

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: INITIATION OF RULEMAKING TO AMEND RULES IN CHAPTER 25-30,
FLORIDA ADMINISTRATIVE CODE, PERTAINING TO WATER AND WASTEWATER
CERTIFICATES OF AUTHORIZATION

TO

ALL INTERESTED PERSONS

UNDOCKETED

ISSUED: April 20, 2010

NOTICE is hereby given pursuant to Section 120.54, Florida Statutes, that the Florida Public Service commission staff has initiated rulemaking to amend water and wastewater rules concerning certificates of authorization.

The attached Notice of Development of Rulemaking appeared in the April 9, 2010 edition of the Florida Administrative Weekly. A staff rule development workshop will be held at the following time and place:

Florida Public Service Commission
May 6, 2010 at 9:30 a.m.
Betty Easley Conference Center
Room 148, 4075 Esplanade Way
Tallahassee, Florida

The draft rules and the agenda for the workshop are included with this notice. One or more Commissioners may be in attendance and participate at the workshop. The person to be contacted regarding the rule development is Patti Daniel, Office of Economic Regulation, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850) 413-6808, pdaniel@psc.state.fl.us.

Any person requiring some accommodation at this workshop because of a physical impairment should call the Office of Commission Clerk at (850) 413-6770, at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, which can be reached at 1-800-955-8771 (TDD).

DOCUMENT NUMBER-DATE

03039 APR 20 0

FPSC-COMMISSION CLERK

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By DIRECTION of the Florida Public Service Commission this 20th day of April, 2010.



ANN COLE
Commission Clerk

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Notice of Development of Rulemaking

PUBLIC SERVICE COMMISSION

RULE NO: RULE TITLE

25-30.029: Legal Description Of Service Area

25-30.030: Notice of Application

25-30.032: Applications

25-30.033: Application for Original Certificate of Authorization and Initial Rates and Charges

25-30.034: Application for Certificate of Authorization for Existing Utility Currently Charging for Service

25-30.035: Application for Grandfather Certificate

25-30.036: Application for Amendment to Certificate of Authorization to Extend or Delete Service

25-30.037: Application for Authority to Transfer

25-30.039: Application for Name Change

25-30.090: Abandonments

PURPOSE AND EFFECT: New Rule 25-30.029 specifies the format of the legal description of the utility's service area to be used in various listed water and wastewater certificate applications. The amendments to the remaining rules update, stream-line, and clarify the Commission's requirements for applications for water and wastewater utility certificates of authorization. Undocketed.

SUBJECT AREA TO BE ADDRESSED: Certificates of authorization for Commission regulated water and wastewater utilities.

SPECIFIC AUTHORITY: 350.127(2), 367.0451, 367.121, 367.1213, 367.1214 FS

LAW IMPLEMENTED: 367.031, 367.045, 367.071, 367.1213, 367.1214, 367.165 FS

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: May 6, 2010 at 9:30 a.m.

PLACE: Betty Easley Conference Center, Room 148, 4075 Esplanade Way, Tallahassee, FL

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48

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hours before the workshop/meeting by contacting: Office of Commission Clerk, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850 (850) 413-6770 If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:
Patti Daniel, Office of Economic Regulation, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850 (850) 413-6808, pdaniel@psc.state.fl.us

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

AGENDA

May 6, 2010 at 9:30 a.m.
Betty Easley Conference Center
Room 148, 4075 Esplanade Way
Tallahassee, Florida

1. Staff overview of proposed rules
2. Comments from interested persons
3. Discussion of proposed changes and timeframes for additional comments
4. Adjournment

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1 25-30.029 Legal Description of Service Area.

2 (1) The utility shall provide a legal description of the service area, as defined in
3 Section 367.021(10), F.S., to be served, extended, deleted, or transferred in the following
4 applications:

5 (a) An original certificate of authorization as provided in Rule 25-30.033, Rule 25-
6 30.034, or Rule 25-30.035, F.A.C.;

7 (b) An extension of service area as provided in Rule 25-30.036(2) or (3), F.A.C.;

8 (c) A deletion of service area as provided in Rule 25-30.036(4), F.A.C.;

9 (d) A transfer of a regulated utility to another regulated utility as provided in Rule 25-
10 30.037(2), F.A.C.;

11 (e) A transfer of an exempt entity to a regulated utility as provided in Rule 25-
12 30.037(3), F.A.C.;

13 (f) A change of majority organizational control of a regulated utility as provided in
14 Rule 25-30.037(4), F.A.C.;

15 (g) A change of ownership of a utility parent as provided in Rule 25-30.037(5), F.A.C.;

16 (h) A transfer of a regulated utility to an exempt entity as provided in Rule 25-
17 30.037(6), F.A.C.; or

18 (i) A partial transfer of a regulated utility to a governmental authority as provided in
19 Rule 25-30.037(7)(i), F.A.C.;

20 (2) The complete legal description of the service area to be served, extended, deleted,
21 or transferred shall include:

22 (a) A reference to township(s), range(s), land section(s), and county(s); and

23 (b) A complete and accurate description of the service area to be served, added,
24 deleted, or transferred. The description may reference interstates, state roads, local streets, and

25 CODING: Words underlined are additions; words in ~~struck through~~ type are deletions
from existing law.

1 major bodies of water, but shall not rely on references to government lots, recorded plats or
2 lots, tracts, or other recorded instruments. The description shall be provided in one of the
3 following formats:

4 1. Sections: If the service area includes complete sections, the description shall only
5 include the township, range, and section reference. If the service area includes partial sections,
6 the description shall identify the subsections to be included or excluded.

7 2. Metes and bounds: The description shall include a point of beginning which is
8 referenced from either a section corner or a subsection corner, such as a quarter corner. The
9 perimeter shall be described by traversing the service area boundary and closing at the point of
10 beginning. The description shall include all bearings and distances necessary to provide a
11 continuous description.

12 Specific Authority 350.127(2), 367.121(1) FS. Law Implemented 367.071 FS. History--New -

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1 25-30.030 Notice of Application.

2 (1) ~~A~~ When a utility applies for a certificate of authorization, an extension or deletion
3 of its service area, or a sale, assignment or transfer of its certificate of authorization, facilities
4 or any portion thereof or majority organizational control, it shall provide notice of its
5 application in the manner prescribed and to the entities described in this rule section. when it
6 applies for any of the following:

7 (a) An original certificate of authorization as provided in Rules 25-30.033 and 25-
8 30.034, F.A.C.

9 (b) An extension of service area as provided in Rule 25-30.036(2) or (3), F.A.C.

10 (c) A deletion of service area as provided in Rule 25-30.036(4), F.A.C.;

11 (d) A transfer of a regulated utility to another regulated utility as provided in Rule 25-
12 30.037(2), F.A.C.;

13 (e) A transfer of an exempt entity to a regulated utility as provided in Rule 25-
14 30.037(3), F.A.C.;

15 (f) A change of majority organizational control of a regulated utility as provided in
16 Rule 25-30.037(4), F.A.C.;

17 (g) A change in ownership of a utility parent as provided in Rule 25-30.037(5), F.A.C.;

18 or

19 (h) A transfer of a regulated utility to an exempt entity as provided in Rule 25-
20 30.037(6), F.A.C.

21 (2) The notice shall be titled: ~~Before providing notice in accordance with this section, a~~
22 ~~utility shall obtain from the Commission a list of the names and addresses of the~~
23 ~~municipalities, the county or counties, the regional planning council, the Office of Public~~
24 ~~Counsel, the Commission's Office of Commission Clerk, the appropriate regional office of the~~

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1 ~~Department of Environmental Protection, the appropriate water management district, and~~
2 ~~privately owned water and wastewater utilities that hold a certificate granted by the Public~~
3 ~~Service Commission and that are located within the county in which the utility or the territory~~
4 ~~proposed to be served is located. In addition, if any portion of the proposed territory is within~~
5 ~~one mile of a county boundary, the utility shall obtain from the Commission a list of the~~
6 ~~names and addresses of the privately owned utilities located in the bordering counties and~~
7 ~~holding a certificate granted by the Commission. The utility's request for the list shall include~~
8 ~~a complete legal description of the territory to be requested in the application that includes:~~

9 (a) Notice of Application for Original Certificate of Authorization for Water,
10 Wastewater, or Water and Wastewater A reference to township(s), range(s), land section(s)
11 and county; and

12 (b) Notice of Application for Amendment to Certificate of Authorization To Extend
13 Service Area; A complete and accurate description of the territory served or proposed to be
14 served in one of the following formats. The description may reference interstates, state roads,
15 and major bodies of water. The description shall not rely on references to government lots,
16 local streets, recorded plats or lots, tracts, or other recorded instruments.

17 1. Sections: If the territory includes complete sections, the description shall only
18 include the township, range, and section reference. If the territory includes partial sections, the
19 description shall either identify the subsections included or excluded.

20 2. Metes and bounds: A point of beginning which is referenced from either a section
21 corner or a subsection corner, such as a quarter corner. The perimeter shall be described by
22 traversing the proposed territory and closing at the point of beginning. The description shall
23 include all bearings and distances necessary to provide a continuous description.

24 (c) Notice of Application for Amendment to Certificate of Authorization To Delete

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1 Service Area;

2 (d) Notice of Application for Authority To Transfer Water, Wastewater, or Water and

3 Wastewater Certificate(s) of Authorization;

4 (e) Notice of Application for Authority to Transfer an Exempt Entity To a Regulated

5 Utility;

6 (f) Notice of Application for Transfer of Majority Organizational Control of a

7 Regulated Utility;

8 (g) Notice of Application for Authority To Change Ownership of a Utility Parent; or

9 (h) Notice of Application for Authority To Transfer a Regulated Utility to an Exempt

10 Entity.

11 (3) The Notice of Application shall include the following information ~~The notice shall~~
12 ~~be appropriately styled:~~

13 (a) The date the notice is given; Notice of Application for an Initial Certificate of
14 ~~Authorization for Water, Wastewater, or Water and Wastewater Certificate;~~

15 (b) The name, address, telephone number, and, if available, email address, and fax
16 ~~number of the applicant; Notice of Application for an Extension of Service Area;~~

17 (c) The common name of developments served by the utility; Notice of Application for
18 ~~Deletion of Service Area;~~

19 (d) The application docket number and title; Notice of Application for a Transfer of
20 ~~Water, Wastewater, or Water and Wastewater Certificate(s); or~~

21 (e) The common reference of street names bordering the area served by the utility;
22 ~~Notice of Application for a Transfer of Majority Organizational Control.~~

23 (f) A description of the service area proposed to be served, extended, deleted, or
24 transferred as prescribed in Rule 25-30.029, F.A.C. In the event a complete legal description is

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1 unduly lengthy or complicated, an abbreviated description using section, township, and range
2 of the subject service area may be provided so long as the notice contains a disclosure that the
3 legal description has been simplified and that a complete legal description can be obtained by
4 contacting the applicant or by using the Commission Web site; and

5 (g) A statement that any objections to the application must be filed with the Office of
6 Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, no later
7 than 30 days after the last date that the notice was mailed or published.

8 (4) The utility shall provide notice of the service area proposed to be served, extended,
9 deleted, or transferred in the following manner: ~~The notice shall include the following:~~

10 (a) By regular mail to the entities included on the list of governmental entities and
11 other utilities which will be provided by Commission staff subsequent to filing the application;
12 ~~The date the notice is given;~~

13 (b) By regular mail or personal service to each customer and owner of property located
14 within the service area to be served, extended, deleted, or transferred; and ~~The name and~~
15 address of the applicant;

16 (c) By publication in a newspaper of general circulation in the proposed service area. If
17 the utility service area crosses county lines, notice shall be published in a newspaper of
18 general circulation in each county. ~~A description, using township, range and section~~
19 references, of the territory proposed to be either served, added, deleted, or transferred; and

20 ~~(d) A statement that any objections to the application must be filed with the Director,~~
21 ~~Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-~~
22 ~~0850, no later than 30 days after the last date that the notice was mailed or published,~~
23 ~~whichever is later.~~

24 (5) All applications requiring noticing shall be deemed deficient until all notices are

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1 given and affidavits of noticing, along with a copy of the notice, are filed. The affidavits shall
2 attest that the notices were given as prescribed in paragraphs (4)(a), (b), and (c), above. The
3 applicant shall obtain the affidavit of notice publication, pursuant to paragraph (4)(c) above,
4 from the newspaper(s). Within 7 days of filing its application, the utility shall provide a copy
5 of the notice by regular mail to:

6 ~~(a) The governing body of the county in which the utility system or the territory~~
7 ~~proposed to be served is located;~~

8 ~~(b) The governing body of any municipality contained on the list obtained pursuant to~~
9 ~~subsection (2) above;~~

10 ~~(c) The regional planning council designated by the Clean Water Act, 33 U.S.C.~~
11 ~~1288(2);~~

12 ~~(d) All water or wastewater utilities contained on the list(s) obtained pursuant to~~
13 ~~subsection (2) above;~~

14 ~~(e) The office of Public Counsel;~~

15 ~~(f) The Commission's Office of Commission Clerk;~~

16 ~~(g) The appropriate regional office of the Department of Environmental Protection;~~

17 ~~and~~

18 ~~(h) The appropriate Water Management District.~~

19 ~~(6) This rule does not apply to applications for certificates following recision of~~
20 ~~jurisdiction by counties filed under Section 367.171, F.S.; transfers to governmental~~
21 ~~authorities filed under Section 367.071, F.S.; name changes or corporate reorganizations filed~~
22 ~~under Section 367.1214, F.S.; or abandonments filed under Section 367.165, F.S. No sooner~~
23 ~~than 21 days before the application is filed and no later than 7 days after the application is~~
24 ~~filed, the utility shall also provide a copy of the Notice, by regular mail or personal service, to~~

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1 ~~each customer, of the system to be certificated, transferred, acquired, or deleted.~~

2 ~~(7) The Notice shall be published once in a newspaper of general circulation in the~~
3 ~~territory proposed to be served, added, deleted, or transferred. The publication shall be within~~
4 ~~7 days of filing the application.~~

5 ~~(8) A copy of the notice(s) and list of the entities receiving notice pursuant to this rule~~
6 ~~shall accompany the affidavit required by Sections 367.045(1)(e) and (2)(f), F.S. The affidavit~~
7 ~~shall be filed no later than 15 days after filing the application.~~

8 ~~(9) This rule does not apply to applications for grandfather certificates filed under~~
9 ~~Section 367.171, F.S., or to applications for transfers to governmental authorities filed under~~
10 ~~Section 367.071, F.S., or to name changes.~~

11 Specific Authority 350.127(2), 367.121(1) FS. Law Implemented 367.031, 367.045, 367.071
12 FS. History—New 4-5-81, Formerly 25-10.061, 25-10.0061, Amended 11-10-86, 1-27-91, 11-
13 30-93.

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1 25-30.032 Certificate Applications.

2 (1) Each utility subject to regulation by the Commission shall apply for an original
3 ~~initial~~ certificate of authorization, amendment to an existing certificate of authorization,
4 transfer of a certificate of authorization, or name change, or corporate reorganization by filing
5 a completed application and six copies, in accordance with the applicable ~~either~~ Rule 25-
6 30.033, 25-30.034, 25-30.035, 25-30.036, subsection 25-30.037(1) ~~or (2), (3), (4), or (5),~~ or
7 Rule 25-30.039, F.A.C. However, a utility shall apply for a transfer to an exempt entity, a
8 governmental authority, or notice of abandonment by filing a completed application and two
9 copies, in accordance with subsections 25-30.037(6) and (7) or 25-30.090, ~~(3) and (4),~~ F.A.C.
10 The application shall be filed with the Office of Commission Clerk, 2540 Shumard Oak
11 Boulevard, Tallahassee, Florida 32399-0850. Sample application forms and model tariffs may
12 be obtained from the Commission Website (www.psc.state.fl.us) by clicking on Utility
13 Regulation, then on Water & Wastewater, and then on Water and Wastewater Application
14 Packages, or the Division of Economic Regulation, 2540 Shumard Oak Boulevard,
15 Tallahassee, Florida 32399-0850.

16 (2) A utility may file a combined applications if it is applying for certificates of
17 ~~authorization or any amendments thereto~~ multiple certificate actions for both water and
18 wastewater systems; however, the utility shall remit a separate application fee for each action
19 and system service. The Commission shall treat a combined application as if a separate
20 application had been filed for each action and system service.

21 (3) The official filing date of an application filed pursuant for an original certificate,
22 ~~any amendment to~~ Rules 25-30.033, 25-30.034, 25-30.035, 25-30.036, and 25-30.037, F.A.C.,
23 ~~an existing certificate, or any transfer~~ shall be the date a completed application is filed with the
24 Office of Commission Clerk, ~~except that the noticing requirements set forth in Rule 25-~~

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1 ~~30.030, F.A.C., do not need to be completed at that the time. If, however, the utility has not~~
2 ~~completed the noticing within the time limits prescribed by Rule 25-30.030, F.A.C., the~~
3 ~~official filing date shall be the date the noticing is complete.~~

4 Specific Authority 350.127(2), 367.121 FS. Law Implemented 367.031, 367.045, 367.071,
5 367.083 FS. History – New 1-27-91, Amended 11-30-93, 5-29-08, _____.

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1 25-30.033 Application for Original Certificate of Authorization and Initial Rates and Charges.

2 (1) Each application for an original certificate of authorization and initial rates and
3 charges shall provide the following ~~information~~:

4 (a) A filing fee pursuant to Rule 25-30.020(2)(a), F.A.C.; ~~The applicant's name and~~
5 ~~address;~~

6 (b) Proof of noticing pursuant to Rule 25-30.030, F.A.C.; ~~The nature of the applicant's~~
7 ~~business organization, i.e., corporation, partnership, limited partnership, sole proprietorship,~~
8 ~~association, etc.;~~

9 (c) The utility's complete name, address, telephone number, authorized representative,
10 and, if available, email address and fax number; ~~The name(s) and address(es) of all corporate~~
11 ~~officers, directors, partners, or any other person(s) or entities owning an interest in the~~
12 ~~applicant's business organization;~~

13 (d) The nature of the utility's business organization, i.e., corporation, limited liability
14 company, partnership, limited partnership, sole proprietorship, association, etc.; ~~Whether the~~
15 ~~applicant has made an election under Internal Revenue Code § 1362 to be an S corporation;~~

16 (e) The name(s), address(es), and percentage of ownership of each entity which owns
17 or will own more than a 5% interest in the utility; ~~A statement showing the financial and~~
18 ~~technical ability of the applicant to provide service, and the need for service in the proposed~~
19 ~~area. The statement shall identify any other utilities within the area proposed to be served that~~
20 ~~could potentially provide service, and the steps the applicant took to ascertain whether such~~
21 ~~other service is available;~~

22 (f) Whether the applicant has made an election under Internal Revenue Code § 1362 to
23 be an S corporation; ~~A statement that to the best of the applicant's knowledge, the provision of~~
24 ~~service will be consistent with the water and wastewater sections of the local comprehensive~~

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1 ~~plan as approved by the Department of Community Affairs at the time the application is filed,~~
2 ~~or, if not consistent, a statement demonstrating why granting the certificate of authorization~~
3 ~~would be in the public interest;~~

4 (g) A statement indicating whether the application is for water, wastewater, or both. If
5 the applicant is applying for water or wastewater only, the statement shall include how the
6 other service is provided; The date applicant plans to begin serving customers;

7 (h) Documentation showing the financial ability of the applicant to provide service.
8 The documentation shall include the most recent financial statements of the utility, if
9 available, showing all utility assets, liabilities, and the most recent twelve months of income
10 and expenses. In addition, provide a list of all entities, including affiliates, upon which the
11 applicant is relying to provide funding to the utility and a copy of all financial agreements
12 documenting the sources of funding; The number of equivalent residential connections (ERCs)
13 proposed to be served, by meter size and customer class. If development will be in phases,
14 separate this information by phase;

15 (i) Documentation of the technical ability of the applicant to provide service,
16 including: A description of the types of customers anticipated, i.e., single family homes,
17 mobile homes, duplexes, golf course clubhouse, commercial, etc.;

18 1. The applicant's experience in the water or wastewater industry;

19 2. A copy of all current construction and operating permits or a statement regarding the
20 steps taken to obtain permits from the Department of Environmental Protection and the water
21 management district; and

22 3. A list of all current licensed operators and classification or the steps taken to obtain
23 the required licensed operators;

24 (j) A legal description of the proposed service area, in the format prescribed in Rule

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1 ~~25-30.029, F.A.C.; Evidence, in the form of a warranty deed, that the utility owns the land~~
2 ~~upon which the utility treatment facilities are or will be located, or a copy of an agreement~~
3 ~~which provides for the continued use of the land, such as a 99-year lease. The Commission~~
4 ~~may consider a written easement or other cost-effective alternative. The applicant may submit~~
5 ~~a contract for the purchase and sale of land with an unexecuted copy of the warranty deed,~~
6 ~~provided the applicant files an executed and recorded copy of the deed, or executed copy of~~
7 ~~the lease, within 30 days after the order granting the certificate;~~

8 (k) Documentation of the need for service in the proposed area, including: ~~One original~~
9 ~~and two copies of a sample tariff, containing all rates, classifications, charges, rules and~~
10 ~~regulations, which shall be consistent with Chapter 25-9, F.A.C. Model tariffs are available~~
11 ~~from the Division of Economic Regulation, 2540 Shumard Oak Boulevard, Tallahassee,~~
12 ~~Florida 32399-0850;~~

13 1. The number of customers currently being served and proposed to be served, by
14 customer class and meter size, including a description of the types of customers currently
15 being served and anticipated, i.e., single family homes, mobile homes, duplexes, golf course
16 clubhouse, or commercial. If the development will be in phases, this information shall be
17 separated by phase; and

18 2. A copy of all requests for service from property owners or developers in areas not
19 currently served;

20 (l) The current land use designation of the proposed service territory as described in
21 the local comprehensive plan, as approved by the Department of Community Affairs, at the
22 time the application is filed. If the proposed development will require a revision to the
23 comprehensive plan, describe the steps taken and to be taken to facilitate those changes,
24 including changes needed to address the proposed need for service described in paragraph (k).

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1 ~~above; A description of the territory to be served, using township, range and section references~~
2 ~~as specified in subsection 25-30.030(2), F.A.C.;~~

3 (m) The date applicant began or plans to begin serving customers. If already serving
4 customers, when and under what circumstances applicant began serving; One copy of a
5 detailed system map showing the proposed lines, treatment facilities and the territory proposed
6 to be served. The map shall be of sufficient scale and detail to enable correlation with the
7 description of the territory proposed to be served;

8 (n) Documentation of the utility's right to continued long term use of the land upon
9 which the utility treatment facilities are or will be located. This documentation shall be in the
10 form of a recorded warranty deed, recorded quit claim deed accompanied by title insurance,
11 recorded long term lease, or recorded easement. The applicant may submit a contract for the
12 long term use with an unexecuted or unrecorded copy of the instrument provided the applicant
13 files a recorded copy within the time prescribed in the order granting the certificate; One copy
14 of the official county tax assessment map, or other map showing township, range, and section
15 with a scale such as 1" = 200' or 1" = 400', with the proposed territory plotted thereon by use
16 of metes and bounds or quarter sections, and with a defined reference point of beginning;

17 (o) An original, two copies, and one electronic draft tariff containing all rates,
18 classifications, charges, rules, and regulations, which shall be consistent with Chapter 25-9,
19 F.A.C. Sample application forms and model tariffs are available on the Commission website
20 (www.psc.state.fl.us) by clicking on Utility Regulation, then on Water & Wastewater, and
21 then on Water and Wastewater Application Packages, or from the Division of Economic
22 Regulation, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850; A statement
23 regarding the separate capacities of the proposed lines and treatment facilities in terms of
24 ERCs and gallons per day. If development will be in phases, separate this information by

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1 ~~phase;~~

2 (p) A detailed system map showing the existing and proposed lines and treatment
3 facilities, with the territory proposed to be served plotted thereon consistent, with the legal
4 description provided in paragraph (j), above. The map shall be of sufficient scale and detail to
5 enable correlation with the description of the territory proposed to be served; ~~A written~~
6 ~~description of the type of water treatment, wastewater treatment, and method of effluent~~
7 ~~disposal;~~

8 (q) An official county tax assessment map, or other map showing township, range, and
9 section with a scale such as 1" = 200' or 1" = 400', with the proposed territory plotted thereon,
10 consistent with the legal description provided in paragraph (j), above; ~~If subsection (p) above~~
11 ~~does not include effluent disposal by means of reuse, a statement that describes with~~
12 ~~particularity the reasons for not using reuse;~~

13 (r) A description of the separate capacities of the existing and proposed lines and
14 treatment facilities in terms of equivalent residential connections (ERCs) and gallons per day
15 estimated demand per ERC for water and wastewater and the basis for such estimate. If the
16 development will be in phases, this information shall be separated by phase; ~~A detailed~~
17 ~~financial statement (balance sheet and income statement), certified if available, of the financial~~
18 ~~condition of the applicant, that shows all assets and liabilities of every kind and character. The~~
19 ~~income statement shall be for the preceding calendar or fiscal year. If an applicant has not~~
20 ~~operated for a full year, then the income statement shall be for the lesser period. The financial~~
21 ~~statement shall be prepared in accordance with Rule 25-30.115, F.A.C. If available, a~~
22 ~~statement of the source and application of funds shall also be provided;~~

23 (s) A description of the type of water treatment, wastewater treatment, and method of
24 effluent disposal; ~~A list of all entities, including affiliates, upon which the applicant is relying~~

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1 ~~to provide funding to the utility, and an explanation of the manner and amount of such~~
2 ~~funding, which shall include their financial statements and copies of any financial agreements~~
3 ~~with the utility. This requirement shall not apply to any person or entity holding less than 10~~
4 ~~percent ownership interest in the utility;~~

5 (t) The existing and projected cost of the system(s) and associated depreciation by year
6 until design capacity is reached using the National Association of Regulatory Utility
7 Commissioners (NARUC) Uniform System of Accounts (USOA). The applicant shall identify
8 the year that 80 percent of design capacity is anticipated; ~~A cost study including customer~~
9 ~~growth projections supporting the proposed rates, charges and service availability charges. A~~
10 ~~sample cost study, and assistance in preparing initial rates and charges, are available from the~~
11 ~~Division of Economic Regulation;~~

12 (u) The existing and projected annual contributions-in-aid-of-construction (CIAC) and
13 associated amortization by year including a description of assumptions regarding customer
14 growth projections using the same projections used in paragraph (j)1. for the proposed service
15 area. The projected CIAC shall identify cash and property contributions and amortization at
16 100 percent of design capacity and identify the year when 80 percent of design capacity is
17 anticipated. The projected CIAC shall be consistent with the service availability policy and
18 charges in the proposed tariff and the CIAC guidelines in 25-30.580, F.A.C.; ~~A schedule~~
19 ~~showing the projected cost of the proposed system(s) by uniform system of accounts (USOA)~~
20 ~~account numbers pursuant to Rule 25-30.115, F.A.C., and the related capacity of each system~~
21 ~~in ERCs and gallons per day. If the utility will be built in phases, this shall apply to the first~~
22 ~~phase;~~

23 (v) The current annual operating expenses and the projected annual operating expenses
24 at 80 percent of design capacity using the NARUC USOA; ~~A schedule showing the projected~~

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1 ~~operating expenses of the proposed system by USOA account numbers, when 80 percent of~~
2 ~~the designed capacity of the system is being utilized. If the utility will be built in phases, this~~
3 ~~shall apply to the first phase; and~~

4 (w) The existing and projected debt to equity ratio and the existing and proposed cost
5 of debt. The applicant shall provide documentation to support the existing and proposed cost
6 of debt and the methods of financing the construction and operation of the utility until the
7 utility reaches 80 percent of the design capacity of the system; A schedule showing the
8 ~~projected capital structure including the methods of financing the construction and operation~~
9 ~~of the utility until the utility reaches 80 percent of the design capacity of the system.~~

10 (x) A schedule showing how the proposed rates were developed, including any parent
11 debt adjustment as required by Rule 25-14.004, F.A.C.;

12 (y) A schedule showing how the proposed service availability charges were developed,
13 including meter installation, main extension, and plant capacity charges; and

14 (z) A schedule showing how the miscellaneous service charges were developed,
15 including initial connection, normal reconnection, violation reconnection, and premises visit
16 fees, consistent with Rule 25-30.460, F.A.C.

17 (2) The base facility and usage rate structure (as defined in subsection 25-30.437(6),
18 F.A.C.) shall be utilized for metered service, unless an alternative rate structure is supported
19 by the applicant and authorized by the Commission.

20 (3) A return on common equity shall be established using the current equity leverage
21 formula established by order of this Commission pursuant to Section 367.081(4), F.S., unless
22 there is competent substantial evidence supporting the use of a different return on common
23 equity.

24 (4) Utilities obtaining original ~~initial~~ certificates of authorization pursuant to this rule

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1 are authorized to accrue allowance for funds used during construction (AFUDC) for projects
2 found eligible pursuant to subsection 25-30.116(1), F.A.C.

3 (a) The applicable AFUDC rate shall be determined as the utility's projected weighted
4 cost of capital as demonstrated in its application for original certificate of authorization and
5 initial rates and charges.

6 (b) A discounted monthly AFUDC rate calculated in accordance with subsection 25-
7 30.116(3), F.A.C., shall be used to insure that the annual AFUDC charged does not exceed
8 authorized levels.

9 (c) The date the utility shall begin to charge the AFUDC rate shall be the date the
10 original certificate of authorization is issued to the utility so that such rate can apply to the
11 initial construction of the utility facilities.

12 Specific Authority 350.127(2), 367.045(1), 367.121, 367.1213 FS. Law Implemented 367.031,
13 367.045, 367.1213 FS. History—New 1-27-91, Amended 11-30-93, _____.

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1 25-30.034 Application for Original Certificate of Authorization for Existing Utility Currently
2 Charging for Service.

3 (1) Each application for original certificate of authorization by an existing utility
4 ~~currently charging for service, which is applying for an initial certificate of authorization,~~
5 ~~other than an application filed under Section 367.171, F.S., shall provide the following~~
6 ~~information:~~

7 (a) A filing fee pursuant to Rule 25-30.020(2)(a), F.A.C.; ~~The utility's complete name~~
8 ~~and address;~~

9 (b) Proof of noticing pursuant to Rule 25-30.030, F.A.C.; ~~The nature of the utility's~~
10 ~~business organization, i.e., corporation, partnership, limited partnership, sole proprietorship,~~
11 ~~association, etc.;~~

12 (c) The applicant's complete name, address, telephone number, authorized
13 representative, and, if available, email address and fax number; ~~The name(s) and address(es)~~
14 ~~of all corporate officers, directors, partners, or any other person(s) owning an interest in the~~
15 ~~utility;~~

16 (d) The nature of the utility's business organization, i.e., corporation, limited liability
17 company, partnership, limited partnership, sole proprietorship, association; ~~A statement~~
18 ~~regarding the financial and technical ability of the applicant to continue to provide service;~~

19 (e) The name(s), address(es), and percentage of ownership of each entity which owns
20 or will own more than a 5% interest in the utility; ~~Evidence that the utility owns the land upon~~
21 ~~which the utility treatment facilities are located, or a copy of an agreement which provides for~~
22 ~~the continued use of the land, such as a 99-year lease. The Commission may consider a written~~
23 ~~easement or other cost-effective alternative;~~

24 (f) A statement indicating whether the application is for water, wastewater, or both. If

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1 the applicant is applying for water or wastewater only, the statement shall include how the
2 other service is provided; One original and two copies of a model tariff, containing all rates,
3 classifications, charges, rules, and regulations, which shall be consistent with Chapter 25-9,
4 F.A.C. Model tariffs are available from the Division of Economic Regulation, 2540 Shumard
5 Oak Boulevard, Tallahassee, Florida 32399-0850;

6 (g) A description of the types of customers served, i.e., single family homes, mobile
7 homes, duplexes, golf course clubhouse, or commercial; A statement specifying on what date
8 and under what authority the current rates and charges were established;

9 (h) A schedule showing the number of customers currently served, by class and meter
10 size, as well as the number of customers projected to be served when the requested service
11 territory is fully developed; A description of the territory to be served, using township, range
12 and section references as specified in subsection 25-30.030(2), F.A.C.;

13 (i) Documentation showing the financial ability of the applicant to continue to provide
14 service. The documentation shall include the most recent financial statements of the utility,
15 showing all utility assets and liabilities and the most recent twelve months of income and
16 expenses. In addition, provide a list of all entities, including affiliates, upon which the
17 applicant is relying to provide funding to the utility and a copy of all financial agreements
18 documenting the sources of funding; One copy of a detailed system map showing the lines,
19 treatment facilities and the territory to be served. Any territory not served at the time of the
20 application shall be specifically identified on the system map. The map shall be of sufficient
21 scale and detail to enable correlation with the description of the territory to be served;

22 (j) Documentation of the technical ability of the applicant to provide service,
23 including: One copy of the official county tax assessment map, or other map showing
24 township, range, and section with a scale such as 1"=200' or 1"=400', with the proposed

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1 ~~territory plotted thereon by use of metes and bounds or quarter sections, and with a defined~~
2 ~~reference point of beginning;~~

3 1. The applicant's experience in the water or wastewater industry;

4 2. A copy of all current construction and operating permits or a statement regarding the
5 steps taken to obtain permits from the Department of Environmental Protection and the water
6 management district; and

7 3. A list of all current licensed operators and classification or the steps taken to obtain
8 the required licensed operators;

9 (k) A legal description of the proposed service area, in the format prescribed in Rule
10 25-30.029, F.A.C.; ~~The numbers and dates of any permits issued for the systems by the~~
11 Department of Environmental Protection;

12 (l) A statement explaining when and under what circumstances the applicant began
13 providing service prior to obtaining a certificate of authorization. ~~The date the utility was~~
14 established;

15 (m) Documentation of the utility's right to continued long term use of the land upon
16 which the utility treatment facilities are located. This documentation shall be in the form of a
17 recorded warranty deed, recorded quit claim deed accompanied by title insurance, recorded
18 long term lease, or recorded easement. The applicant may submit a contract for the long term
19 use with an unexecuted or unrecorded copy of the instrument provided the applicant files a
20 recorded copy within the time prescribed in the order granting the certificate; ~~A statement~~
21 explaining how and why applicant began providing service prior to obtaining a certificate of
22 authorization; and

23 (n) An original, two copies, and one electronic draft tariff containing all rates,
24 classifications, charges, rules, and regulations, which shall be consistent with Chapter 25-9,

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1 F.A.C. Sample application forms and model tariffs are available on the Commission website
2 (www.psc.state.fl.us) by clicking on Utility Regulation, then on Water & Wastewater, and
3 then on Water and Wastewater Application Packages, or from the Division of Economic
4 Regulation, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850; A schedule
5 showing the number of customers currently served, by class and meter size, as well as the
6 number of customers projected to be served when the requested service territory is fully
7 occupied.

8 (o) Documentation specifying on what date and under what authority the current rates
9 and charges were established;

10 (p) A detailed system map showing existing and proposed lines and treatment facilities
11 with the territory proposed to be served plotted thereon, consistent with the legal description
12 provided in paragraph (k), above. Any territory not served at the time of the application shall
13 be specifically identified on the system map. The map shall be of sufficient scale and detail to
14 enable correlation with the description of the territory proposed to be served;

15 (q) An official county tax assessment map or other map showing township, range, and
16 section with a scale such as 1"=200' or 1"=400', with the proposed territory plotted thereon,
17 consistent with the legal description provided in paragraph (k), above; and;

18 (2) If the applicant is requesting any territory not served at the time of application,
19 provide the following:

20 (a) Documentation of A statement showing the need for service in the proposed area,
21 including; and

22 1. The number of customers proposed to be served, by customer class and meter size,
23 including a description of the types of customers anticipated, i.e., single family homes, mobile
24 homes, duplexes, golf course clubhouse, commercial. If the development will be in phases,

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1 this information shall be separated by phase; and

2 2. A copy of all requests for service from property owners or developers in areas not
3 currently served;

4 (b) The current land use designation of the proposed service territory as described in A
5 statement that to the best of the applicant's knowledge, the provision of service in this territory
6 will be consistent with the water and wastewater sections of the local comprehensive plan, as
7 approved by the Department of Community Affairs, at the time the application is filed. If the
8 proposed development will require a revision to the comprehensive plan, describe the steps
9 taken and to be taken to facilitate those changes, including changes needed to address the
10 proposed need for service described in paragraph (2)(a), above, or, if not consistent, a
11 statement demonstrating why granting the territory would be in the public interest.

12 Specific Authority 350.127(2), 367.121, 367.1213 FS. Law Implemented 367.045, 367.1213
13 FS. History--New 1-27-91, Amended 11-30-93,_____.

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1 25-30.035 Application for Original Grandfather Certificate Following Rescission of
2 Jurisdiction by a County.

3 (1) Each application applicant for an original a certificate of authorization following
4 rescission of jurisdiction by a county under the provisions of Section 367.171, F.S., (commonly
5 known as the grandfather provision) shall provide the following information:

6 (a) A filing fee pursuant to Rule 25-30.020(2)(d), F.A.C.;

7 (b)(1) The applicant's utility's complete name, and address, telephone number,
8 authorized representative, and, if available, email address and fax number;

9 (c)(2) The nature of the utility's business organization, i.e., corporation, limited
10 liability company, partnership, limited partnership, sole proprietorship, association, etc.;

11 (d)(3) The name(s), and address(es), and percentage of ownership of each entity which
12 owns or will own of all corporate officers, directors, partners, or any other person(s) owning
13 more than a 5% an interest in the utility;

14 (e) A statement indicating whether the application is for water, wastewater, or both. If
15 the applicant is applying for water or wastewater only, the statement shall include how the
16 other service is provided;

17 (f)(4) The date the utility was established;

18 (g)(5) A description of the types of customers served, i.e., single family homes, mobile
19 homes, duplexes, golf course clubhouse, or commercial, etc.;

20 (6) ~~Evidence that the utility owns the land upon which the utility treatment facilities~~
21 ~~are located, or a copy of an agreement which provides for the continued use of the land, such~~
22 ~~as a 99-year lease. The Commission may consider a written easement or other cost-effective~~
23 ~~alternative;~~

24 (7) ~~One original and two copies of a tariff, containing all rates, classifications, charges,~~

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NOTICE OF DEVELOPMENT OF RULEMAKING
UNDOCKETED
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1 ~~rules, and regulations, which shall be consistent with Chapter 25-9, F.A.C. Sample tariffs are~~
2 ~~available from the Division of Economic Regulation, 2540 Shumard Oak Boulevard,~~
3 ~~Tallahassee, Florida 32399-0850;~~

4 ~~(8) A statement specifying on what date and under what authority the current rates and~~
5 ~~charges were established;~~

6 ~~(9) A description, using township, range, and section references as specified in~~
7 ~~subsection 25-30.030(2), F.A.C., of the territory the utility was serving, or was authorized to~~
8 ~~serve by the county which had jurisdiction over the utility on the day Chapter 367, F.S.,~~
9 ~~became applicable to the utility;~~

10 ~~(10) One copy of a detailed system map showing the lines, treatment facilities and the~~
11 ~~territory to be served. Any territory not served at the time of the application shall be~~
12 ~~specifically identified, and the map shall be of sufficient scale and detail to enable correlation~~
13 ~~with the description of the territory to be served;~~

14 ~~(11) One copy of the official county tax assessment map, or other map showing~~
15 ~~township, range, and section, with a scale such as 1" = 200' or 1" = 400', with the proposed~~
16 ~~territory plotted thereon by use of metes and bounds or quarter sections, and with a defined~~
17 ~~reference point of beginning;~~

18 ~~(12) The numbers and dates of any permits issued for the systems by the Department~~
19 ~~of Environmental Protection; and~~

20 ~~(h)(13) A schedule showing the number of customers currently served, by class and~~
21 ~~meter size, as well as the number of customers projected to be served when the requested~~
22 ~~service territory is fully developed; ~~occupied.~~~~

23 ~~(i) A legal description of the proposed service area, in the format prescribed in Rule~~
24 ~~25-30.029, F.A.C. The utility must provide documentation of the territory the utility was~~

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1 servicing, or was authorized to serve, from the county which had jurisdiction over the utility on
2 the day Chapter 367, F.S., became applicable to the utility;

3 (j) Documentation of the utility's right to continued long term use of the land upon
4 which the utility treatment facilities are located. This documentation shall be in the form of a
5 recorded warranty deed, recorded quit claim deed accompanied by title insurance, recorded
6 long term lease, or recorded easement. The applicant may submit a contract for the long term
7 use with an unexecuted or unrecorded copy of the instrument provided the applicant files a
8 recorded copy within the time prescribed in the order granting the certificate;

9 (k) An original, two copies, and one electronic draft tariff containing all rates,
10 classifications, charges, rules, and regulations, which shall be consistent with Chapter 25-9,
11 F.A.C. Sample application forms and model tariffs are available on the Commission website
12 (www.psc.state.fl.us) by clicking on Utility Regulation, then on Water & Wastewater, and
13 then on Water and Wastewater Application Packages, or from the Division of Economic
14 Regulation, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850;

15 (l) Documentation specifying on what date and under what authority the current rates
16 and charges were established;

17 (m) A detailed system map showing the existing and proposed lines and treatment
18 facilities, with the territory proposed to be served plotted thereon, consistent with the legal
19 description provided in paragraph (i), above. Any territory not served at the time of the
20 application shall be specifically identified on the system map. The map shall be of sufficient
21 scale and detail to enable correlation with the description of the territory to be served;

22 (n) An official county tax assessment map or other map showing township, range, and
23 section with a scale such as 1" = 200' or 1" = 400', with the proposed territory plotted thereon,
24 consistent with the legal description provided in paragraph (i), above;

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1 (o) A copy of all current operating permits issued by the Department of Environmental
2 Protection and water management district.

3 (2) No noticing pursuant to Rule 25-30.030, F.A.C., applies to this application.
4 Specific Authority 350.127(2), 367.121, 367.1213 FS. Law Implemented 367.1213, 367.171
5 FS. History--Amended 7-21-65, 1-7-69, 2-3-70, 3-6-71, Revised 9-12-74, Amended 3-26-81,
6 Formerly 25-10.02, 25-10.002, Amended 11-10-86, 1-27-91, 11-30-93, _____.

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1 25-30.036 Application for Amendment to Certificate of Authorization to Extend or Delete
2 Service Area.

3 (1) This rule applies to any certificated water or wastewater utility that proposes to
4 extend its service territory into an area in which there is no existing water or wastewater
5 system or proposes to delete a portion of its service territory.

6 (2) A request for service territory extension ~~expansion~~ and amendment of an existing
7 certificate (commonly known as a “quick take” amendment) ~~or issuance of a new certificate~~
8 shall be considered approved under the following conditions if no protest is timely filed to the
9 notice of application:

10 (a) The utility has provided a written statement ~~of an officer of the utility~~ that the
11 proposed new territory includes a maximum of 25 equivalent residential connections within
12 such territory at the time the territory is at buildout; and

13 (b) The utility has provided a ~~the~~ written statement ~~of an officer of the utility~~ that, upon
14 investigation, ~~to the best of his or her knowledge~~:

15 1. There is no other utility in the area of the proposed territory that is willing and
16 capable of providing reasonably adequate service to the new territory; and

17 2. The person(s) or business(es) requesting water or wastewater service have
18 demonstrated to the utility that service is necessary because (1) a private well has been
19 contaminated or gone dry, (2) a septic tank has failed, or (3) service is otherwise not available.

20 (c) The utility has filed an completed application which meets the requirements of
21 paragraphs (3)(a), (b), (c), (e), (h), (j), and (q), below in accordance with subsection (2) of this
22 rule within 45 days of the completion of the notice requirements.

23 (3) Each utility proposing to extend its service area, (except applications filed pursuant
24 to subsection (2) above), ~~which shall file only (a), (d), (e), (i), (m), (o), (p), (q), and (r) listed~~

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1 ~~below~~) shall provide the following:

2 (a) A filing fee pursuant to Rule 25-30.020(2)(c), F.A.C.; ~~The utility's complete name~~
3 ~~and address;~~

4 (b) Noticing pursuant to Rule 25-30.030, F.A.C.; ~~A statement showing the financial~~
5 ~~and technical ability of the utility to provide service and the need for service in the area~~
6 ~~requested;~~

7 (c) The utility's complete name, address, telephone number, authorized representative,
8 and, if available, email address and fax number; ~~A statement that to the best of the applicant's~~
9 ~~knowledge the provision of service will be consistent with the water and wastewater sections~~
10 ~~of the local comprehensive plan at the time the application is filed, as approved by the~~
11 ~~Department of Community Affairs, or, if not, a statement demonstrating why granting the~~
12 ~~amendment would be in the public interest;~~

13 (d) Documentation of the technical ability of the applicant to provide service, including
14 documentation of the applicant's experience in the water or wastewater industry and a list of
15 all current licensed operators and classification or the steps taken to obtain the required
16 licensed operators; ~~Evidence that the utility owns the land upon which the utility treatment~~
17 ~~facilities that will serve the proposed territory are located or a copy of an agreement, such as a~~
18 ~~99-year lease, which provides for the continued use of the land. The Commission may~~
19 ~~consider a written easement or other cost-effective alternative;~~

20 (e) Documentation of the need for service in the proposed area, including: A
21 description of the territory proposed to be served, using township, range and section references
22 as specified in subsection 25-30.030(2), F.A.C.;

23 1. The number of customers currently being served and proposed to be served, by
24 customer class and meter size, including a description of the types of customers anticipated,

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1 i.e., single family homes, mobile homes, duplexes, golf course clubhouse, commercial;

2 2. A copy of all requests for service from property owners or developers in areas not
3 currently served; and

4 3. Identification of any other utilities within the area proposed to be served that could
5 potentially provide service, and the steps the applicant took to ascertain whether such other
6 service is available.

7 (f) The current land use designation of the proposed service territory as described in
8 the local comprehensive plan as approved by the Department of Community Affairs, at the
9 time the application is filed. If the proposed development will require a revision to the
10 comprehensive plan, describe the steps taken and to be taken to facilitate those changes,
11 including changes needed to address the proposed need for service described in paragraph (e)
12 above; One copy of a detailed system map showing the proposed lines, treatment facilities,
13 and the territory proposed to be served. The map shall be of sufficient scale and detail to
14 enable correlation with the description of the territory;

15 (g) Documentation of the utility's right to continued long term use of the land upon
16 which the utility treatment facilities that will serve the proposed territory are located. This
17 documentation shall be in the form of a recorded warranty deed, recorded quit claim deed
18 accompanied by title insurance, recorded long term lease, or recorded easement. The applicant
19 may submit a contract for the long term use with an unexecuted or unrecorded copy of the
20 instrument, provided that the applicant files a recorded copy within the time prescribed in the
21 order granting the amendment to the certificate of authorization; If the utility is planning to
22 build a new wastewater treatment plant, or upgrade an existing plant to serve the proposed
23 territory, provide a written description of the proposed method(s) of effluent disposal;

24 (h) A legal description of the territory proposed to be served in the format prescribed in

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1 Rule 25-30.029, F.A.C. In addition, if the extension of territory is adjacent to existing
2 territory, provide one complete legal description of the resulting territory including both
3 existing and expanded portions; ~~If (g) above does not include effluent disposal by means of~~
4 ~~reuse, a statement that describes with particularity the reasons for not using reuse;~~

5 (i) A detailed system map showing the proposed lines and treatment facilities, with the
6 territory proposed to be served plotted thereon, consistent with the legal description provided
7 in paragraph (h), above. If the territory to be served is adjacent to the utility's existing
8 territory, provide a complete map showing both existing and expanded territories. The map
9 shall be of sufficient scale and detail to enable correlation with the description of the territory;

10 ~~One copy of the official county tax assessment map or other map showing township, range,~~
11 ~~and section, with a scale such as 1" = 200' or 1" = 400', with the proposed territory plotted~~
12 ~~thereon by use of metes and bounds or quarter sections, and with a defined reference point of~~
13 ~~beginning;~~

14 (j) An official county tax assessment map or other map showing township, range, and
15 section, with a scale such as 1" = 200' or 1" = 400', with the proposed territory plotted thereon,
16 consistent with the legal description provided in paragraph (h) above; ~~A statement describing~~
17 ~~the capacity of the existing lines, the capacity of the treatment facilities, and the design~~
18 ~~capacity of the proposed extension;~~

19 (k) If the utility is planning to build a new wastewater treatment plant or upgrade an
20 existing plant to serve the proposed territory, provide a written description of the proposed
21 method(s) of effluent disposal; ~~The numbers and dates of any permits issued for the proposed~~
22 ~~systems by the Department of Environmental Protection;~~

23 (l) If paragraph (k) above does not include effluent disposal by means of reuse, a
24 statement that describes with particularity the reasons for not using reuse; ~~A detailed statement~~

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1 ~~regarding the proposed method of financing the construction, and the projected impact on the~~
2 ~~utility's capital structure;~~

3 (m) A statement describing the capacity of the existing lines, the capacity of the
4 treatment facilities, and the design capacity of the proposed extension; A description of the
5 types of customers anticipated to be served by the extension, i.e., single family homes, mobile
6 homes, duplexes, golf course clubhouse, commercial, etc.;

7 (n) One copy of all current permits issued for the proposed systems by the Department
8 of Environmental Protection and by the water management district; a statement regarding the
9 projected impact of the extension on the utility's monthly rates and service availability
10 charges;

11 (o) A detailed statement regarding the proposed method of financing the construction
12 and the projected impact on the utility's capital structure; The original and two copies of
13 sample tariff sheets reflecting the additional service area; and

14 (p) A statement regarding the projected impact of the extension on the utility's
15 monthly rates and service availability charges; The applicant's current certificate for possible
16 amendment.

17 (q) An original, two copies, and one electronic draft tariff containing all rates,
18 classifications, charges, rules, and regulations, which shall be consistent with Chapter 25-9,
19 F.A.C. Sample application forms and model tariffs are available on the Commission website
20 (www.psc.state.fl.us) by clicking on Utility Regulation, then on Water & Wastewater, and
21 then on Water and Wastewater Application Packages, or from the Division of Economic
22 Regulation, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850; The number of
23 the most recent order of the Commission establishing or changing the applicant's rates and
24 charges.

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1 (r) The number of the most recent order of the Commission establishing or changing
2 the applicant's rates and charges; and An affidavit that the utility has tariffs and annual reports
3 on file with the Commission.

4 (s) An affidavit that the utility has tariffs and annual reports on file with the
5 Commission.

6 (4) Each utility proposing to delete a portion of its service area shall provide ~~submit~~ the
7 following:

8 (a) a filing fee pursuant to Rule 25-30.020(2)(b), F.A.C.; ~~The utility's complete name~~
9 ~~and address;~~

10 (b) noticing pursuant to Rule 25-30.030, F.A.C.; ~~A description of the territory~~
11 ~~proposed to be deleted, using township, range and section references;~~

12 (c) The utility's complete name, address, telephone number, authorized representative,
13 and, if available, email address and fax number; ~~One copy of a detailed system map showing~~
14 ~~the existing lines, treatment facilities, and territory served. The map shall be of sufficient scale~~
15 ~~and detail to enable correlation with the legal description of the territory;~~

16 (d) A legal description of the territory proposed to be deleted in the format prescribed
17 in Rule 25-30.029, F.A.C., along with a complete legal description of the remaining territory;
18 ~~The number of current active connections within the territory to be deleted;~~

19 (e) A detailed system map with the territory proposed to be deleted and retained
20 plotted thereon consistent with the legal description provided in paragraph (d), above. The
21 map shall show the existing lines and treatment facilities in the area retained and shall be of
22 sufficient scale and detail to enable correlation with the description of the territory; ~~One copy~~
23 ~~of the official county tax assessment map, or other map, showing township, range, and section~~
24 ~~with a scale such as 1" = 200' or 1" = 400', with the territory proposed to be deleted plotted~~

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1 ~~thereon by use of metes and bounds or quarter sections, and with a defined reference point of~~
2 ~~beginning;~~

3 (f) An official county tax assessment map or other map, showing township, range, and
4 section with a scale such as 1" = 200' or 1" = 400', with the territory proposed to be deleted
5 plotted thereon, consistent with the legal description provided in paragraph (d), above; A
6 statement specifying the reasons for the proposed deletion of territory;

7 (g) A description of the number of current active connections within the territory to be
8 deleted, as well as the number of connections retained. For each active connection in the area
9 to be deleted, if any, the statement must detail the effect of the proposed deletion on the ability
10 of those customers to receive water and wastewater service, including alternative source(s) of
11 service; A statement indicating why the proposed deletion of territory is in the public interest;

12 (h) A statement specifying the reasons for the proposed deletion of territory; A
13 statement as to the effect of the proposed deletion on the ability of any customer or potential
14 customer to receive water and wastewater service, including alternative source(s) of service;

15 (i) An original, two copies, and one electronic draft tariff reflecting the revised service
16 area. Sample application forms and model tariffs are available on the Commission website
17 (www.psc.state.fl.us) by clicking on Utility Regulation, then on Water & Wastewater, and
18 then on Water and Wastewater Application Packages, or from the Division of Economic
19 Regulation, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850; and The original
20 and two copies of sample tariff sheets reflecting the revised service area;

21 (j) An affidavit that the utility has tariffs and annual reports on file with the
22 Commission. The applicant's current certificate for possible amendment;

23 (k) ~~The number of the most recent order of the Commission establishing or changing~~
24 ~~the applicant's rates and charges; and~~

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(1) ~~An affidavit that the utility has tariffs and annual reports on file with the~~
~~Commission.~~
Specific Authority 350.127(2), 367.045, 367.121, 367.1213 FS. Law Implemented 367.045,
367.1213 FS. History—New 1-27-91, Amended 11-30-93, _____.

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1 25-30.037 Application for Authority To Transfer.

2 (1) This rule applies to any application for the transfer of an existing water or
3 wastewater system, regardless of whether service is currently being provided. This rule does
4 not apply where the transfer is of an exempt or non-jurisdictional system and will result in the
5 system continuing to be exempt from or not subject to Commission jurisdiction. The
6 application for transfer may result in the transfer or cancellation of the seller's existing
7 certificate; and either amendment of the buyer's certificate or grant of ~~granting~~ an original
8 ~~initial~~ certificate to the buyer. When a utility applies for any of the following transfer
9 authorizations by the Commission, it shall provide its application in the manner prescribed in
10 the appropriate subsection below:

11 (a) A transfer of a regulated utility to another regulated utility pursuant to subsection

12 (2) below;

13 (b) A transfer of an exempt entity to a regulated utility pursuant to subsection (3)
14 below;

15 (c) A change of majority organizational control of a regulated utility pursuant to
16 subsection (4) below;

17 (d) A change of ownership of the utility parent pursuant to subsection (5) below;

18 (e) A transfer of a regulated utility to an exempt entity pursuant to subsection (6)
19 below; or

20 (f) A transfer of a regulated utility to a governmental authority pursuant to subsection
21 (7) below.

22 (2) Transfer of a regulated utility to another regulated utility. Each application for
23 transfer of certificate of authorization, facilities, or any portion thereof from a regulated utility
24 to another regulated utility shall include:

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- 1 (a) A filing fee pursuant to Rule 25-30.020(2)(c), F.A.C.;
2 (b) Proof of noticing pursuant to Rule 25-30.030, F.A.C.;
3 (c) The complete name, address, telephone number, certificate number(s), authorized
4 representative, and if available, email address and fax number of the utility;
5 (d) The complete name, address, telephone number, authorized representative, and if
6 available, email address and fax number of the buyer(s);
7 (e) The nature of the buyer's business organization, i.e., corporation, limited liability
8 company, partnership, limited partnership, sole proprietorship, association;
9 (f) The name(s), address(es), and percentage of ownership of each entity which owns
10 or will own more than a 5% interest in the utility;
11 (g) The date and state of incorporation or organization of the buyer;
12 (h) A copy of the contract for sale and all auxiliary or supplemental agreements, which
13 shall include provisions that the contract is contingent upon Commission approval and that the
14 buyer will fulfill the commitments, obligations and representations of the seller with regard to
15 utility matters;
16 (i) Documentation of the terms of the transfer, including:
17 1. The purchase price and terms of payment;
18 2. A list of and the dollar amount of the assets purchased and liabilities assumed or not
19 assumed, including those of nonregulated operations or entities;
20 3. A description of all consideration between the parties, including promised salaries,
21 retainer fees, stock, stock options, and assumption of obligations;
22 4. The date the closing took or will take place;
23 5. Provisions regarding the disposition, where applicable, of customer deposits and
24 interest thereon, guaranteed revenue contracts, developer agreements, customer advances, debt

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1 of the utility, and leases;

2 6. A provision that the buyer has or will obtain the books and records of the seller,
3 including all supporting documentation for rate base additions since the last time rate base was
4 established for the utility; and

5 7. A statement that the utility's books and records will be maintained using the
6 National Association of Regulatory Utilities Commissioners Uniform System of Accounts;

7 (j) Documentation showing the financial ability of the buyer to maintain and operate
8 the acquired utility. The documentation shall include the buyer's most recent financial
9 statements (balance sheet and income statement);

10 (k) A list of all entities, including affiliates, upon which the buyer is relying to provide
11 funding to the utility and a copy of any financial agreements documenting the sources of
12 funding;

13 (l) Documentation of the technical ability of the applicant to provide service,
14 including:

15 1. The applicant's experience in the water or wastewater industry;

16 2. A copy of all current construction and operating permits or a statement regarding the
17 steps taken to obtain permits from the Department of Environmental Protection (DEP) and the
18 water management district (WMD); and

19 3. A list of all current licensed operators and classification or the steps taken to obtain
20 the required licensed operators;

21 (m) A statement explaining why the transfer is in the public interest;

22 (n) The proposed net book value of the system as of the date of the proposed transfer.

23 If rate base has been established by this Commission, provide the docket and order number. In
24 addition, provide a summary of all subsequent changes to rate base;

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1 (o) A statement from the buyer that it has obtained or will obtain copies of all of the
2 federal income tax returns of the seller from the date the utility was first established or the rate
3 base was last established by the Commission, whichever is later. If the tax returns have not
4 been obtained, a description of the steps taken to obtain the tax returns;

5 (p) Copies of the most recent sanitary survey and any correspondence in the last 12
6 months from DEP, the county health department, and the WMD related to environmental
7 compliance. If the system is in need of repair or improvement, the buyer shall provide a list of
8 the improvements and repairs needed and the approximate cost to make them;

9 (q) Documentation of the utility's right to continued long term use of the land upon
10 which the utility treatment facilities are located. This documentation shall be in the form of a
11 recorded warranty deed, recorded quit claim deed accompanied by title insurance, recorded
12 long term lease, or recorded easement. The applicant may submit a contract for the long term
13 use with an unexecuted or unrecorded copy of the instrument, provided that the applicant files
14 a recorded copy within the time prescribed in the order granting the transfer;

15 (r) A statement regarding the disposition of any outstanding regulatory assessment
16 fees, fines, or refunds owed and which entity will be responsible for paying regulatory
17 assessment fees and filing the annual report for the year the transfer and subsequent years; and

18 (s) An original, two copies, and one electronic draft tariff containing all rates,
19 classifications, charges, rules, and regulations, which shall be consistent with Chapter 25-9,
20 F.A.C. Sample application forms and model tariffs are available on the Commission website
21 (www.psc.state.fl.us) by clicking on Utility Regulation, then on Water & Wastewater, and
22 then on Water and Wastewater Application Packages, or from the Division of Economic
23 Regulation, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

24 ~~(2) Each application for transfer of certificate of authorization, facilities or any portion~~

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1 ~~thereof, to a non-governmental entity shall include the following information:~~

2 ~~(a) The complete name and address of the seller;~~

3 ~~(b) The complete name and address of the buyer;~~

4 ~~(c) The nature of the buyer's business organization, i.e., corporation, partnership,~~
5 ~~limited partnership, sole proprietorship, or association;~~

6 ~~(d) The name(s) and address(es) of all of the buyer's corporate officers, directors,~~
7 ~~partners or any other person(s) who will own an interest in the utility;~~

8 ~~(e) The date and state of incorporation or organization of the buyer;~~

9 ~~(f) The names and locations of any other water or wastewater utilities owned by the~~
10 ~~buyer;~~

11 ~~(g) A copy of the contract for sale and all auxiliary or supplemental agreements, which~~
12 ~~shall include, if applicable:~~

13 ~~1. Purchase price and terms of payment;~~

14 ~~2. A list of and the dollar amount of the assets purchased and liabilities assumed or not~~
15 ~~assumed, including those of nonregulated operations or entities; and~~

16 ~~3. A description of all consideration between the parties, for example, promised~~
17 ~~salaries, retainer fees, stock, stock options, assumption of obligations.~~

18 ~~(h) The contract for sale shall also provide for the disposition, where applicable, of the~~
19 ~~following:~~

20 ~~1. Customer deposits and interest thereon;~~

21 ~~2. Any guaranteed revenue contracts;~~

22 ~~3. Developer agreements;~~

23 ~~4. Customer advances;~~

24 ~~5. Debt of the regulated utility;~~

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from existing law.

- 1 6. Leases;
- 2 (i) ~~A statement describing the financing of the purchase;~~
- 3 (j) ~~A statement indicating how the transfer is in the public interest, including a~~
4 ~~summary of the buyer's experience in water or wastewater utility operations, a showing of the~~
5 ~~buyer's financial ability to provide service, and a statement that the buyer will fulfill the~~
6 ~~commitments, obligations and representations of the seller with regard to utility matters;~~
- 7 (k) ~~A list of all entities upon which the applicant is relying to provide funding to the~~
8 ~~buyer, and an explanation of the manner and amount of such funding, which shall include their~~
9 ~~financial statements and copies of any financial agreements with the utility. This requirement~~
10 ~~shall not apply to any person or entity holding less than 10 percent ownership interest in the~~
11 ~~utility;~~
- 12 (l) ~~The proposed net book value of the system as of the date of the proposed transfer. If~~
13 ~~rate base has been established by this Commission, state the order number and date issued and~~
14 ~~identify all adjustments made to update this rate base to the date of transfer;~~
- 15 (m) ~~A statement setting out the reasons for the inclusion of an acquisition adjustment,~~
16 ~~if one is requested;~~
- 17 (n) ~~If the books and records of the seller are not available for inspection by the~~
18 ~~Commission or are not adequate for purposes of establishing the net book value of the system,~~
19 ~~a statement by the buyer that a good faith, extensive effort has been made to obtain such books~~
20 ~~and records for inspection by the Commission and detailing the steps taken to obtain the books~~
21 ~~and records;~~
- 22 (o) ~~A statement from the buyer that it has obtained or will obtain copies of all of the~~
23 ~~federal income tax returns of the seller from the date the utility was first established, or rate~~
24 ~~base was last established by the Commission or, if the tax returns have not been obtained, a~~

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1 ~~statement from the buyer detailing the steps taken to obtain the returns;~~

2 ~~(p) A statement from the buyer that after reasonable investigation, the system being~~
3 ~~acquired appears to be in satisfactory condition and in compliance with all applicable~~
4 ~~standards set by the Department of Environmental Protection (DEP) or, if the system is in~~
5 ~~need of repair or improvement, has any outstanding Notice of Violation of any standard set by~~
6 ~~the DEP or any outstanding consent orders with the DEP, the buyer shall provide a list of the~~
7 ~~improvements and repairs needed and the approximate cost to make them, a list of the action~~
8 ~~taken by the utility with regard to the violation, a copy of the Notice of Violation(s), a copy of~~
9 ~~the consent order and a list of the improvements and repairs consented to and the approximate~~
10 ~~cost to make them;~~

11 ~~(q) Evidence that the utility owns the land upon which the utility treatment facilities~~
12 ~~are located, or a copy of an agreement which provides for the continued use of the land, such~~
13 ~~as a 99-year lease. The Commission may consider a written easement or other cost-effective~~
14 ~~alternative;~~

15 ~~(r) A statement regarding the disposition of any outstanding regulatory assessment~~
16 ~~fees, fines, or refunds owed;~~

17 ~~(s) The original and two copies of sample tariff sheets reflecting the change in~~
18 ~~ownership; and~~

19 ~~(t) The utility's current certificate(s), or if not available, provide an explanation of the~~
20 ~~steps the applicant took to obtain the certificate(s).~~

21 (3) Transfer of an exempt entity to a regulated utility. The transfer of an exempt entity
22 to a regulated utility results in the transfer and amendment of the regulated utility's certificate.

23 Each application shall include:

24 (a) A combined filing fee pursuant to Rule 25-30.020(2)(b) and (c), F.A.C.;

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1 (b) The requirements of paragraphs (2)(b), (c), (d), (f), (h), (i), (j), (k), (l), (m), (n), (o),
2 (p), (q), (r), and (s), above;

3 (c) The requirements of Rule 25-30.036(3)(h), (i) and (j), F.A.C.; and

4 (d) Documentation of when and under what authority the current rates and charges of
5 the exempt entity were established.

6 (e) Documentation that demonstrates that the seller is exempt pursuant to Section
7 367.022, F.S.

8 ~~(3) In case of a change in majority organizational control, the application shall include~~
9 ~~the following information:~~

10 ~~(a) The complete name and address of the seller;~~

11 ~~(b) The complete name and address of the buyer;~~

12 ~~(c) The name(s) and address(es) of all of the buyer's corporate officers, directors,~~
13 ~~partners and any other person(s) who will own an interest in the utility;~~

14 ~~(d) The names and locations of any other water or wastewater utilities owned by the~~
15 ~~buyer;~~

16 ~~(e) A statement describing the financing of the purchase;~~

17 ~~(f) A statement describing how the transfer is in the public interest, including a~~
18 ~~summary of the buyer's experience in water or wastewater utility operations, a showing of the~~
19 ~~buyer's financial ability to provide service, and a statement that the buyer will fulfill the~~
20 ~~commitments, obligations and representations of the seller with regard to utility matters;~~

21 ~~(g) A list of all entities, including affiliates, that have provided, or will provide,~~
22 ~~funding to the buyer, and an explanation of the manner and amount of such funding, which~~
23 ~~shall include their financial statements and copies of any financial agreements with the utility.~~

24 This requirement shall not apply to any person or entity holding less than 10 percent

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from existing law.

1 ~~ownership interest in the utility;~~

2 ~~(h) A statement from the buyer that after reasonable investigation, the system being~~
3 ~~acquired appears to be in satisfactory condition and in compliance with all applicable~~
4 ~~standards set by the DEP or, if the system is in need of repair or improvement, has any~~
5 ~~outstanding Notice of Violation(s) of any standard(s) set by the DEP or any outstanding~~
6 ~~consent orders with the DEP, the buyer shall provide a list of the improvements and repairs~~
7 ~~needed and the approximate cost to make them, a list of the action taken by the utility with~~
8 ~~regard to the violations, a copy of the Notice of Violation(s), a copy of the consent order and a~~
9 ~~list of the improvements and repairs consented to and the approximate cost;~~

10 ~~(i) Evidence that the utility owns the land upon which the utility treatment facilities are~~
11 ~~located, or a copy of an agreement which provides for the continued use of the land, such as a~~
12 ~~99-year lease. The Commission may consider a written easement or other cost effective~~
13 ~~alternative;~~

14 ~~(j) The original and two copies of sample tariff sheets reflecting the change in~~
15 ~~ownership; and~~

16 ~~(k) The utility's current certificate(s), or if not available, the applicant shall provide an~~
17 ~~explanation of the steps the applicant took to obtain the certificate(s).~~

18 (4) A change of majority organizational control of a regulated utility. Each application
19 for a change in majority organizational control shall include:

20 (a) A filing fee pursuant to Rule 25-30.020(2)(c), F.A.C.;

21 (b) The requirements of paragraphs (2)(b), (c), (d), (h), (j), (k), (l), (m), (r), and (s),
22 above;

23 (c) A description of the ownership transfer, including the date the transfer took place or
24 will take place and a description of the resulting ownership interests in the utility;

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1 ~~(4) Each application for transfer of certificate of authorization, facilities, or any portion~~
2 ~~thereof, or majority organizational control to a governmental authority shall contain the~~
3 ~~following information:~~

4 ~~(a) The name and address of the utility and its authorized representative;~~

5 ~~(b) The name of the governmental authority and the name and address of its authorized~~
6 ~~representative;~~

7 ~~(c) A copy of the contract or other document transferring the utility system to the~~
8 ~~governmental authority;~~

9 ~~(d) A list of any utility assets not transferred to the governmental authority if such~~
10 ~~remaining assets constitute a system providing or proposing to provide water or wastewater~~
11 ~~service to the public for compensation;~~

12 ~~(e) A statement that the governmental authority obtained, from the utility or~~
13 ~~Commission, the most recent available income and expense statement, balance sheet,~~
14 ~~statement of rate base for regulatory purposes, and contributions in aid of construction;~~

15 ~~(f) The date on which the governmental authority proposes to take official action to~~
16 ~~acquire the utility;~~

17 ~~(g) A statement describing the disposition of customer deposits and interest thereon;~~

18 ~~and~~

19 ~~(h) A statement regarding the disposition of any outstanding regulatory assessment~~
20 ~~fees, fines or refunds owed.~~

21 (5) A change of ownership of the utility parent. Each application for a change of
22 ownership of the utility parent shall include:

23 (a) A filing fee pursuant to Rule 25-30.020(2)(c), F.A.C.;

24 (b) Proof of noticing pursuant to Rule 25-30.030, F.A.C.;

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1 (c) The complete name, address, telephone number, certificate number(s), authorized
2 representative, and, if available, email address and fax number of the utility;

3 (d) The complete name, address, telephone number, authorized representative, and, if
4 available, email address and fax number of the parent;

5 (e) The complete name, address, telephone number, authorized representative, and, if
6 available, email address and fax number of the buyer(s);

7 (f) A description of the ownership transfer, including the date the transfer took place or
8 will take place and a description of the resulting ownership interests in the utility's parent;

9 (g) The requirements of paragraphs (2)(h), (j), (l), and (m), above;

10 (h) Either a statement that, following the transfer, all existing management and
11 operating personnel of the utility will be retained or, if changes in the utility's management or
12 operating personnel are anticipated, a description of the changes and the impact the changes
13 will have on the management and operations of the utility.

14 ~~(5) If a utility is transferring a portion of its facilities to a governmental agency, it must~~
15 ~~provide the following additional information:~~

16 ~~(a) A description of the remaining territory using township, range, and section~~
17 ~~references;~~

18 ~~(b) One copy of the official county tax assessment map, or other map, showing~~
19 ~~township, range, and section with a scale such as 1" = 200' or 1" = 400', with the remaining~~
20 ~~territory plotted thereon by use of metes and bounds or quarter sections, and with a defined~~
21 ~~reference point of beginning; and~~

22 ~~(c) The original and two copies of sample tariff sheets reflecting the remaining~~
23 ~~territory.~~

24 (6) A transfer of a regulated utility to an exempt entity. Each application for a transfer

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1 of ownership of a regulated utility to an exempt entity shall include:

2 (a) The requirements of paragraphs (2)(a), (b), (c), (d), (j), and (l), above;

3 (b) One copy of the transfer agreement, including:

4 1. The actual date the closing took or will take place; and

5 2. Documentation that the agreement is contingent upon Commission approval as
6 specified in Section 367.071(1), F.S.;

7 (c) Documentation that demonstrates that the buyer is exempt pursuant to Section
8 367.022, F.S.;

9 (d) A statement regarding the disposition of customer deposits and interest thereon;

10 and

11 (e) A statement regarding the disposition of any outstanding regulatory assessment
12 fees, fines, or refunds owed.

13 ~~(6) Upon its receipt of items required in paragraphs (4)(a), (b), (c), (d), (e) and (f), the~~
14 ~~Commission will issue an order acknowledging that the facilities or any portion thereof have~~
15 ~~been acquired by the governmental authority.~~

16 (7) A transfer of a regulated utility to a governmental authority. Each application for
17 transfer of facilities, or any portion thereof, from a regulated utility to a governmental
18 authority, as defined in Section 367.021(7), F.S., shall include:

19 (a) The name, address, telephone number, certificate number(s), authorized
20 representative, and, if available, email address and fax number of the utility;

21 (b) The name, address, and telephone number, and authorized representative, and, if
22 available, email address and fax number of the governmental authority;

23 (c) A copy of the contract or other document transferring the utility system to the
24 governmental authority;

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1 (d) A statement that the governmental authority obtained from the utility or
2 Commission the most recent available annual report;

3 (e) The date on which the governmental authority proposes to take over ownership,
4 operation, management, or control of the utility;

5 (f) A statement describing the disposition of customer deposits and interest thereon;

6 (g) A statement regarding the disposition of any outstanding regulatory assessment
7 fees, fines or refunds owed;

8 (h) If a utility is transferring only a portion of its facilities to a governmental authority,
9 it must provide the following additional information:

10 1. A list of any utility assets not transferred to the governmental authority, if such
11 remaining assets constitute a system providing or proposing to provide water or wastewater
12 service to the public for compensation;

13 2. A legal description of the territory not transferred to the governmental authority in
14 the format prescribed in Rule 25-30.029, F.A.C.;

15 3. An official county tax assessment map or other map showing township, range, and
16 section with a scale such as 1" = 200' or 1" = 400', with the remaining territory plotted thereon,
17 consistent with the legal description provided in paragraph (7)(i)2., above and

18 4. One original, two copies, and one electronic draft tariff sheets reflecting the
19 remaining territory. Sample application forms and model tariffs are available on the
20 Commission website (www.psc.state.fl.us) by clicking on Utility Regulation, then on Water &
21 Wastewater, and then on Water and Wastewater Application Packages, or from the Division of
22 Economic Regulation, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

23 (i) No filing fee pursuant to Rule 25-30.020(2), F.A.C., applies to this application

24 (j) No noticing pursuant to Rule 25-30.030, F.A.C., applies to this application.

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1 ~~(7) Upon receipt of the items required in paragraphs (4)(g) and (h) and, if applicable,~~
2 ~~paragraphs (5)(a), (b), and (c), and upon the completion of all pending proceedings before the~~
3 ~~Commission, the utility's certificate will be amended or cancelled. Amendment or cancellation~~
4 ~~of the certificate shall not affect the obligation pursuant to Rule 25-30.120, F.A.C., Regulatory~~
5 ~~Assessment Fees.~~

6 (8) The transfer of a regulated utility to a governmental authority shall not affect the
7 utility's obligation to complete payment of Regulatory Assessment Fees pursuant to Rule 25-
8 30.120, F.A.C., nor affect the completion of all pending proceedings before the Commission.

9 (9) The transfer of facilities, or any portion thereof, from a regulated utility to a
10 governmental authority shall be effective as of the date the governmental authority assumes
11 ownership, operation, management, or control.

12 Specific Authority 367.121, 367.1213, 350.127(2) FS. Law Implemented 367.071, 367.1213
13 FS. History—New 1-27-91, Amended 11-30-93,_____.

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1 25-30.039 Application for Name Change or Corporate Reorganization.

2 (1) This rule shall apply to a certificated utility that proposes to either change ~~changes~~
3 its name or have a corporate reorganization ~~only~~, with no change in the ownership or control
4 of the utility or its assets.

5 (2) Each application for approval of a change in name or corporate reorganization of a
6 certificated utility shall include the following ~~information~~:

7 (a) The utility's complete name, address, telephone number, certificate number(s),
8 authorized representative, and, if available, email address and fax number; ~~and type of~~
9 ~~business entity of the certificated utility;~~

10 (b) The proposed utility change in name or a description of the proposed corporate
11 reorganization and documentation of the resulting nature of the business organization, i.e.,
12 corporation, limited liability company, partnership, limited partnership, sole proprietorship,
13 association, ~~the type of business entity under the new name;~~

14 (c) A statement describing ~~setting out~~ the reasons for the name change or corporate
15 reorganization;

16 (d) The effective date of the name change or corporate reorganization;

17 (e) ~~In the case of a corporation, limited partnership, or any other type of entity that is~~
18 ~~chartered by the State of Florida or any other state, a copy of the certificate or other document~~
19 ~~issued by the state showing its acceptance of the entity's new name. In addition, an officer of~~
20 ~~the entity shall provide a~~ A ~~statement that the ownership and control of the utility and its~~
21 ~~assets will not change under the proposed name;~~ ~~In the case of a sole proprietorship, general~~
22 ~~partnership, or any other type of entity not chartered by the State of Florida or any other state,~~
23 ~~a statement, signed by a duly authorized representative, that the ownership and control of the~~
24 ~~utility and its assets will not change under the proposed name;~~

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from existing law.

1 (f) Documentation, in the form of a certified copy of the resolution from the
2 Department of State, reflecting the change of corporate name recorded among the public
3 records of the county in which the utility treatment facilities are located; ~~A proposed notice to~~
4 ~~be sent to the customers of the utility informing them of the change in utility name;~~

5 (g) A proposed notice to be sent to the customers of the utility informing them of the
6 change in utility name; and ~~An original and two copies of a proposed tariff reflecting the name~~
7 ~~change, including all standard forms; and,~~

8 (h) An original, two copies, and one electronic draft tariff reflecting the name change,
9 including all standard forms. Model tariffs are available on the Commission website
10 (www.psc.state.fl.us) by clicking on Utility Regulation, then on Water & Wastewater, and
11 then on Water and Wastewater Application Packages, or from the Division of Economic
12 Regulation, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0850. ~~The applicant's~~
13 ~~current certificate.~~

14 (3) After approval of the name change or corporate reorganization by the Commission
15 and staff approval of ~~approves~~ the customer notice, the utility shall send the approved
16 customer notice to all existing customers with the next regular billing.; An affidavit shall be
17 filed with the Commission confirming the date that the notice was actually given to the
18 customers. ~~advising them of the name change.~~

19 (4) No filing fee pursuant to Rule 25-30.020(2), F.A.C., applies to this application.

20 (5) No noticing pursuant to Rule 25-30.030, F.A.C. applies to this application.

21 Specific Authority 367.121, 367.1214 FS. Law Implemented 367.121, 367.1214 FS. History–
22 New 11-30-93, amended _____.

24 25-30.039 fixed.doc

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1 25-30.090 Abandonments.

2 (1) This rule applies to any person, lessee, trustee, or receiver owning, operating,
3 managing, or controlling a utility which intends to abandon the utility. The provisions of this
4 rule are intended to prevent service interruptions to the utility customers.

5 (2) The notice of abandonment to be issued by the utility to the Commission and the
6 county's administrator, pursuant to ~~required by~~ Section 367.165, F.S., shall include the
7 following:

8 (a) The utility's name and address;

9 (b) The person to contact regarding this notice, including that person's ~~their~~ address,
10 ~~and~~ telephone number, and, if available, email address and fax number;

11 ~~(c) The location of the utility's books and records;~~

12 ~~(c)(d)~~ The date of the notice;

13 ~~(d)(e)~~ The date the utility will be abandoned;

14 ~~(e)(f)~~ Whether the water system, wastewater system, or both are to be abandoned;

15 ~~(f)(g)~~ A statement of the reason the utility will ~~is to~~ be abandoned;

16 ~~(g)(h)~~ A statement of the status of the utility with the Department of Environmental
17 Protection regarding outstanding citations or violations; ~~and-~~

18 (h) The location of the utility's books and records.

19 (3) Within 10 days of ~~the~~ appointment of a receiver by the circuit court, the receiver
20 shall provide the Commission with a copy of the order of appointment and shall request from
21 the Commission a copy of the utility's tariff and most recent annual report.

22 (4) Within 90 days of appointment, any receiver who is not a governmental authority
23 as defined by Section 367.021(7), F.S., shall file an original, two copies, and one electronic
24 draft tariff to reflect the name, address, and telephone number of the receiver and to include

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from existing law.

1 the name of the receiver as the new issuing officer. This shall not affect the certificated name
2 of the utility. Within 90 days of the appointment of the receiver, the receiver shall file a
3 proposed tariff revision amending the title page to reflect the name, address and telephone
4 number of the receiver. This shall not affect the certificated name of the utility.

5 (5) ~~During the pendency of the receivership, the receiver shall be responsible for~~
6 fulfilling The receiver shall fulfill the utility's obligations pursuant to Chapter 367, F.S., and
7 Chapter 25-30, F.A.C., during the pendency of the receivership. However, in ~~no~~ no event shall
8 a receiver be held responsible for failure to provide safe, efficient, and sufficient service where
9 such failure is substantially caused by actions or omissions pre-dating appointment of the
10 receiver, unless the receiver is given reasonable opportunity to rectify such failure.

11 (6) If the receiver appointed by the circuit court is a governmental authority as defined
12 by Section 367.021(7), F.S., the governmental authority, is upon request, shall be found
13 exempt from Commission regulation pursuant to Section 367.022(2), F.S.; and the utility's
14 certificate shall be cancelled as of the date of commencement of the receivership.

15 (7) No filing fee pursuant to Rule 25-30.020(2), F.A.C., applies to this action.

16 (8) No noticing pursuant to Rule 25-30.030, F.A.C., applies to this action.

17 Specific Authority 350.127(2), 367.121 FS. Law Implemented 367.121, 367.165 FS. History--
18 New 11-30-93, Amended _____.

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