# CLASS "C"Mn 27 :" 631 WATER AND/OR WASTEWATER UTILITIES 

(Gross Revenue of Less Than $\$ 200,000$ Each)

# ANNUAL REPORT 

08


# PUBLIC SERVICE COMMISSION 

FOR THE

## YEAR ENDED DECEMBER 31, 1.999

1. Prepare this report in conformity with the 1996 National Association of Regulatory Utility Commissioners (NARUC) Uniform System of Accounts for Water and Wastewater Utilities as adopted by Rule 25-30.115 (1), Florida Administrative Code.
2. Interpret all accounting words and phrases in accordance with the Uniform System of Accounts (USOA). Commission Rules and the definitions on next page.
3. Complete each question fully and accurately, even if it has been answered in a previous annual report. Enter the word "None" where it truly and completely states the fact.
4. For any question, section, or page which is not applicable to the respondent enter the words "Not Applicable." Do not omit any pages.
5. Where dates are called for, the month and day should be stated as well as the year.
6. All schedules requiring dollar entries should be rounded to the nearest dollar
7. Complete this report by means which result in a permanent record. You may use permanent ink or a typewriter. Do not use a pencil.
8. If there is not enough room on any schedule, an additional page or pages may be added provided the format of the added schedule matches the format of the schedule in the report. Additional pages should reference the appropriate schedules, state the name of the utility, and state the year of the report.
9. If it is necessary or desirable to insert additional statements for the purpose of further explanation of schedules, such statements should be made at the bottom of the page or on an additional page. Any additional pages should state the name of the utility and the year of the report, and reference the appropriate schedule.
10. The utility shall file the original and two copies of the report with the Commission at the address below, and keep a copy for itself. Pursuant to Rule 25-30.110 (3), Florida Administrative Code, the utility must submit the report by March 31 for the preceeding year ending December 31 .

Florida Public Service Commission
Division of Water and Wastewater
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850
11. Pursuant to Rule 25-30.110 (7) (a), Florida Administrative Code, any utility that fails to file its annual report or extension on or before March 31, or within the time specified by any extension approved in writing by the Division of Water and Wastewater, shall be subject to a penalty. The penalty shall be based on the number of calendar days elapsed from March 31, or from an approved extended filing date, until the date of filing. The date of filing shall be included in the days elapsed.

ADVANCES FOR CONSTRUCTION - This account shall include advances by or in behalf of customers for construction which are to be refunded either wholly or in part. (USOA)

ALLOWANCE FOR FUNDS USED DURING CONSTRUCTION ( AFUDC ) - This account shall include concurrent credits for allowance for funds used during construction based upon the net cost of funds used for construction purposes and a reasonable rate upon other funds when so used. Appropriate regulatory approval shall be obtained for "a reasonable rate". (USOA)

AMORTIZATION - The gradual extinguishment of an amount in an account by distributing such amount over a fixed period, over the life of the asset or liability to which it applies, or over the period during which it is anticipated the benefit will be realized. (USOA)

CONTRIBUTIONS IN AID OF CONSTRUCTION ( CIAC) - Any amount or item of money, services, or property received by a utility, from any person or governmental agency, any portion of which is provided at no cost to the utility, which represents an addition or transfer to the capital of the utility, and which is utilized to offset the acquisition, improvement, or construction costs of the utility's property, facilities, or equipment used to provide utility services to the public. (Section 367.021 (3), Florida Statutes)

CONSTRUCTION WORK IN PROGRESS ( CWIP ) - This account shall include the cost of water or wastewater plant in process of construction, but not yet ready for services. (USOA)

DEPRECIATION - The loss in service value not restored by current maintenance, incurred in connection with the consumption or prospective retirement of utility plant in the course of service from causes which are known to be in the current operation and against which the utility is not protected by insurance. (Rule 25-30.140 (i), Florida Administrative Code)

EFFLUENT REUSE - The use of wastewater after the treatment process, generally for reuse as irrigation water or for in plant use. (Section 367.021 (6), Florida Statutes)

EQUIVALENT RESIDENTIAL CONNECTION (ERC) - (WATER) - (Rule 25-30.515 (8), Florida Administrative Code.)
(a) 350 gallons per day;
(b) The number of gallons a utility demonstrates in the average daily flow for a single family unit, or
(c) The number of gallons which has been approved by the DEP for a single family residential unit.

EQUIVALENT RESIDENTIAL CONNECTION (ERC) - (WASTEWATER) - Industry standard of $80 \%$ of Water ERC or 280 gallons per day for residential use.

GUARANTEED REVENUE CHARGE - A charge designed to cover the utility's costs including. but not limited to the cost of the operation, maintenance, depreciation, and any taxes, and to provide a reasonable return to the utility for facilities, a portion of which may not be used and useful to the utility or its existing customers. (Rule 25-30.515 (9), Florida Administrative Code)

LONG TERM DEBT - All Notes, Conditional Sales Contracts, or other evidences of indebtedness payable more than one year from date of issue. (USOA)

PROPRIETARY CAPITAL ( For proprietorships and partnerships only ) - The investment of a sole proprietor, or partners, in an unincorporated utility. (USOA)

RETAINED EARNINGS - This account reflects corporate earnings retained in the business. Credits would include net income or accounting adjustments associated with correction of errors attributable to a prior period. Charges to this account would include net losses, accounting adjustments associated with correction of errors attributable to a prior period or dividends. (USOA)

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# FINA VCIAL SECTION 

## REPORT OF

N H C Utilities, Inc,
(EXACT NAME OF UTILITY)

3737 E1 Jobean Road
Port Charlotte,
FL 33953
Mailing Address

3737 E1 Jobean Road
Port Charlotte, FL 33953 Street Address County

Date Utility First Organized $\quad 12 / 96$
E-mail Address
E-mail Address

Fax Number
941-624-4511 $\qquad$

Sunshine State One-Call of Florida, Inc. Member No.
Check the business entity of the utility as filed with the Internal Revenue Service:
$\square$ Individual
$\square$
Sub Chapter S Corporation
X. 1120 Corporation
$\square$ Partnership

Name, Address and phone where records are located: $\qquad$

Name of subdivisions where services are provided:
Harbor Lakes Mobile Hone Park

CONTACTS:


Report every corporation or person owning or holding directly or indirectly 5 percent or more of the voting securities of the reporting utility:

| Name | Percent <br> Ownership in <br> Utility | Salary <br> Charged <br> Utility |
| :---: | :---: | :---: | :--- |
| LEME L.P. <br> Delaware Ltd Partnersh | principle Business Address |  |

INCOME STATEMENT

| Account Name | $\begin{array}{\|c\|} \hline \text { Ref. } \\ \text { Page } \end{array}$ | Water | Wastewater | Other | Total Company |
| :---: | :---: | :---: | :---: | :---: | :---: |
| Gross Revenue: |  |  |  |  |  |
| Residential |  | \$ 187,483 | \$ | \$ | \$ 187,483 |
| Commercial_-_-- |  |  |  | $\square$ |  |
| Industrial _----- |  |  | - |  |  |
| Multiple Family__ |  |  |  |  |  |
| Guaranteed Revenues__ |  |  |  |  |  |
| Other (Specify)_misc:- |  | 22.4 |  |  | -224 |
| Total Gross Revenue__- |  | \$ 187,707 |  |  | \$ 187,707 |
| Operation Expense (Must tie | W-3 |  |  |  |  |
| to pages W-3 and S-3) | S-3 | \$ 135,588 | \$ | \$ | \$135,588 |
| Depreciation Expense__-- | F-5 | 18.511 |  |  | 18,511 |
| CIAC Amortization Expense_ | F-8 | ( 3,636) |  |  | ( 3,636) |
| Taxes Other Than Income_ _ | F-7 | 10,619 |  |  | -10.619 |
| Income Taxes | F-7 | 0 |  |  | 0 |
| Total Operating Expense |  | \$ 161,082 |  |  | \$ 161,082 |
| Net Operating Income (Loss) |  | \$ 26,625 |  |  | \$ 26,625 |
| Other Income: |  |  |  |  |  |
| Nonutility Income |  | \$. |  |  | $\$$ |
| Other Deductions: |  |  |  |  |  |
| Expenses |  | \$ | \$ | \$ | \$ |
| Net Income (Loss) |  | \$ 26,625 | \$ | \$ | \$ 26,625 |

UTILITY NAME: NHC Utilities, Inc.

| YEAR OF REPORT |
| :---: |
| DECEMBER 31, 1999 | DECEMBER 31, 1999

COMPARATIVE BALANCE SHEET


UTILITY NAME: NHC Utilities, Inc.

GROSS UTILITY PLANT


## ACCUMULATED DEPRECIATION (A/D) AND AMORTIZATION OF UTILITY PLANT

| Account 108 | Water | Wastewater | Other Than Reporting Systems | Total |
| :---: | :---: | :---: | :---: | :---: |
| Balance First of Year__--- Add Credits During Year: | \$ 210,305 | \$ | \$ | \$ 210,305 |
| Accruals charged to depreciation account $\qquad$ <br> Salvage $\qquad$ $\qquad$ $\qquad$ <br> Other Credits (specify) $\qquad$ | \$ 18,511 | \$ | \$ | \$ 18,511 |
| Total Credits <br> Deduct Debits During Year: | \$ 18,511 | $\$$ | $\$$ | \$ 18,511 |
| Book cost of plant retired <br> Cost of removal $\qquad$ Other debits (specify) | \$ | \$ | \$ | \$ |
| Total Debits |  |  |  |  |
| Balance End of Year_ | \$ 228,816 |  | \$ | \$ 228,816 |

F-5

UTILITY NAME: $\quad$ NHC Utilities, Inc.
YEAR OF REPORT
DECEMBER 31, 1999
CAPITAL STOCK (201-204)

|  | Common Stock | $\begin{aligned} & \hline \text { Preferred } \\ & \text { Stock } \end{aligned}$ |
| :---: | :---: | :---: |
| Par or stated value per share | 10 |  |
| Shares authorized_- | 100 |  |
| Shares issued and outstanding | 100 | $\cdots$ |
| Total par value of stock issued | $1,000$ |  |
| Dividends declared per share for year | 1,000 |  |

RETAINED EARNINGS (215)


PROPRIETARY CAPITAL ( 218 )

|  | Proprietor Or Partner | Partner |
| :---: | :---: | :---: |
| Balance first of year $\qquad$ Changes during the year (Specify): | \$ | S |
| Balance end of year | \$ | \$ N/A |

LONG TERM DEBT (224)

| Description of Obligation (Including Date of Issue and Date of Maturity): | Interest | Principal per Balance Sheet Date |
| :---: | :---: | :---: |
|  | $\begin{array}{cc} \hline \text { Rate of } \\ & \text { Pymts } \\ \hline \end{array}$ |  |
|  |  | \$ |
| Total |  | \$ -0- |

TAXES ACCRUED (236)


## PAYMENTS FOR SERVICES RENDERED BY OTHER THAN EMPLO:'EES

Report all information concerning outside rate, management, construction, advertising, labor relations, public relations, or other similiar professional services rendered the respondent for which aggregate payments during the year to any corporation, partnership, individual, or organization of any kind whatever amounting to $\$ 500$ or more.


CONTRIBUTIONS IN AID OF CONSTRUCTION (271)


ADDITIONS TO CONTRIBUTIONS IN AID OF CONSTRUCTION DURING YEAR (CREDITS)


ACCUMULATED AMORTIZATION OF CIAC (272)

|  | Water | Wastewater | Total |
| :---: | :---: | :---: | :---: |
| Balance First of Year $\qquad$ Add Credits During Year: | \$ $\begin{array}{r}23,434 \\ \hline\end{array}$ | $\$$ | \$ 23.434 |
| Deduct Debits During Year: | 3, 336 | ... | 3.636 |
| Balance End of Year (Must agree with line \#6 above.) | \$ 27.070 |  | \$ 27,070 |

F-8

YEAR OF REPORT
DECEMBER $31 \quad 1999$

SCHEDULE "A"
SCHEDULE OF COST OF CAPITAL USED FOR AFUDC CALCULATION (1)

(1) Must be calculated using the same methodology used to calculate AFUDC rate approved by the Commission.

## APPROVED AFUDC RATE

Current Commission approved AFUDC rate:
$\%$
Commission Order Number approving AFUDC rate:

## SCHEDULE "B"

SCHEDULE OF CAPITAL STRUCTURE ADJUSTMENTS

| Class of Capital <br> (a) | Per <br> Book <br> Balance <br> (b) | Non-utility Adjustments (c) | Non-juris. Adjustments <br> (d) | Other (1) Adjustments (e) | Capital Structure Used for AFUDC Calculation (f) |
| :---: | :---: | :---: | :---: | :---: | :---: |
|  | \$ | \$ | \$ | \$ |  |
| Preferred Stock |  |  |  | \$ | S |
| Long Term Debt |  | $\square$ | $\square$ |  |  |
| Customer Deposits |  |  |  |  |  |
| Tax Credits-Zero Cost |  |  |  |  |  |
| Tax Credits-Weighted Cost of Capital | - |  |  |  |  |
| Deferred Income Taxes |  |  |  |  |  |
| Other (Explain) |  |  |  |  |  |
| Total | \$ |  |  |  | \$ |

(1) Explain below all adjustments made in Column (e):

## WATER

## OPERATING

SECTION

WATER UTILITY PLANT ACCOUNTS

| Acct. No. (a) | Account Name <br> (b) | Previous Year (c) | Additions <br> (d) | Retirements <br> (e) | Current Year (f) |
| :---: | :---: | :---: | :---: | :---: | :---: |
| 301 | Organization | \$ 8,065 | \$ | \$ | \$ 8,065 |
| 302 | Franchises |  |  |  |  |
| 303 | Land and Land Rights |  |  |  |  |
| 304 | Structures and Improvements_- |  |  |  |  |
| 305 | Collecting and Impounding Reservoirs |  |  |  |  |
| 306 | Lake, River and Other Intakes |  |  |  |  |
| 307 | Wells and Springs |  |  |  |  |
| 308 | Infiltration Galleries and Tunnels $\qquad$ |  |  |  |  |
| 309 | Supply Mains | 220,052 |  |  | 220.052 |
| 310 | Power Generation Equipment |  |  |  |  |
| 311 | Pumping Equipment __- |  |  |  |  |
| 320 | Water Treatment Equipment | 155,412 |  |  | 155,412 |
| 330 | Distribution Reservoirs and Standpipes $\qquad$ | 129,830 |  |  |  |
| 331 | Transmission and Distribution Lines $\qquad$ |  |  |  |  |
| 333 |  | 33,275 |  |  | -33.275 |
| 334 | Meters and Meter Installations $\qquad$ |  |  |  |  |
| 335 | Hydrants | 9,935 |  |  | 9,935 |
| 336 | Backflow Prevention Devices_ |  |  |  | - |
| 339 | Other Plant and Miscellaneous Equipment |  |  |  |  |
| 340 | Office Furniture and Equipment $\qquad$ | 5,102 |  |  | 5,102 |
| 341 | Transportation Equipment |  |  |  |  |
| 342 | Stores Equipment __-_---- |  |  |  |  |
| 343 | Tools, Shop and Garage Equipment |  |  |  |  |
| 344 | Laboratory Equipment_ |  |  |  |  |
| 345 | Power Operated Equipment |  |  |  |  |
| 346 | Communication Equipment_-_ |  |  |  |  |
| 347 348 | Miscellaneous Equipment Other Tangible Plant |  |  |  | - |
|  | Total Water Plant | \$ 561,671 |  |  | \$ 561,671 |

ANALYSIS OF ACCUMULATED DEPRECIATION BY PRIMARY ACCOUNT - WATER


UTILITY NAME: NHC Utilities, Inc.

WATER OPERATION AND MAINTENANCE EXPENSE

| $\begin{aligned} & \hline \text { Acct. } \\ & \text { No. } \end{aligned}$ | Account Name |
| :---: | :---: |
| 601 | Salaries and Wages - Employees |
| 603 | Salaries and Wages - Officers, Directors, and Majority Stockholders |
| 604 | Employee Pensions and Benefits_ |
| 610 | Purchased Water_ |
| 615 | Purchased Power_ |
| 616 | Fuel for Power Production |
| 618 | Chemicals_ |
| 620 | Materials and Supplies |
| 630 | Contractual Services: <br> Billing $\qquad$ |
|  | Professional |
|  | Testing <br> Other |
| 640 | Rents_ |
| 650 | Transportation Expense |
| 655 | Insurance Expense_ |
| 665 | Regulatory Commission Expenses (Amortized Rate Case Expense) |
| 670 | Bad Debt Expense___ |
| 675 | Miscellaneous Expenses |
|  | Total Water Operation And Maintenance Expense_ <br> - This amount should tie to Sheet F-3. |

WATER CUSTOMERS

| Description (a) | Type of Meter ** $\qquad$ <br> (b) | Equivalent Factor (c) | Number of <br> Start <br> of Year <br> (d) | e Customers End of Year <br> (e) | ```Total Number of Meter Equivalents (c \(\times \mathrm{e}\) ) (f)``` |
| :---: | :---: | :---: | :---: | :---: | :---: |
| Residential Service |  |  |  |  |  |
| 5/8" | D | 1.0 | 459 | 459 | 459 |
| $3 / 4^{\prime \prime}$ | D | 1.5 |  |  |  |
| ${ }^{17} 11 / 2^{\prime \prime}$ | D ${ }_{\text {D }}$ | 2.5 5.0 | ...-7.. |  | - |
| $\begin{gathered} 11 / 2^{\prime \prime} \\ \text { General Service } \end{gathered}$ | D,T | 5.0 | - |  |  |
| 5/8" | D | 1.0 |  |  |  |
| $3 / 4^{\prime \prime}$ | D | 1.5 |  |  |  |
| $1{ }^{\prime \prime}$ | D | 2.5 | - |  |  |
| $11 / 2^{\prime \prime}$ | D,T | 5.0 |  |  |  |
| $2{ }^{\prime \prime}$ | D,C,T | 8.0 |  |  |  |
| $3 "$ | D | 15.0 |  |  |  |
| $3 "$ | C | 16.0 |  |  |  |
| $3{ }^{\prime \prime}$ | T | 17.5 |  |  |  |
| Unmetered Customers |  |  |  |  |  |
| Other (Specify) |  |  |  |  |  |
| $\begin{aligned} \because \mathrm{D} & =\text { Displacement } \\ \mathrm{C} & =\text { Compound } \\ \mathrm{T} & =\text { Turbine } \end{aligned}$ |  | Total |  |  |  |
|  |  |  | 459 | 459 | 459 |
|  |  |  |  |  |  |

UTILITY NAME: NHC Utilities, Inc.
YEAR OF REPORT
DECEMBER 31, 1999
SYSTEM NAME: $\qquad$
PUMPING AND PURCHASED WATER STATISTICS

| (a) | Water Purchased For Resale (Omit 000's) <br> (b) | Finished Water From Wells (Omit 000's) <br> (c) | $\begin{gathered} \text { Recorded } \\ \text { Accounted For } \\ \text { Loss Through } \\ \text { Line Flushing } \\ \text { Etc. } \\ \text { (Omit 000's) } \\ \text { (d) } \\ \hline \end{gathered}$ | Total Water Pumped And Purchased (Omit 000's) [ (b)+(c)-(d) ] <br> (e) | Water Sold To Customers (Omit 000's) <br> (f) $\qquad$ |
| :---: | :---: | :---: | :---: | :---: | :---: |
| January | 2,278 |  |  | 2,278 | 2,278 |
| February | 3,070 |  |  | 3,070 | 3,070 |
| March | 3,598 |  |  | 3.598 | 3,598 |
| April | 2,129 |  |  | 2.129 | 2.129 |
| May | 1,631 |  |  | . .1631 | 1.631 |
| June | 584 |  |  | - 584 | 584 |
| July | 660 |  |  | - 560 | - 660 |
| August | 646 |  |  | 646 | - 646 |
| September | 764 |  |  | - 764 | -764 |
| October_ | 710 |  |  | - 710 | - 710 |
| November | 833 |  |  | 833 | 833 |
| Decem | 2.889 |  |  | 2.889 | 2.889 |
| Total for Year_ | 19,792 |  |  | 19,792 | 19,792 |

If water is purchased for resale, indicate the following:
Vendor
Point of delivery
If water is sold to other water utilities for redistribution, list names of such utilities below:

MAINS (FEET)

$\qquad$
WELLS AND WELL PUMPS


RESERVOIRS


HIGH SERVICE PUMPING


## SOURCE OF SUPPLY

| List for each source of supply | (Ground, Surface, Purchased Water etc.) |  |  |
| :--- | :---: | :--- | :--- |
| Permitted Gals. per day | 48,688 |  |  |
| Type of Source_-_------ | $\frac{\text { Master Meter }}{\text { Charlette_ce. }}$ |  |  |

WATER TREATMENT FACILITIES

| st for each Water Treatment Facility: |  |  |  |
| :---: | :---: | :---: | :---: |
| Type------------- | $\square$ | $\square$ | - |
| Make_------- ${ }^{\text {Permitted }}$ Capacity ${ }^{\text {GPD }}$--- |  | - | - |
| High service pumping Gallons per minute $\qquad$ |  |  | - |
|  |  |  | - - |
| Reverse Osmosis _.-.--- |  |  |  |
| Lime Treatment ----- |  |  |  |
| Filtration $\square$ |  |  | - - - |
|  |  |  |  |
| Pressure Sq. Ft. Gravity GPD/Sq.Ft. |  | - | - |
| Disinfection |  |  |  |
| Chlorinator__-...- |  |  |  |
| Ozone_---------- |  | $\square$ |  |
| Other |  | $[$ |  |
| Auxiliary Power_------- |  | - | - |

UTILITY NAME: NHC Utilities, Inc.
YEAR OF REPORT
DECEMBER 31. 1999
SYSTEM NAME: $\qquad$

## GENEQAL WATER SYSTEM INFORMATION

Furnish information below for each system. A separate page should be supplied where necessary.
Master Meter Charlote Co. Utilities

1. Present ERC's * the system can efficiently serve. $\qquad$
2. Maximum number of ERCs * which can be served. $\qquad$
3. Present system connection capacity (in ERCs *) using existing lines. $\qquad$
4. Future connection capacity (in ERCs *) upon service area buildout. $\qquad$
5. Estimated annual increase in ERCs *. $\qquad$
6. Is the utility required to have fire flow capacity? $\qquad$
If so, how much capacity is required? $\qquad$
7. Attach a description of the fire fighting facilities.
8. Describe any plans and estimated completion dates for any enlargements or improvements of this system.
9. When did the company last file a capacity analysis report with the DEP? $\qquad$
10. If the present system does not meet the requirements of DEP rules, submit the following:
a. Attach a description of the plant upgrade necessary to meet the DEP rules.
b. Have these plans been approved by DEP? $\qquad$
c. When will construction begin?
d. Attach plans for funding the required upgrading.
e. Is this system under any Consent Order with DEP?
11. Department of Environmental Protection ID \# $\qquad$
12. Water Management District Consumptive Use Permit \# $\qquad$
a. Is the system in compliance with the requirements of the CUP? $\qquad$
b. If not, what are the utility's plans to gain compliance? $\qquad$

- An ERC is determined based on one of the following methods:
(a) If actual flow data are available from the proceding 12 months:

Divide the total annual single family residence (SFR) gallons sold by the average number of single family residents (SFR) gallons sold by the average number of single family residence customers for the same period and divide the result by 365 days.
(b) If no historical flow data are available use:
$E R C=$ (Total SFR gallons sold (omit 000/365 days/350 gallons per day).

# WASTEWATER 

## OPERATING

## SECTION

Note: This utility is a water only service; therefore, Pages S-1 through S-6 have been omitted from this report.

## CERTIFICATION OF ANNUAL REPORT

## I HEREBY CERTIFY, to the best of my knowledge and belief:

| YES |  |
| :---: | :---: |
| X | NO |

1. The utility is in substantial compliance with the Uniform System of Accounts prescribed by the Florida Public Service Commission in Rule 25-30.115 (1), Florida Administrative Code.

| YES |
| :--- |
| X |

2. The utility is in substantial compliance with all applicable rules and orders of the Florida Public Service Commission.

3. There have been no communications from regulatory agencies concerning noncompliance with, or deficiencies in financial reporting practices that could have a material effect on the financial statement of the utility.

4. The annual report fairly represents the financial condition and results of operations of the respondent for the period presented and other information and statements presented in the report as to the business affairs of the respondent are true, correct, and complete for the period for which it represents.

Items Certified

(signature of chief executive officer of the utility


Each of the four items must be certified YES or NO. Each item need not be certified by both officers. The items being certified by the officer should be indicated in the appropriate area to the left of the signature.

Notice: Section 837.06, Florida Statutes, provides that any person who knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his duty shall be guilty of a misdemeanor of the second degree.

