMBER-DATE 01124 FEB 19 0 FPSC-COMMISSION CLERK

C) Indicate the organizational character of the applicant: (circle one)

Corporation Partnership Sole Proprietorship  
Other (Specify) \_\_\_\_\_

D) If the applicant is a corporation, indicate whether it has made an election under Internal Revenue Code Section 1362 to be an S Corporation:

Yes \_\_\_\_\_ No

E) If the applicant is a corporation, list names, titles and addresses of corporate officers, directors, partners, or any other person(s) or entities owning an interest in the applicant's business organization. (Use additional sheet if necessary).

*BLACK BEAR RESERVE HOMEOWNERS ASSOC INC. 13350 W COLONIAL SUITE 330 WINTER GARDEN FL.*  
*Pres. WAYNE SMITH 36802 DANWORTH DR. EUSTIS FL 32736*  
*V.P. Rick Rezzler 23540 MILFORD DR EUSTIS FL 32736*  
*Sec. GARY PAAKKE, 24221 CALUSA BLVD EUSTIS FL 32736*

F) If the applicant is not a corporation, list names and addresses of all persons or entities owning an interest in the organization. (Use additional sheet if necessary.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**PART II NEED FOR SERVICE**

A) Exhibit \_\_\_\_\_ - A statement regarding the need for service in the proposed territory, such as anticipated (or actual) development in the area. Identify any other utilities within the area proposed to be served which could potentially provide such service in the area and the steps the applicant took to ascertain whether such other service is available. *Late filed exhibit.*

B) Exhibit \_\_\_\_\_ - A statement that to the best of the applicant's knowledge, the provision of service will be consistent with the water and wastewater sections of the local comprehensive plan, as approved by the Department of Community Affairs at the time the application is filed. If the provision of service is inconsistent with such plan, provide a statement demonstrating why granting the certificate would be in the public interest.

**PART III SYSTEM INFORMATION**

**A) WATER**

(1) Exhibit 1 - A statement describing the proposed type(s) of water service to be provided (i.e., potable, non-potable or both).

(2) Exhibit \_\_\_\_\_ - The number of equivalent residential connections (ERCs) proposed to be served, by meter size and customer class. If development will be in phases, separate this information by phase. In addition, if the utility is in operation, provide the current number of ERCs by meter size and customer class. Late filed exhibit

(3) Description of the types of customers anticipated (i.e., single family, mobile homes, clubhouse, commercial, etc.):

Single Family  
Clubhouse  
COMMERCIAL OFFICE - SINGLE STORY

(4) In the case of an existing utility, provide the permit number and the date of approval of facilities by the Department of Environmental Protection (DEP) or the agency designated by DEP to issue permits:

Late filed information

(5) Indicate the design capacity of the treatment plant in terms of equivalent residential connections (ERCs) and gallons per day (gpd). If development will be in phases, separate this information by phase.

Late filed info. (ERCs)      Late filed info. (GPD)

(6) Indicate the type of treatment: Late filed information

(7) Indicate the design capacity of the transmission and distribution lines in terms of ERCs and gpd. If development will be in phases, separate this information by phase.

Late filed information

(8) Provide the date the applicant began or plans to begin serving customers:  
\_\_\_\_\_

*late filed information*

- (9) Exhibit \_\_\_\_\_ - Evidence, in the form of a warranty deed, that the utility owns the land where the water facilities are or will be located. If the utility does not own the land, a copy of the agreement which provides for the long term continuous use of the land, such as a 99-year lease. The Commission may consider a written easement or other cost-effective alternative.

The applicant may submit a contract for the purchase and sale of land with an unexecuted copy of the warranty deed provided the applicant files an executed and recorded copy of the deed, or executed copy of the lease, within thirty days after the order granting the certificate.

*N/A*

B) **WASTEWATER**

- (1) Exhibit *N/A* - The number of equivalent residential connections (ERCs) proposed to be served, by meter size and customer class. If development will be in phases, separate this information by phase. In addition, if the utility is in operation, provide the current number of ERCs by meter size and customer class.

- (2) Description of the types of customers anticipated (i.e., single family, mobile homes, clubhouse, commercial, etc.):

*N/A*

- (3) In the case of an existing utility, provide the permit number and the date of approval of facilities by the Department of Environmental Protection (DEP) or the agency designated by DEP to issue permits:

*N/A*

- (4) Indicate separately the design capacity of the treatment plant and effluent disposal system in terms of equivalent residential connections (ERCs) and gallons per day (GPD). If development will be in phases, separate this information by phase.

*N/A*

- (5) Indicate the method of treatment and disposal (percolation pond, spray field, etc.):

*N/A*

- (6) Exhibit N/A - If the applicant does not propose to use reuse as a means of effluent disposal, provide a statement that describes, with particularity, the reasons for not using reuse.
- (7) Indicate the design capacity of the collection lines in terms of ERCs and GDP. If development will be in phases, separate this information by phase.  
N/A  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
- (8) Provide the date the applicant began or plans to begin serving customers:  
N/A  
 \_\_\_\_\_
- (9) Exhibit N/A - Evidence, in the form of a warranty deed, that the utility owns the land where the utility treatment facilities are or will be located. If the utility does not own the land, a copy of the agreement which provides for the long term continuous use of the land, such as a 99-year lease.

The Commission may consider a written easement or other cost-effective alternative. The applicant may submit a contract for the purchase and sale of land with an unexecuted copy of the warranty deed, provided the applicant files an executed and recorded copy of the deed, or executed copy of the lease, within thirty days after the order granting the certificate.

**PART IV FINANCIAL AND TECHNICAL INFORMATION**

- A) Exhibit \_\_\_\_\_ - A statement regarding the financial and technical ability of the applicant to provide reasonably sufficient and efficient service. *Late filed exhibit*
- B) Exhibit \_\_\_\_\_ - A detailed financial statement (balance sheet and income statement), certified if available, of the financial condition of the applicant, showing all assets and liabilities of every kind and character. The income statement shall be for the preceding calendar or fiscal year. If an applicant has not operated for a full year, then the income statement shall be for the lesser period. The financial statement shall be prepared in accordance with Rule 25-30.115, Florida Administrative Code. If available, a statement of the source and application of funds shall also be provided. *Late filed exhibit*
- C) Exhibit \_\_\_\_\_ - A list of all entities, including affiliates, upon which the applicant is relying to provide funding to the utility, and an explanation of the manner and amount of such funding, which shall include their financial statements and any financial agreements with the utility. This requirement shall not apply to any person or entity holding less than 10 percent ownership interest in the utility. *Late filed exhibit*

- D) Exhibit \_\_\_\_\_ - A schedule showing the projected cost of the proposed system (or actual cost of the existing system) by uniform system of accounts (USOA) account numbers pursuant to Rule 25-30.115, F.A.C. In addition, provide the capacity of each component of the system in ERCs and gallons per day. If the utility will be built in phases, this schedule shall apply to the design capacity of the first phase only. Provide a separate exhibit for the water and wastewater systems. *Late filed exhibit*
- E) Exhibit \_\_\_\_\_ - A schedule showing the projected operating expenses of the proposed system by USOA account numbers when 80 percent of the designed capacity of the system is being utilized. If the utility will be built in phases, this schedule shall apply to the design capacity of the first phase only. In addition, if the utility has been in existence for at least one year, provide actual operating expenses for the most recent twelve months. Provide a separate exhibit for the water and wastewater systems.
- F) Exhibit \_\_\_\_\_ - A schedule showing the projected capital structure, including the methods of financing the construction and operation of the utility until the utility reaches 80 percent of the designed capacity of the system(s).
- G) Exhibit \_\_\_\_\_ - A cost study, including customer growth projections, which supports the proposed rates, miscellaneous service charges, customer deposits and service availability charges. A sample cost study is enclosed with the application package. Provide a separate cost study for the water and wastewater systems. *Late filed exhibit*
- H) Exhibit \_\_\_\_\_ - If the base facility and usage rate structure (as defined in Rule 25-30.437(6), F.A.C.) is not utilized for metered service, provide an alternative rate structure and a statement supporting why the alternative is appropriate.
- I) Exhibit \_\_\_\_\_ - If a different return on common equity other than the current equity leverage formula established by order of the Public Service Commission pursuant to Section 367.081(4), F.S. is utilized, provide competent substantial evidence supporting the use of a different return on common equity. Information on the current equity leverage formula may be obtained by contacting the accounting section at the listed number.

*N/A* **PART V ALLOWANCE FOR FUNDS USED DURING CONSTRUCTION (AFUDC)**

**Please note the following:**

- A) Utilities obtaining initial certificates pursuant to Rule 25-30.033, F.A.C., are authorized to accrue AFUDC for projects found eligible pursuant to Rule 25-30.116(1), F.A.C.
- B) A discounted monthly AFUDC rate calculated in accordance with Rule 25-30.116(3),

F.A.C., shall be used to insure that the annual AFUDC charged does not exceed authorized levels.

- C) The date the utility shall begin to charge the AFUDC rate shall be the date the certificate of authorization is issued to the utility so that such rate can apply to initial construction of the utility facilities.

## **PART VI TERRITORY DESCRIPTION AND MAPS**

### **A) TERRITORY DESCRIPTION**

Exhibit 2 - An accurate description, using township, range and section references as specified in Rule 25-30.030(2), Florida Administrative Code. If the water and wastewater service territories are different, provide separate descriptions.

### **B) TERRITORY MAPS**

Exhibit 2 - 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 proposed 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 service territories are different, provide separate maps.

### **C) SYSTEM MAPS**

Exhibit \_\_\_\_\_ - One copy of detailed map(s) showing proposed lines, facilities and the territory proposed. **Additionally, identify any existing lines and facilities.** Map(s) should be of sufficient scale and detail to enable correlation with a description of the territory to be served. Provide separate maps for water and wastewater systems. *Late filed exhibit*

## **PART VII NOTICE OF ACTUAL APPLICATION**

- A) Exhibit \_\_\_\_\_ - An affidavit that the notice of actual application was given in accordance with Section 367.045(1)(a), Florida Statutes, and Rule 25-30.030, Florida Administrative Code, by regular mail to the following: *late filed exhibit*
- (1) the governing body of the municipality, county, or counties in which the system or the territory proposed to be served is located;
  - (2) the privately owned water and wastewater utilities that hold a certificate granted by the Public Service Commission and that are located within the county in which the utility or the territory proposed to be served is located;

- (3) if any portion of the proposed territory is within one mile of a county boundary, the utility shall notice the privately owned utilities located in the bordering counties and holding a certificate granted by the Commission;
- (4) the regional planning council;
- (5) the Office of Public Counsel;
- (6) the Public Service Commission's Director of the Division of the Commission Clerk and Administrative Services;
- (7) the appropriate regional office of the Department of Environmental Protection; and
- (8) the appropriate water management district.

Copies of the Notice and a list of entities noticed shall accompany the affidavit.  
THIS MAY BE A LATE-FILED EXHIBIT

- B) Exhibit \_\_\_\_\_ - An affidavit that the notice of actual application was given in accordance with Rule 25-30.030, Florida Administrative Code, by regular mail or personal delivery to each customer of the system. A copy of the notice shall accompany the affidavit. THIS MAY BE A LATE-FILED EXHIBIT. *late-filed exhibit*
- C) Exhibit \_\_\_\_\_ - Immediately upon completion of publication, an affidavit that the notice of actual application was published once in a newspaper of general circulation in the territory in accordance with Rule 25-30.030, Florida Administrative Code. A copy of the proof of publication shall accompany the affidavit. THIS MAY BE A LATE-FILED EXHIBIT. *late filed exhibit.*

**PART VIII FILING FEE**

Indicate the filing fee enclosed with the application:

\$ 1500<sup>00</sup> (for water) and \$ \_\_\_\_\_ (for wastewater).

Note: Pursuant to Rule 25-30.020, Florida Administrative Code, the amount of the filing fee as follows:

- (1) For applications in which the utility has the capacity to serve up to 500 ERCs, the filing fee shall be **\$750.**
- (2) For applications in which the utility has the capacity to serve from 501 to 2,000 ERCs the filing fee shall be **\$1,500.**



- (3) For applications in which the utility has the capacity to serve from 2,001 to 4,000 ERCs the filing fee shall be **\$2,250**.
- (4) For applications in which the utility has the capacity to serve more than 4,000 ERCs the filing fee shall be **\$3,000**.

**PART IX TARIFF**

Exhibit \_\_\_\_\_ - The original and two copies of water and/or wastewater tariff(s) containing all rates, classifications, charges, rules and regulations. Sample tariffs are enclosed with the application package. ~~later~~

**PART X     AFFIDAVIT**

I Wayne Smith (applicant) do solemnly swear or affirm that the facts stated in the foregoing 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: Wayne Smith  
Applicant's Signature  
Wayne Smith  
Applicant's Name (Typed)  
President  
Applicant's Title \*

Subscribed and sworn to before me this 17th day of February month in the year of 2010 by WAYNE SMITH who is personally known to me \_\_\_\_\_ or produced identification FL DL# 5530-334-46-430-0  
Type of Identification Produced

Michelle Greenidge  
Notary Public's Signature



MICHELLE GREENIDGE  
MY COMMISSION # DD 725690  
EXPIRES: October 17, 2011  
Bonded Thru Budget Notary Services

\_\_\_\_\_  
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.