

FLORIDA PUBLIC SERVICE COMMISSION

**INSTRUCTIONS FOR COMPLETING EXAMPLE
APPLICATION FOR ORIGINAL CERTIFICATE OF AUTHORIZATION
FOLLOWING RESCISSION OF JURISDICTION BY A COUNTY
(GRANDFATHER CERTIFICATE)**

**(Pursuant to Section 367.171, Florida Statutes, and
Rule 25-30.035, Florida Administrative Code)**

General Information

The attached form is an example application that may be completed by the applicant and filed with the Office of Commission Clerk to comply with Rule 25-30.035, Florida Administrative Code (F.A.C.). Any questions regarding this form should be directed to the Division of Engineering at (850) 413-6910.

Instructions

1. Fill out the attached application form completely and accurately.
2. Complete all the items that apply to your utility. If an item is not applicable, mark it "N.A." Do not leave any items blank.
3. Remit the proper filing fee pursuant to Rule 25-30.020, F.A.C., with the application.
4. The completed application and attached exhibits and the proper filing fee should be mailed to:

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

RECEIVED-PPSC
2024 AUG -6 PM 3:14
COMMISSION
CLERK

**APPLICATION FOR ORIGINAL CERTIFICATE FOLLOWING RESCISSION
OF JURISDICTION BY A COUNTY (GRANDFATHER CERTIFICATE)**

**(Pursuant to Section 367.171, Florida Statutes, and
Rule 25-30.035, Florida Administrative Code)**

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

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

PART I **APPLICANT INFORMATION**

A) Contact Information for Utility. The utility's name, address, telephone number, Federal Employer Identification Number, and if applicable, fax number, e-mail address, and website address. The utility's name should reflect the business and/or fictitious name(s) registered with the Department of State's Division of Corporations:

Kirby D. Morgan Inc
Utility Name

276 SE Willow Drive
Office Street Address

Lake City FL 32025
City State Zip Code

6620 SW 4th Street
Mailing Address (if different from Street Address)

Pembroke Pines FL 33023
City State Zip Code

(954) 336-3235 () -N.A.
Phone Number Fax Number

59-3315953
Federal Employer Identification Number

janetdsellshomes@gmail.com
E-Mail Address

N.A.
Website Address

B) The contact information of the authorized representative to contact concerning this application:

Janet DeL'Etoile
Name

6620 SW 4th Street
Mailing Address

Pembroke Pines FL 33023
City State Zip Code

(954) 336-3235 () -N.A.
Phone Number Fax Number

janetsellshomes@gmail.com
E-Mail Address

C) Indicate the nature of the utility's business organization (check one). Provide documentation from the Florida Department of State, Division of Corporations, showing the utility's business name and registration/document number for the business, unless operating as a sole proprietor.

- Exhibit 1 Corporation _____ P95000035775
Number
- Limited Liability Company _____
Number
- Partnership _____
Number
- Limited Partnership _____
Number
- Limited Liability Partnership _____
Number
- Sole Proprietorship _____
- Association _____
- Other (Specify) _____

If the utility is doing business under a fictitious name, provide documentation from the Florida Department of State, Division of Corporations showing the utility's fictitious name and registration number for the fictitious name.

Fictitious Name (d/b/a) N.A.
Registration Number

- D) The name(s), address(es), and percentage of ownership of each entity or person which owns or will own more than 5 percent interest in the utility (use an additional sheet if necessary).

Dorothy Morgan, 276 SE Willow Drive Lake City, FL 32025, 100% Ownership

PART II

GRANDFATHER CERTIFICATE

A) DESCRIPTION OF SERVICE

- 1) Exhibit ____ - Provide a statement indicating whether the application is for water, wastewater, or both. If the applicant is applying only for water or wastewater, the statement shall include how the other service is provided.

This application is for wastewater only. The other service (water) is provided by

- 2) City of Lake City.

- 2) Exhibit ____ - Provide the date the utility was established.

05/01/1995

- 3) Exhibit ____ - Provide a description of the types of customers served, i.e., single family homes, mobile homes, duplexes, golf course clubhouse, or commercial.

Single family homes, retirement community, manufactured homes

- 4) Exhibit 2 - Provide a schedule showing the number of customers currently served, by class and meter size, as well as the number of customers projected to be served when the requested service territory is fully developed.

B) TERRITORY DESCRIPTION, MAPS, AND FACILITIES

- 1) Exhibit 3 - Provide a legal description of the proposed service area in the format prescribed in Rule 25-30.029, F.A.C. The utility must provide documentation of the territory the utility was serving, or was authorized to serve, from the county which had jurisdiction over the utility on the day Chapter 367, Florida Statutes, became applicable to the utility.
- 2) Exhibit 4 - Provide documentation of the utility's right to continued long-term use of the land upon which the utility treatment facilities are located. This documentation shall be in the form of a recorded warranty deed, recorded quit claim deed accompanied by title insurance, recorded long-term lease, such as a 99-year lease, or recorded easement. The applicant may submit an unrecorded copy of the instrument granting the utility's right to access and continued use of the land upon which the utility treatment facilities are or will be located, provided the applicant files a recorded copy within the time prescribed in the order granting the certificate.
- 3) Exhibit 5 - Provide a detailed system map showing existing and proposed lines and treatment facilities with the territory proposed to be served plotted thereon, consistent with the legal description provided in B-1 above. Any territory not served at the time of the application shall be specifically identified on the system map. The map shall be of sufficient scale and detail to enable correlation with the description of the territory proposed to be served.
- 4) Exhibit 6 - Provide an official county tax assessment map or other map showing township, range, and section with a scale such as 1"=200' or 1"=400', with the proposed territory plotted thereon, consistent with the legal description provided in B-1 above.
- 5) Exhibit 7 - Provide a copy of all current permits from the Department of Environmental Protection (DEP) and the water management district.

C) **PROPOSED TARIFF AND RATE INFORMATION**

- 1) Exhibit 8 - Provide a tariff containing all rates, classifications, charges, rules, and regulations, which shall be consistent with Chapter 25-9, F.A.C. See Rule 25-30.035, F.A.C., for information about water and wastewater tariffs that are available and may be completed by the applicant and included in the application.

- 2) Exhibit 8 - Provide documentation, or, if no documentation exists, a statement, specifying on what date and under what authority the current rates and charges were established.

PART III

SIGNATURE

Please sign and date the utility's completed application.

APPLICATION SUBMITTED BY: _____



Applicant's Signature

Janet DeL'Etoile

Applicant's Name (Printed)

Secretary

Applicant's Title

Date

Exhibit 1

2024 FLORIDA PROFIT CORPORATION ANNUAL REPORT

DOCUMENT# P95000035775

Entity Name: KIRBY D. MORGAN, INC.

Current Principal Place of Business:

276 SE WILLOW DRIVE
LAKE CITY, FL 32025

Current Mailing Address:

276 SE WILLOW DRIVE
LAKE CITY, FL 32025 US

FEI Number: 59-3315953

Certificate of Status Desired: No

Name and Address of Current Registered Agent:

MORGAN, DOROTHY J
276 SE WILLOW DRIVE
LAKE CITY, FL 32025 US

The above named entity submits this statement for the purpose of changing its registered office or registered agent, or both, in the State of Florida.

SIGNATURE: DOROTHY J MORGAN

02/06/2024

Electronic Signature of Registered Agent

Date

Officer/Director Detail :

Title PRESIDENT
Name MORGAN, DOROTHY J
Address 276 SE WILLOW DRIVE
City-State-Zip: LAKE CITY FL 32025

Title VP
Name MORGAN, KATHERINE
Address 8201 SW 98TH STREET
City-State-Zip: MIAMI FL 33156

Title SECRETARY
Name DEL'ETOILE, JANET
Address 6620 SW 4TH STREET
City-State-Zip: PEMBROKE PINES FL 33023

I hereby certify that the information indicated on this report or supplemental report is true and accurate and that my electronic signature shall have the same legal effect as if made under oath; that I am an officer or director of the corporation or the receiver or trustee empowered to execute this report as required by Chapter 607, Florida Statutes; and that my name appears above, or on an attachment with all other like empowered.

SIGNATURE: JANET DEL'ETOILE

SECRETARY

02/06/2024

Electronic Signature of Signing Officer/Director Detail

Date

Exhibit 2 – Schedule of customers and meters

Number of current customers	217
Type of Meter for all customers	D 1.0

No future customers projected to be served.

NOTICE OF APPLICATION FOR
ORIGINAL WASTEWATER CERTIFICATE

(Section 367.045 (1)(a), Florida Statutes)

NOTICE

Notice is hereby given on 11/14/95, pursuant to Section 367.045 (1)(a), Florida Statutes, of the application of Kirby Morgan, Inc. to operate a wastewater utility to provide service to the following described territory in Columbia County, Florida.

A PART OF SECTION 34, TOWNSHIP 3 SOUTH, RANGE 17 EAST AND A PART OF SECTION 3, TOWNSHIP 4 SOUTH, RANGE 17 EAST, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE SOUTHWEST CORNER OF THE SE $\frac{1}{4}$ OF SAID SECTION 34 AND RUN N 6°20'43" E ALONG THE WEST LINE THEREOF, 136.68 FEET TO THE NORTHWEST CORNER OF LOT 17 BLOCK "A" OF EASTSIDE VILLAGE UNIT 2 FOR A POINT OF BEGINNING. THENCE CONTINUE N 6°20'43" E, 1330.74 FEET TO THE SOUTHEASTERLY RIGHT-OF-WAY OF BAYA AVENUE; THENCE NORTHEASTERLY ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 1474.39, AN INCLUDED ANGLE OF 5°28'48", WHOSE CHORD BEARING IS N 53°33'25" E AND A CHORD DISTANCE OF 140.96 FEET; THENCE N 87°30'43" E, 230.41 FEET TO THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF THE G.S. & F. RAILROAD; THENCE S 52°07'56" E ALONG SAID RIGHT-OF-WAY, 162.49 FEET; THENCE S 6°20'43" W, 483.65 FEET; THENCE S 89°51'02" E, 357.36 FEET; THENCE N 13°20'19" E, 214.29 FEET TO SAID RAILROAD RIGHT-OF-WAY; THENCE S 52°07'56" E ALONG SAID RIGHT-OF-WAY, 1170.54 FEET; THENCE S 31°47'05" W, 335.04 FEET TO THE NORTHEAST CORNER OF SUZANNE SUBDIVISION UNIT 5, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 4 PAGE 100 OF THE PUBLIC RECORDS OF COLUMBIA COUNTY, FLORIDA; THENCE CONTINUE S 31°47'05" W, 129.2 FEET TO THE NORTH LINE OF SAID SECTION 3; THENCE S 89°50'36" W, 60 FEET TO THE WEST RIGHT-OF-WAY OF PEARL STREET; THENCE S 1°23'36" E ALONG SAID RIGHT-OF-WAY 129.6 FEET MORE OR LESS TO THE CENTERLINE OF A CREEK; THENCE SOUTHWESTERLY ALONG THE MEANDER OF THE CENTERLINE OF SAID CREEK, WHICH FOLLOWS NEAR TO THE FOLLOWING CHORD BEARINGS AND DISTANCES: S 63°04'54" W, 30.86 FEET; S 26°06'04" W, 64.19 FEET; S 80°25'24" W, 62.15 FEET; S 34°39'00" W, 29.11 FEET; S 33°57'54" W, 50.37 FEET; S 72°18'44" W, 88.16 FEET; S 85°29'07" W, 62.81 FEET; N 74°00'46" W, 18.73 FEET; N 79°59'46" W, 23.82 FEET; S 81°11'14" W, 59.00 FEET; S 64°54'26" W, 36.3 FEET; S 51°25'14" W, 41.00 FEET; S 76°17'04" W, 71.40 FEET TO THE SOUTHWEST CORNER OF LOT 1 OF SUZANNE SUBDIVISION UNIT 5 ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 4 PAGE 100 OF THE PUBLIC RECORDS OF COLUMBIA COUNTY, FLORIDA; THENCE CONTINUE ALONG SAID CREEK S 79°48'17" W, 43.15 FEET; S 27°01'33" W, 30.42 FEET; N 29°30'01" W, 26.27 FEET; S 33°14'49" W, 46.87 FEET; S 68°29'07" W, 38.38 FEET; N 82°41'45" W, 31.13 FEET; S 55°33'23" W, 43.13 FEET; S 38°59'55" W, 25.00 FEET, TO THE SOUTHWEST CORNER OF LOT 3 BLOCK "D" OF EASTSIDE VILLAGE UNIT 2 ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 5, PAGES 137-137A OF THE SAID PUBLIC RECORDS; THENCE CONTINUE ALONG THE MEANDER OF THE CENTERLINE OF SAID CREEK; S 38°59'55" W, 21.85 FEET; N 52°04'35" W, 21.08 FEET; S 18°38'29" W, 29.62 FEET; S 67°53'37" W, 44.07 FEET; N 19°38'08" W, 51.61 FEET; S 80°14'19" W, 89.19 FEET; N 30°21'55" W, 19.42 FEET; S 62°43'43" W, 92.18 FEET; S 5°31'19" E, 52.04 FEET; S 68°39'52" W, 81.80 FEET; N 65°04'52" W, 105.25 FEET; S 20°53'15" W, 52.55 FEET; N 82°46'58" W, 109.19 FEET; S 66°03'58" W, 120.37 FEET; S 42°23'20" W, 86.66 FEET TO THE SOUTHWEST CORNER OF LOT 5 OF EASTSIDE VILLAGE UNIT III AS PER PLAT THEREOF RECORDED IN PLAT BOOK 6 PAGE 65 OF SAID PUBLIC RECORDS; THENCE CONTINUE ALONG THE MEANDER OF SAID CENTERLINE, S 47°17'22" W, 216.25 FEET; S 34°02'02" W, 41.48 FEET; S 74°10'53" W, 285.0 FEET; S 8°09'42" W, 19.86 FEET; S 58°21'50" W, 24.41 FEET; S 34°40'57" W, 35.69 FEET; S 8°50'16" W, 27.89 FEET; S 11°25'26" E, 71.85 FEET; S 51°23'04" W, 70.94 FEET; S 72°37'09" W, 26.37 FEET; S 55°40'39" W, 57.01 FEET; S 15°16'39" W, 61.72 FEET; S 82°45'03" W, 18.63 FEET; S 60°46'49" W, 46.0 FEET; S 48°33'19" W, 61.39 FEET; S 66°42'05" W, 32.29 FEET; S 46°52'45" W, 35.78 FEET; S 39°43'00" W, 61.06 FEET TO ITS INTERSECTION WITH THE SOUTH LINE OF THE NE $\frac{1}{4}$ OF NW $\frac{1}{4}$ OF SAID SECTION 3; THENCE S 88°52'08" W, 605.43 FEET

TO THE SOUTHWEST CORNER THEREOF; THENCE N 1°49'57" W ALONG THE WEST LINE OF SAID NE ¼ OF NW ¼, 1070.99 FEET; THENCE N 88°56'56" E, 134.92 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 224.54 FEET, A CHORD BEARING OF N 30°07'31" E, AND A CHORD DISTANCE OF 92.16 FEET, FOR AN ARC DISTANCE OF 92.83 FEET; THENCE S 30°01'43" E, 171.63 FEET TO THE SOUTHERNMOST CORNER OF LOT 1 BLOCK "F" OF SAID EASTSIDE VILLAGE UNIT 2; THENCE N 22°46'18" E, 98.92 FEET; THENCE N 88°55'54" E, 860.0 FEET TO THE SOUTHEAST CORNER OF LOT 12 OF SAID BLOCK "F"; THENCE N 1°04'06" E, 39.32 FEET; THENCE S 87°19'34" E, 193.38 FEET TO THE SOUTHEAST CORNER OF LOT 1, BLOCK "E", OF SAID EASTSIDE VILLAGE UNIT 2; THENCE N 1°04'06" E, 83.17 FEET TO THE SOUTH LINE OF DOGWOOD DRIVE; THENCE N 88°55'54" E, 115.77 FEET; THENCE S 46°56'00" E, 22.28 FEET; THENCE N 88°45'28" E, 67.24 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 40.0 FEET, AN INCLUDED ANGLE OF 85°20'31", FOR AN ARC DISTANCE OF 59.58 FEET; THENCE N 5°53'56" W, 28.20 FEET; THENCE N 6°20'43" E, 65.71 FEET TO THE SOUTHWEST CORNER OF LOT 2 OF BLOCK "B" OF SAID EASTSIDE VILLAGE UNIT 2; THENCE N 88°45'28" E, ALONG THE SOUTH LINE OF SAID LOT 2 AND EXTENDING ACROSS THE SOUTH LINE OF LOTS 3, 4, 5 AND 6 OF SAID BLOCK "B", 398.29 FEET; THENCE S 82°32'32" E, 94.57 FEET TO THE SOUTHEAST CORNER OF LOT 1 BLOCK "C" OF SAID EASTSIDE VILLAGE UNIT 2; THENCE N 0°47'32" W ALONG THE EAST LINE OF SAID LOT 1 BLOCK "C", 108.0 FEET TO THE SOUTH RIGHT-OF-WAY OF PEARL STREET; THENCE N 82°32'32" W, 67.32 FEET; THENCE N 87°45'10" W, 100.66 FEET; THENCE N 0°30'09" E, 11.02 FEET TO THE CENTERLINE OF PEARL STREET; THENCE S 88°45'28" W ALONG SAID CENTERLINE, 332.02 FEET; THENCE N 6°20'43" E, 13.51 FEET; THENCE N 83°39'17" W, 144.0 FEET TO THE POINT OF BEGINNING.

Any objection to the said application must be made in writing within thirty (30) days from this date to the Director, Division of Records and Reporting, Florida Public Service Commission, 101 East Gaines Street, Tallahassee, Florida 32399-0870. A copy of said objection should be mailed to the applicant whose address is:

Kirby Morgan, Inc.
P. O. Drawer 2939
Lake City, FL 32056

Rec. 19.50
Dec. 1, 232.00

THIS INSTRUMENT WAS PREPARED BY:

TERRY McDAVID
POST OFFICE BOX 1328
LAKE CITY, FL 32056-1328

95-09593

FILED AND RECORDED IN PUBLIC RECORDS OF COLUMBIA COUNTY, FL

1995 AUG -2 PM 3:20

RETURN TO:

TERRY McDAVID
POST OFFICE BOX 1328
LAKE CITY, FL 32056-1328

P. DeWitt Cason
CLERK OF COURTS
COLUMBIA COUNTY, FLORIDA
BY: *Paul R. Hardin*

Grantee #1 S.S. No. 264-46-8024

Grantee #2 S.S. No. 190-26-0743

Property Appraiser's
Parcel Identification No.

DOCUMENTARY STAMP 1239.00

INTANGIBLE TAX

P. DeWITT CASON, CLERK OF
COURTS, COLUMBIA COUNTY

BY: *Paul R. Hardin*

WARRANTY DEED

THIS INDENTURE, made this 1st day of August 1995, between DeSOTO DEVELOPERS, INC., a corporation existing under the laws of the State of Florida, whose post office address is Post Office Box 2939, Lake City, Florida 32056, and having its principal place of business in the County of Columbia, State of Florida, party of the first part, and KIRBY D. MORGAN and his wife, DOROTHY J. MORGAN, whose post office address is Post Office Box 2939, Lake City, Florida 32056, of the County of Columbia, State of Florida, parties of the second part,

WITNESSETH: that the said party of the first part, for and in consideration of the sum of Ten Dollars (\$10.00), to it in hand paid, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, remised, released, conveyed and confirmed, and by these presents doth grant, bargain, sell, alien, remise, release, convey and confirm unto the said parties of the second part, and their heirs and assigns forever, all that certain parcel of land lying and being in the County of Columbia and State of Florida, more particularly described as follows:

AS DESCRIBED ON SCHEDULE "A" ATTACHED HERETO.

SUBJECT TO: Restrictions, easements and outstanding mineral rights of record, if any, and taxes for the current year.

TOGETHER with all the tenements, hereditaments and appurtenances, with every privilege, right, title, interest and estate, reversion, remainder and easement thereto belong or in anyway appertaining.

TO HAVE AND TO HOLD the same in fee simple forever.

EX 0808 PG 1670

OFFICIAL RECORDS

And the said party of the first part doth covenant with said parties of the second part that it is lawfully seized of said premises; that they are free of all encumbrances, and that it has good right and lawful authority to sell the same; and the said party of the first part does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the party of the first part has caused these presents to be signed in its name by its President, and its corporate seal to be affixed the day and year above written.

Signed, sealed and delivered
in our presence:

DeSOTO DEVELOPERS, INC.

Myrtle Ann McElroy
(First Witness)
Myrtle Ann McElroy
Printed Name

By: Annie L. Horne
Annie L. Horne, President
(Corporate Seal)

Michelle L. Slanker
(Second Witness)
Michelle L. Slanker
Printed Name

STATE OF FLORIDA
COUNTY OF COLUMBIA

The foregoing instrument was acknowledged before me this 1st day of August 1995, by ANNIE L. HORNE, President of DeSOTO DEVELOPERS, INC., a Florida corporation, on behalf of said corporation. She is personally known to me and did not take an oath.

Myrtle Ann McElroy
Notary Public
My Commission Expires: _____



0808 PG1671

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SCHEDULE "A"

PARCEL NO. 1:

Lots 45, 71, 84, 94, 95 & 98, EASTSIDE VILLAGE, a subdivision according to the plat thereof recorded in Plat Book 5, Pages 115 and 115A of the public records of Columbia County, Florida.

PARCEL NO. 2:

Lot 7, EASTSIDE VILLAGE UNIT IV, a subdivision according to the plat thereof recorded in Plat Book 6, Page 66 of the public records of Columbia County, Florida.

PARCEL NO. 3:

Lot 15, Block A; Lot 1, Block F; and Lot 2, Block E, EASTSIDE VILLAGE UNIT II, a subdivision according to the plat thereof recorded in Plat Book 5, Pages 137 and 137A of the public records of Columbia County, Florida.

PARCEL NO. 4:

Lots 22, 23, 24, 25, 55, LESS AND EXCEPT the North 95 feet thereof, and 58, CATALINA, a subdivision according to the plat thereof recorded in Plat Book 4, Pages 87 and 87A of the public records of Columbia County, Florida.

PARCEL NO. 5:

A part of the NE 1/4 of Section 3, Township 4 South, Range 17 East, more particularly described as follows: COMMENCE at the Northwest Corner of the said NE 1/4 and run S 1°04'06"E, along the West line of said NE 1/4, 215.17 feet to the Southwest Corner of Lot 2, Block E of EASTSIDE VILLAGE UNIT NO. 2 as per plat thereof recorded in Plat Book 5, Page 137 of the public records of Columbia County, Florida, said point being also the POINT OF BEGINNING for the land herein described; thence continue S 1°04'06"E, 565 feet, more or less, to the center of a creek; thence Northeasterly along the centerline of said creek as it meanders along a line which bears N 47°17'22"E, for a tangent distance along said line of 216.25 feet; said point being also the Southwest corner of Lot No. 5 of EASTSIDE VILLAGE UNIT NO. 3 as per plat thereof recorded in Plat Book 6, Page 65 of the said public records; thence N 0°47'32"W, along the West line of said Lot 5, 467.06 feet to the Northwest Corner thereof and the South right-of-way line of Willow Court; thence S 88°45'28"W, along said right-of-way, 30.23 feet to the East line of said Lot 2; thence S 5°53'55"E, along said East line, 54.89 feet to the Southeast Corner of said Lot 2; thence N 87°19'34"W, along the South line of said Lot 2, 138.54 feet to the POINT OF BEGINNING. COLUMBIA COUNTY, FLORIDA.

PARCEL NO. 6:

BEGIN at the Northeast Corner of SUZANNE SUBDIVISION, UNIT 5, a subdivision as per plat thereof recorded in Plat Book 4, Page 100 of the public records of Columbia County, Florida and run thence N 31°30'25"E, 335.04 feet to the Southerly right-of-way line of the Georgia Southern and Florida Railroad; thence N 52°20'03"W along said Southerly right-of-way line, 530.72 feet to the Northeast Corner of Lot 8 of EASTSIDE VILLAGE, UNIT IV, a subdivision as per plat thereof recorded in Plat Book 6, Page 66 of the public records of Columbia County, Florida; thence S 17°29'11"W along the East line of Lots 8 and 9 of said EASTSIDE VILLAGE, UNIT IV, 192.56 feet to the Southeast Corner of said Lot 9; thence S 21°56'31"E, 229.83 feet; thence S 1°11'14"W, 253.60 feet to a point on the North edge of the pavement of Pearl Street; thence N 79°41'14"E, 225.90 feet to the POINT OF BEGINNING. Said lands being a part of the S 1/2 of the SE 1/4 of Section 34, Township 3 South, Range 17 East.

* 0808 PG 1672

OFFICIAL RECORDS

PARCEL NO. 7:

Lot 1, EASTSIDE VILLAGE, a subdivision according to the plat thereof recorded in Plat Book 5, Pages 115 and 115A of the public records of Columbia County, Florida.

PK 0808 PG 1673

OFFICIAL RECORDS

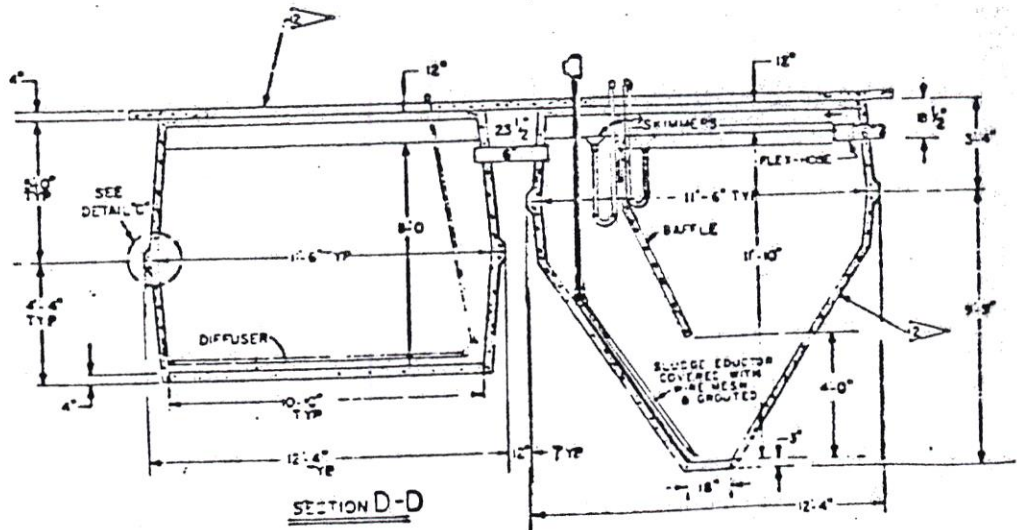
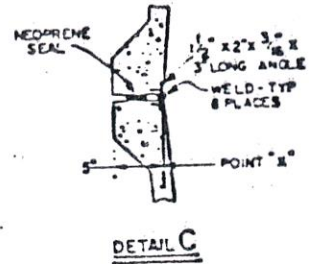
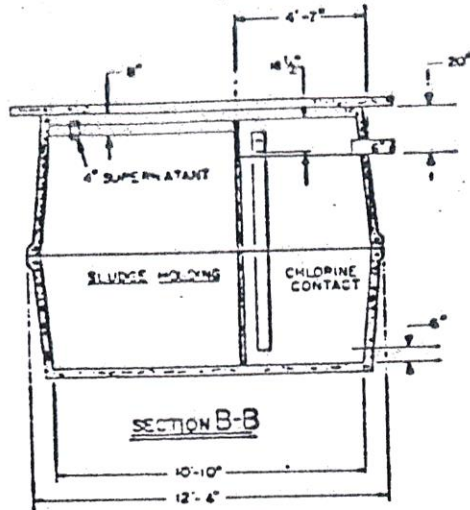
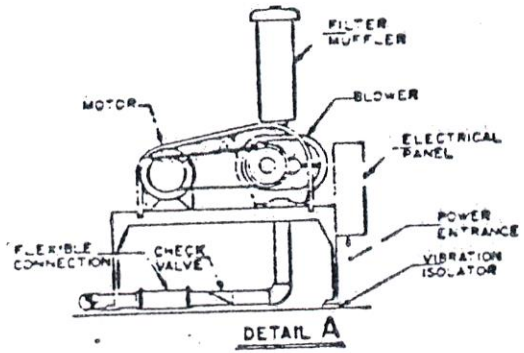
EXTENDED AERATION

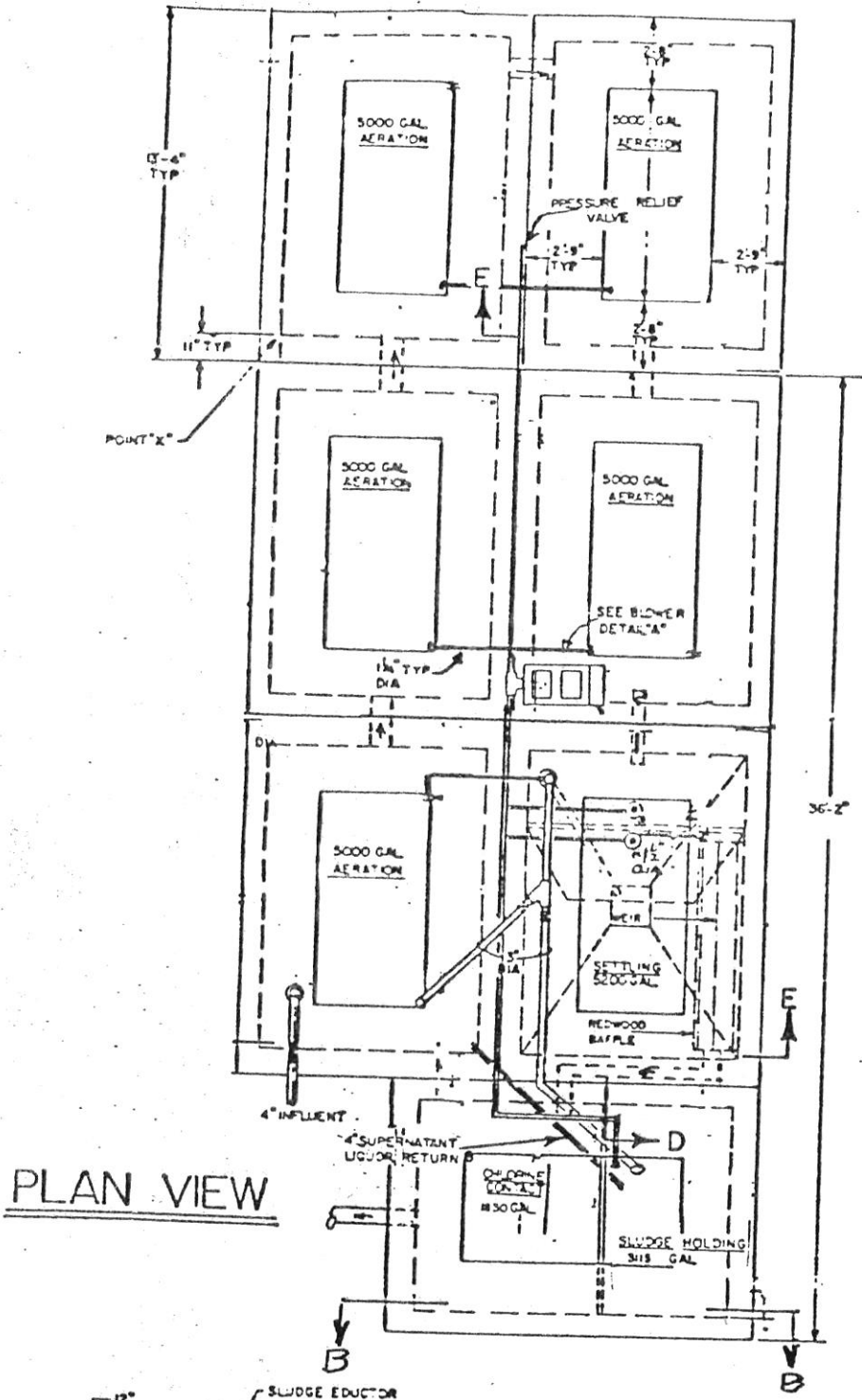
Design Data

Design Capacity of Plant in GPD (Average Daily Flow)	25000
BOD ₅ — Maximum Lbs Per Day	62.5
Peak Flow (Average GPM x 2.5)	43.4
Air Supply	(CFM)
Aeration Tanks (2600 CFD/Lb. BOD ₅)	113
Sludge Holding Tank (4CFM/100 Ft ³)	10
Settling Tank	
Sludge Air Lifts	4
Surface Skimmer(s)	6
Bubbler	
TOTAL	133
Detention Time 24 Hr. Run Off	(Hours)
Aeration Tanks	24
Settling Tank	5.0
Chlorine Contact Tank	1.8
Tank Volumes	(GAL)
Aeration	25000
Settling	5200
Chlorine Contact	1830
Sludge Holding	3115
Effective Tank Dimensions	
Aeration Tank (Total Volume in Ft ³)	3333
Effective Width	7.5
Effective Length	55.5
Liquid Depth	8.0

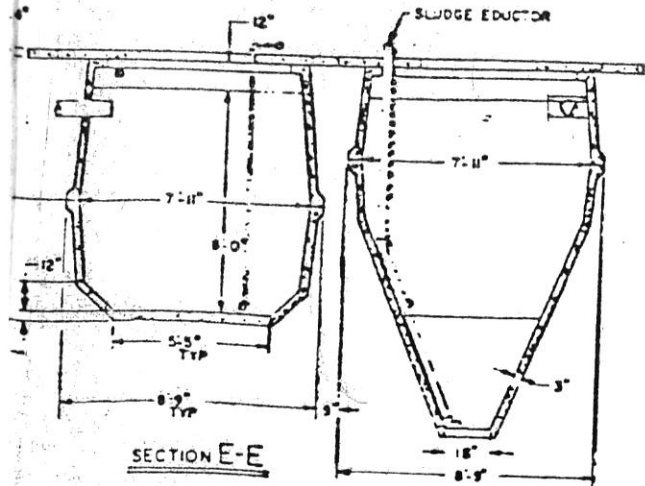
Settling Tank (Total Volume in Ft ³)	693
Effective Width	7.3
Effective Length	8.0
Liquid Depth	11.8
Sludge Holding Tank (Total Volume in Ft ³)	415
Effective Width	7.5
Effective Length	6.7
Liquid Depth	8.2
Chlorine Contact Tank (Total Volume in Ft ³)	244
Effective Width	7.3
Effective Length	5.3
Liquid Depth	7.3
Settling Tank Criteria	
Total Effective Surface Area in Ft ²	83
Surface Loading Gal/Ft ² /Day	301
Total Weir Length in Ft	14.67
Weir Loading in Gal/Linear Ft/Day	1704
Air Header Pipe Diameter in inches	3.0
Sludge Return Pipe Diameter in inches	3.0
Motor HP	5.0

EXHIBIT 5





PLAN VIEW



SECTION E-E

- NOTES:
- 1 UNLESS OTHERWISE SPECIFIED ALL FLOW THRU PIPING 8" DIA
 - 2 ALL TANKS AND DECKS REINFORCED WITH $\frac{3}{8}$ " $\frac{1}{2}$ " RE-BAR AND 6" X 6" WIRE MESH
 - 3 SEVERAL HIDDEN LINES OMITTED FOR CLARITY

25,000
Gallons per day
EXTENDED AERATION PLANT



Columbia County Property Appraiser

Jeff Hampton | Lake City, Florida | 386-758-1083

PARCEL: 34-3S-17-07017-003 (27257) | MISC IMPROVED (0700) | 3.92 AC
 BEG SE COR OF LOT 9 EASTSIDE VILLAGE S/D, RUN NE 192.56 FT TO S R/W OF GS & F RR, SE ALONG R/W 530.72 FT, SW 335.07 FT, W 225.90 FT, NW 253.6 FT, NW 2

KIRBY D MORGAN INC

Owner: 276 SE WILLOW DR
 LAKE CITY, FL 32025

Site:
 Sales 5/17/2013 \$100 1(U)
 Info

2024 Working Values			
Mkt Lnd	\$25,480	Appraised	\$26,280
Ag Lnd	\$0	Assessed	\$26,280
Bldg	\$0	Exempt	\$0
XFOB	\$800		
Just	\$26,280	Total Taxable	county:\$26,280 city:\$0 other:\$0 school:\$26,280

NOTES:

Columbia County, FL



The information presented on this website was derived from data which was compiled by the Columbia County Property Appraiser Office solely for the governmental purpose of property assessment. This information should not be relied upon by anyone as a determination of the ownership of property or market value. No warranties, expressed or implied, are provided for the accuracy of the data herein, it's use, or it's interpretation. This website was last updated: 7/25/2024 and may not reflect the data currently on file at our office.

GrizzlyLogic.com

BCC10-81

FLORIDA PUBLIC SERVICE COMMISSION

**Certificate Number
501-S**

**Upon consideration of the record it is hereby ORDERED
that authority be and is hereby granted to:**

KIRBY D. MORGAN, INC.

Whose principal address is:

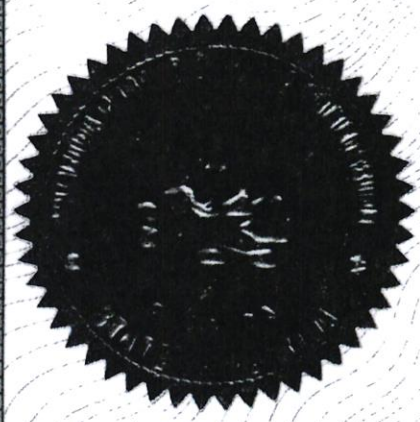
**Post Office Drawer 2939
Lake City, Florida 32056 (Columbia County)**

**to provide wastewater service in accordance with the provision of Chapter 367,
Florida Statutes, the Rules, Regulations and Orders of this Commission in the
territory described by the Orders of this Commission.**

**This Certificate shall remain in force and effect until suspended, cancelled or
revoked by Orders of this Commission.**

ORDER PSC-96-0564-FOF-SU	DOCKET 951272-SU
ORDER	DOCKET
ORDER	DOCKET
ORDER	DOCKET
ORDER	DOCKET

**BY ORDER OF THE
FLORIDA PUBLIC SERVICE COMMISSION**



Blanca S. Bayo
Director
Division of Records and Reporting

0E-2 LEC

JRMS0

MEMORANDUM

To: Columbia County Utility Committee
From: David Kraus, Senior Staff Assistant
Date: January 28, 2011
RE: Staff Recommendations on Eastside Village/Kirby D. Morgan, Inc Rates

SUMMARY

County staff reviewed the November 23, 2010 Price Increase Request submitted by the Kirby D. Morgan, Inc. wastewater utility. The request is based upon a reasonable rate of return on equity for the Pro Forma year 2010 using the leverage formula established by the Florida Public Service Commission in Order Number PSC-10-0401-PAA-WS. Additionally, Staff has reviewed the Provisional Franchise Agreement with representatives of Kirby D. Morgan, Inc. Staff recommends approving a provisional franchise agreement with stipulated rates for Kirby D. Morgan, Inc.

This recommendation is made to the Columbia County Utility Committee as part of a Proposed Board Action initiated by the Board of County Commissioners. The Columbia County Utility Committee will hear testimony and review evidence at their meeting on February 8, 2010. The Utility Committee will make a final recommendation to the Board of County Commissioners at a formal public hearing.

Findings of Fact

- 1) Kirby D. Morgan, Inc provides only wastewater services and provides these services to approximately 219 customers in Eastside Village. The City of Lake City provides water throughout the community and provides wastewater services to the remainder of the community.
- 2) Kirby D. Morgan, Inc cannot expand the utility. Eastside Village is essentially built out and the City of Lake City provides water and sewer services throughout the surrounding area. As such, the utility should be considered 100% "used and useful" in setting rates.

- 3) The Florida Public Service Commission last approved a rate on July 18, 2007. This increase to \$24.15 per month resulted from a 2007 Price Index Rate Adjustment and became effective August 1, 2007.
- 4) On May 3, 2007, the Columbia County Board of County Commissioners adopted Ordinance 2007-15, the Columbia County Utilities Regulatory Ordinance, which became effective on May 8, 2007.
- 5) On August 20, 2007, the Florida Public Service Commission issued an order acknowledging the rescission of jurisdiction over Kirby D. Morgan, Inc. (Docket Number 070345-WS, Order Number PSC -07-0667-F0E-WS).
- 6) Kirby D. Morgan, Inc has operated since 2007 without a Franchise and in violation of the Columbia County Utilities Regulatory Ordinance.
- 7) On July 1, 2008, Kirby D. Morgan, Inc increased their rates to \$35.00 per month. The Utility did not seek County approval.
- 8) On January 1, 2010, Kirby D. Morgan, Inc increased their rates to \$45.00 per month. The Utility did not seek County approval.
- 9) On March 11, 2010, County Attorney Marlin Feagle notified Kirby D. Morgan Inc. that that they would need to bring their utility into compliance with 2007-15.
- 10) On April 26, 2010, Kirby D. Morgan, Inc. formally requested approval of the rate increase stating that management was not previously aware of any requirement to seek County approval for rate increases.
- 11) On June 18, 2010, the Public Service Commission issued an order establishing the authorized range of returns on common equity for water and wastewater utilities (Order Number PSC-10-0401-PAA-WS).
- 12) On July 1, 2010, the Columbia County Board of County Commissioners appointed a hearing officer. Between July and September the Utility and the Hearing Officer exchanged information. The Hearing Officer found the Minimum Filing Requirements deficient and no Official Filing Date was set.
- 13) On October 26, 2011, the Utility Committee begins consideration of Provisional Franchise Agreements and Proposed Board Actions as alternatives to the formal hearing process. The intent is to control rate case expenses and speed the process to resolution.
- 14) On November 23, 2010, Kirby D. Morgan acknowledged that the current rate of \$45.00 exceeds the allowable maximum return of equity. Under the Public Service Commission's leverage formula, Kirby D. Morgan, Inc. would be eligible for a rate of \$44.09 in 2010. Kirby D Morgan, Inc. acknowledged that the difference between what was billed in 2010 and the allowable rate for 2010 would need to be refunded to the customers.

- 15) On December 16, 2010, The Columbia County Board of County Commissioners approved for Provisional Franchise Agreements to be offered to the regulated private utilities.
- 16) On January 6, 2011, the Board of County Commissioners adopted an amendment to Ordinance 2007-15 authorizing Proposed Board Actions.
- 17) On January 20, 2011, the Board of County Commissioners, by its own motion, authorized a Proposed Board Action to resolve the Kirby D. Morgan, Inc. rate adjustment case.
- 18) On January 25, 2011, County staff conducted a Customer Meeting of the Eastside Village/Kirby D. Morgan, Inc customers at the Eastside Village Clubhouse.
- 19) The quality of service is satisfactory. The County has not received any service quality complaints and several customers complemented the service at the Customer Meeting held January 25, 2011.
- 20) County staff has reviewed all of the exhibits provided by Kirby D. Morgan as part of the rate adjustment process and found them to contain sufficient evidence to support the stipulated rates, fees and charges as set forth in this recommendation.
- 21) The Provisional Franchise Agreement and the stipulation of rates as the settlement of all issues related to the determination of rates, fees and charges for services rendered by Kirby D. Morgan, Inc within its service area is supported by competent, substantial evidence. Based upon the stipulation by both parties and on the testimony and documentary evidence presented at the Customer Meeting, and barring any conflicting evidence to be presented to the Utility Committee at their meeting, I find that stipulated rates are just, reasonable, compensatory and not unfairly discriminatory.

RECOMMENDATION

Based upon the findings of fact, I recommend to the Columbia County Utilities Committee to adopt a recommendation to the Columbia County Board of County Commissioners to approve a Provisional Franchise Agreement with Kirby D. Morgan, Inc with a stipulated rate of:

\$44.09 per month base rate

\$0.91 per month refund

\$43.18 per month revised rate

Respectfully submitted January 28, 2011

November 23, 2010

David Kraus, Senior Staff Assistant
Columbia County Board of County Commissioners
Post Office Box 1529
Lake City, FL 32056

RE: Kirby D. Morgan, Inc. Wastewater Facility
2010 Price Increase Application – Rate of Return Application

Dear Mr. Kraus:

We hereby submit a request for a 2010 Price Increase based on the Rate of Return on Equity for the Pro Forma Year 2010 Financial Information submitted to your agency earlier this year. As you are aware, we have been working with your office this year to bring Kirby D. Morgan Inc. Wastewater Facility (KDM) into compliance with the County's Utility Ordinances. We have submitted detailed financial information as requested by your office for all prior periods and required historical and pro forma financial information for a 2010 price increase application.

A brief outline of the facts is as follows:

- ◇ The Public Service Commission approved a rate of \$24.15 per month on August 1, 2007 based on our Price Increase Application. That rate increase was granted based on financial information for the year ended December 31, 2006.
- ◇ Effective May 11, 2007 the Public Service Commission rescinded jurisdiction of KDM.
- ◇ KDM was under the jurisdiction of Columbia County beginning May 12, 2007; however, KDM was not aware of any requirements set forth by the County. The County made no contact with KDM regarding any requirements until January 27, 2010.
- ◇ Effective July 1, 2008 KDM increased rates to \$35 per month in an effort to cover expenses.
- ◇ Effective January 1, 2010 KDM increased rates to \$45 per month.

We have submitted formal price increase application information on two occasions and on both occasions have received deficiency notices from your counsel, Brian Armstrong. In the September 28, 2010 deficiency notice, Mr. Armstrong provided Public Service Commission Docket No. 100006-WS which establishes the Authorized Range of Return on Common Equity for Water and Wastewater Utilities at 10.85%. A copy of that Docket is attached for your information.

We are assuming that the county will adhere to this authorized rate and therefore submit financial data to support our request for 2010 Price Increase based on this authorized rate. The attached Schedule of Rate of Return on Equity includes the following information:

- ◇ Revenue and Expenses for the test year 2009 indicate that KDM generated a 4.48% rate of return. The maximum authorized rate for 2009 was 11.30%. Accordingly, KDM's return was well below the authorized rate. This evidence supports KDM's decision to increase rates from \$35 to \$45 in 2010. A copy of the historical financial information for tax year 2009, 2008 and 2007, as previously submitted is also attached to support the historical financial information presented in the application schedule.
- ◇ Our office also prepared a Pro Forma Financial Statement to show the financial impact of retaining the \$35 rate versus adopting the \$45 rate. A copy of that statement, as previously submitted is also attached.
- ◇ The Rate of Return application schedule includes a revision of the revenue calculation and few additional expenses not listed in the Pro Forma statement. In providing the additional information as requested in the deficiency letters, we refined the revenue estimate to include only the existing 219 customer outlets. We learned that four of the customer outlets are not currently serviced as there are no houses on these lots. The original estimate of revenue included 220 customer outlets (223 less currently non paying customers). This revised revenue includes the total actual customer base less an estimate of 3% for uncollectible accounts. The 3% estimate is based on historical collections. The uncollectible revenue is listed as a separate line item. The actual prior year regulatory assessment fees to be paid in 2010 are also included. These items were not included in the prior reporting as we were not aware the county would be collecting for these prior periods.
- ◇ It should be noted that the Rate of Return application does not include the estimated \$3,585 in additional administrative and professional fees associated with this price increase application procedure. We were not clear on whether these costs were allowable. We have included an alternative Rate of Return application with Rate Case Amortization in the event that you deem this allowable. The Rate Case Amortization is the additional costs (\$3,585) over the allowable four year period.
- ◇ Our Rate of Return application indicates that a rate of \$45 would generate a rate of return of 13.47% for KDM, which is in excess of the authorized PSC rate. Our schedule includes a calculation to show that KDM would be allowed to charge \$44.06 per month in order not to exceed the authorized PSC rate.
- ◇ KDM could charge \$44.41 if the board elects to allow the Rate Case amortization expense in this Rate of Return application.

We request that the board consider granting KDM authority for the \$45 rate as charged in 2010. However, should you determine that the \$44.09 rate is appropriate, KDM could bill customers \$43.18 in 2011 to allow for the 2010 rate adjustment as noted:

<u>Without Rate Case Amortization</u>		<u>With Rate Case Amortization</u>	
\$44.09	Allowable Rate 2010	\$44.41	
<u>\$45.00</u>	Rate Charged in 2010	<u>\$45.00</u>	
\$.91	2010 Overbilling	\$.59	
\$44.09	Allowable Rate 2011	\$44.41	
(.91)	2010 Overbilling	(.59)	
<u>\$43.18</u>	Revised Rate for 2011	<u>\$43.82</u>	

Kirby D. Morgan, Inc.
Page 3

Thank you for your assistance in coordinating with the County Utility Committee and the Hearing Officer for a resolution to this Price Increase Application. We look forward to hearing from you regarding the board's decision to accept this Price Increase Application.

Sincerely,

Patricia B. Stuart, CPA
For the Firm

Cc: Kirby D. Morgan
Denise Bose
Brian P. Armstrong
Terry McDavid, Esquire

Current KDM Request

Without Rate Case Expenses Amortized		With Rate Case Expenses Amortized
\$ 44.09	Allowable 2010 Rate	\$44.41
\$45.00	Rate Charged in 2010	\$45.00
\$0.91	2010 Over Billing	\$0.59
\$44.09	Allowable 2010 Rate	\$44.41
(\$0.91)	2010 Over Billing	(\$0.59)
\$43.18	Revised 2011 Rate	\$43.82