BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for approval of the transfer of water and sewer certificates from Twin County Utility Company to Southern States Utilities, Inc.	)	DOCKET NO. 881339-WS
	)	ORDER NO. 21631
	)	ISSUED: 8-2-89

The following Commissioners participated in the disposition of this matter:

MICHAEL McK. WILSON, Chairman
BETTY EASLEY
JOHN T. HERNDON
GERALD L. GUNTER

ORDER APPROVING TRANSFER

AND

NOTICE OF PROPOSED AGENCY ACTION

ORDER DENYING SECTIONS OF THE DEVELOPER'S AGREEMENT, AS FILED, AND REQUIRING SOUTHERN STATES TO FILE AN AMENDED DEVELOPER'S AGREEMENT

BY THE COMMISSION:

Notice is hereby given by the Florida Public Service Commission that the action discussed herein is final except for denial of the Developer's Agreement, as filed, and the requirement that Southern States file an amended Developer's Agreement. This action is preliminary in nature and will become final unless a person whose interests are substantially affected files a petition for formal proceeding pursuant to Rule 25-22.029, Florida Administrative Code.

Background

On October 12, 1988, Southern States Utilities, Inc. (Southern States) filed an application with this Commission seeking approval of the transfer of water and sewer

certificates and facilities from Twin County Utility Company (Twin County or Utility). Twin County is a wholly-owned subsidiary of Punta Gorda Developers, Inc. (PGDI), which is a wholly-owned subsidiary of Punta Gorda Isles, Inc. (PGI) The Utility currently serves approximately 900 customers in Citrus County.

Mr. Howard W. Clement requested to intervene in this proceeding on behalf of Cypress and Oak Villages Association (COVA or customers). Mr. Clement is President of the Association. Order No. 20731 was issued on February 13, 1989, granting COVA's request to intervene.

COVA is concerned that the Utility is serving commercial property along U.S. Highway 19, which is currently outside the Utility's certificated area. Citrus County filed an objection to the Utility's notice of intent to serve the area which includes this commercial property (Docket No. 890255-WS). Citrus County has since withdrawn its objection, and Docket No. 890255-WS has been closed. When Southern States files its application for amendment of its certificates to serve the commercial property, COVA will have an opportunity to express its concerns. COVA's other concerns are addressed in the body of this Order.

Twin County violated Section 367.071(1), Florida Statutes, and Rule 25-30.040, Florida Administrative Code, by closing on the sale of the Utility before obtaining Commission approval. However, the Utility is not being ordered to show cause since the Commission was informed in advance of the negotiations between Twin County and Southern States and the application was filed prior to the actual closing.

Application

The application is otherwise in compliance with Section 367.071, Florida Statutes, and other pertinent statutes and administrative rules concerning an application for a transfer of facilities. In particular, the notarized application contains:

a) Two checks totaling $2,400 ($1,500 for water and $900 for sewer) which, upon calculation, equates to the correct filing fee as prescribed by Section 367.141, Florida Statutes.

b) Adequate service territory description pursuant to Rule 25-30.035(i), Florida Administrative Code. Said territory to be served is described as being in Citrus County, and more particularly as described in Attachment A attached.

c) Proof of notice to all customers of record pursuant to Rule 25-30.030(g), Florida Administrative Code.

d) Proof of notice to all interested governmental and regulatory agencies, and all utilities within a four-mile radius of the territory to be served, and proof of advertisement in a newspaper of general circulation in the county, as prescribed by Rule 25-30.030, Florida Administrative Code.

e) Evidence that the Utility owns the land on which the Utility's facilities are located, as required by Rule 25-30.035(3)(f), Florida Administrative Code. The Utility has nonexpiring easements for the water treatment plant sites, and a warranty deed for the wastewater treatment plant.

No objections to the requested transfer have been received and the time for filing such has expired.

Since Southern States is in the business of acquiring, owning, and operating water and sewer utility systems, and because Southern States has the expertise and financial ability to provide the customers of Twin County with quality service, we find that the transfer is in the public interest.

Rate Base

Because of a concern raised by the intervenor, Cypress and Oak Village Association, regarding the proper amount of service availability charges paid by the Adult Congregate Living Facility (ACLF), rate base is not being established at this time to permit further review of those charges. Rate base will be established when the Commission determines, at a subsequent Agenda Conference, the appropriate amount of service availability charges to be paid by ACLF conference, since that amount ultimately will affect rate base.

Acquisition Adjustment

An acquisition adjustment results when the purchase price differs from the Utility's rate base. The $4,850,381 purchase price includes cash, customer receivables, and preferred stock of $2,059,381 and additional consideration of $2,791,000 in the form of what seems to be free and discounted service availability charges. The language in the Contract, Paragraphs 4.4 and 4.5, appears to allow PGI to have 700 connections without charge and 1,000 connections at $575 each, instead of the approved service availability charges in the Utility's tariff. Based on discussions with the Utility's counsel, PGI intends to collect the approved tariff charges of $280 and $1,800, respectively for water and sewer, from the future customers, and keep up to $2,791,000 as additional compensation for selling the Utility.

We were also concerned about the accounting treatment for this arrangement. The Companies hae explained that since the purchase price exceeds the rate base of the Utility and Southern States has not requested an acquisition adjustment, Southern States will carry an acquisition adjustment below the line for accounting purposes, which will not result in an impact on the ratepayers. The acquisition adjustment will be used in accounting for receipt of the service availability charges for the connections. Upon receipt of the $575 charge, or upon request by PGI to use the connections without charge, Southern States will book the approved tariff charges to CIAC as if the entire amount has been received. In order to balance its books, Southern States will book the difference to the acquisition adjustment.

In the absence of extraordinary circumstances, it has been Commission policy that a subsequent purchase of a utility system at a premium or discount shall not affect the rate base calculation. The circumstances in this transfer are not extraordinary or unusual; therefore, a positive acquisition adjustment will not be included in rate base.

Intervenor's Concerns

As stated previously, the Commission granted COVA's request to intervene in this docket. The Commission received a list of issues from COVA, which addresses its concerns.

COVA is in favor of the Utility purchasing more land now for future construction of utility treatment plant. In response, Southern States indicated that:

> . . . Southern States Utilities strives to avoid having substantial investment in property held for future use. Since only that property reasonably used and useful . . . may be included in the utility's earnings base, the acquisition of land . . . in advance of need is not financially prudent . . . If, as anticipated, SSU's future needs are that it acquire additional lands, it will do so at the time it reasonably anticipates the need arises . . . .

Southern States purchased 64 acres of land at the wastewater treatment plant site. In the last rate case, 35 of the 64 acres were used and useful. The site has room for ten 0.5 million gallon per day (mgd) wastewater treatment plants. Currently, there is one 0.5 mgd wastewater treatment plant at the site. There is sufficient room for spray irrigation at the site to serve an additional 1,500 homes.

As stated previously, COVA is in favor of the Utility purchasing more land now at Punta Gorda Isles' original cost. While this idea has merit and the Utility might want to do this, the land would not be used and useful.

Another issue submitted by COVA concerns the installation of chart recorders at the water treatment plants. COVA believes that the expansion of the Twin County service area triggers the applicability of county ordinances for both water and sewer. Section 13 of Water Ordinance Number 86-10 states:

> The provisions of this Ordinance shall apply to all new developments or additions to existing developments served by existing public water systems where the capacity of the existing well system is increased to over 25% of the original design capacity of the existing well system.

Section 12 states, "Flow meters shall be provided with chart recorder for plants having more than 750 gpm peak hourly domestic demand rate." The customers have lobbied for an

extensive period of time for the chart recorders on the discharge side of the hydropneumatic tanks at Twin County. In the last rate case there was a question about the peak demand on the wells. We contacted the Citrus County Engineer, and he explained that when Twin County expands its consumptive use permit by 25%, the County may require the Utility to come into compliance with the County Ordinance. The County's attorney is in the process of determining if the Utility comes under this Ordinance.

Although chart recorders are not required by the Ordinance, installation of chart recorders would enable the Utility to have a better idea of the demand placed on the system. However, the flow meters now in place adequately track the amount of water pumped by the Utility. Further, regardless of whether the Ordinance would apply, we to do not have the authority to enforce a county ordinance.

Another issue submitted by COVA concerns the lift stations overflowing, flooding streets, yards and homes. Since the problem existed prior to Southern States acquiring the system, Southern States cannot be held responsible for the actions of the previous owner. Southern States is attempting to rectify the problem.

It should be noted that when a utility wants to add a lift station or any water or wastewater system, a registered professional engineer must submit a stamped set of plans to the Department of Environmental Regulation (DER). DER then reviews the plans to make sure that the plans are in compliance with its rules and regulations. The designs of Twin County's lift stations were approved by DER and Citrus County.

An on-site inspection was conducted on October 27, 1988. At that time, a number of lift stations were checked and they appeared to be properly designed, maintained and operated; however, if the lift stations have been overflowing frequently, more on-site inspections should be made by the Utility. Modifications or corrections should be enacted to prevent overflows.

COVA's concern regarding the amount of service availability charges collected from the Adult Congregate Living Facility will be addressed at a subsequent Agenda Conference.

COVA is also concerned that the system has insufficient capacity to serve its customers if additional territory is served. For a water system without storage, the demand on the system is calculated using the peak hour. By doubling the average of the five peak days of the peak month of May, 1988, the peak hourly consumption rate is obtained, which in this case is 3,271 gpm.

Our Staff Engineer contacted DER. We are informed that the water system is currently permitted for a demand of 4.3 mgd. The average demand for the system is 1.3 mgd. We also inquird about a sanitary survey being conducted because it appeared the peak hour had been exceeded. We also suggested that the possibility of areas of low pressure should be investigated. We were informed that there were no low pressure complaints and that the system was in compliance.

From our investigation, it appears that during the peak period the system is 100% utilized; however, on a daily basis the system can easily meet the average daily flow. Should a fire occur during the peak hour of the day, the amount of fire protection would be limited. If a fire occurred during an off peak time, it appears that the amount of water available would be sufficient.

The capacity of the wastewater treatment plant is 500,000 gpd. The peak monthly flow for September, 1988 is 317,000 gpd. Since during peak hours the water system is 100% utilized, the capacity of the water system is marginal. However, the wastewater system has sufficient capacity to meet demand.

Rates and Charges

The approved rates for Twin County are as follows:

WATER SERVICE
(Monthly Rates)
Residential and General Service

Base Facility Charge Meter Size	Existing Rate
5/8" x 3/4"	$ 1.96
3/4"	$ 2.95
1"	$ 4.91
1-1/2"	$ 9.82
2"	$ 15.71
3"	$ 31.42
4"	$ 49.09
6"	$ 98.18
Gallonage Charge Per 1,000 Gallons	$ .57

SEWER SERVICE
(Monthly Rates)
Residential Service

Base Facility Charge:	$ 7.92
Gallonage Charge Per 1,000 Gallons, (Maximum 6,000 Gallons)	$ 2.17

General Service

Base Facility Charge Meter Size	Existing Rates
5/8" x 3/4"	$ 7.92
3/4"	$ 11.88
1"	$ 19.79
1-1/2"	$ 39.58
2"	$ 63.33
3"	$126.66
4"	$197.90
Gallonage Charge Per 1,000 Gallons	$ 2.60

In addition to the above rates, Twin County's tariffs contain a violation reconnection charge of $7.00 during regular working hours and $10.00 after regular working hours and customer deposits of $10.00 each for water and sewer service.

Rule 25-9.044(1), Florida Administrative Code, governs rates charged when ownership of a regulated utility changes. Southern States has not requested a change in rates or charges and we do not find it appropriate to change them at this time. Therefore, Southern States is directed to continue charging the rates and charges currently approved for Twin County. Southern States shall file revised tariff sheets incorporating these rates, charges and territorial description into its approved water and sewer tariffs.

In its Petition for Intervention, COVA expressed concern that the Twin County system would be combined with other Southern States systems within Citrus county for ratemaking purposes. Southern States has not requested that county-wide rates be implemented in this transfer docket. We do not find it appropriate at this time to combine this system with other Southern States systems for ratemaking purposes.

Service Availability Charges

Southern States has requested the retention of the existing Twin County service availability policy and charges, as shown below. We find this request to be reasonable; it is, therefore, approved.

Service Availability Charges
for the Twin County System

Water Main Extension Charge ERC = 500 GPD	$ 280 per ERC
Meter Installation and Tap Fee	
5/8" x 3/4"	$ 175
1"	$ 190
1-1/2"	$ 205
2" or Greater	Actual Cost

Sewer Service Availability Charge ERC = 255 GPD	$ 1,700 per ERC
Customer Connection (Tap-in) Charge	$ 100 per ERC

The customers have two specific concerns regarding the existing service availability charges. First, they believe that Twin County was ordered to file a service availability case and the company has not done so. Second, they are concerned about the language in the Purchased Asset Agreement which indicates that Southern States will allow some customers to connect at no charge and others to connect at a reduced charge.

The existing service availability policy and charges were approved in Twin County's last rate case in Order No. 15440, issued on December 12, 1985. A substantial amount of CIAC was imputed in that case as a result of the wording in land sales agreements prior to November, 1982, which stated that the cost of the water treatment and distribution system was included in the price of the lot.

Further, Order No. 14380, which was protested and subsequently stipulated, stated that if the Utility begins to adjust plant capacity it should make application for a plant capacity charge for its water system. Until that happens, no plant capacity charge is authorized. Order No. 15440, accepting the stipulation, authorized the charges described in Order No. 14380.

The Utility's existing customers have interpreted Order No. 14380 as requiring the Utility to file a service availability case when the water plant is expanded. However, the Commission merely intended to put the Utility on notice of its right to file for a plant capacity charge for water if the cost of future plant expansion would cause the Utility to have an insufficient contribution level. It was not intended to require the Utility to automatically file a service availability case when construction was complete.

The customers are concerned, as is the Commission, that future growth pay for itself. We have reviewed the Utility's rate base as set out in Order No. 15440 and the 1987 Annual

Report. Our analysis of the information available does not indicate a need for a revision to the Utility's existing service availability policy at this time.

The customers have also expressed concern regarding whether a $100 sewer tap-in charge was approved. Order No. 13882 required $900 of the Utility's existing $1800 sewer service availability charge to be subject to refund. One hundred dollars of the $1800 amount is a tap-in charge. Order No. 14380 specifically authorized the Utility's continued collection of the $1700 per equivalent residential connection (ERC) service availability charge. Although that Order was silent as to reaffirming the $100 tap-in charge, it appears that the intent was to approve that charge as well in that no refund was required. In fact, the tariffs which were approved as a result of the final order accepting the stipulation, included both the $1700 per ERC service availability charge and the $100 tap-in charge. Therefore, the Utility's continued collection of the $100 tap-in charge is hereby approved.

The terms of the Purchased Asset Agreement between Southern States and Punta Gorda Development, Inc. (PGI) provide that Southern States will allow Twin County to connect 700 ERCs to the water and sewer systems with no service availability charge (Section 4.4) and that some portion of 1600 ERCs, which will be allocated between Twin County and Burnt Store, will be allowed to connect to the water and sewer systems at $575 per ERC (Section 4.5). The Utility has stated that the intent of the Asset Purchase Agreement is not to ignore the Utility's approved tariff. Southern States proposes that customers pay, either directly or through the purchase price of their lots, the approved service availability charges. However, a part of the financing arrangement between Southern States and PGI for the purchase of the water and sewer systems provides that PGI is to be paid a portion of the agreed purchase price as lots are sold. Rather than Twin County collecting the service availability charge, remitting it in full to Southern States, and then Southern States remitting part of the purchase price back to PGI, Twin County is to net the two transactions, keeping the portion related to the purchase price per the agreement and remitting the balance to Southern States.

In an effort to further clarify the language in the Asset Purchase Agreement, the Companies submitted amended language on

June 30, 1989. The language submitted pertained to both Twin County and Burnt Store Utilities (Docket No. 881340-WS). Since the language still appeared discriminatory, it was orally amended at the July 11, 1989 Agenda Conference to indicate that Southern States would charge its tariffed rate, but collect from PGI the lesser of (a) $575 or (b) its approved tariff rate for connection charges for 1600 new ERC's. We accept the language as amended in its written form plus the subsequent oral modification.

Further, we have been informed by Southern States that it will book the service availability charge with a credit to CIAC for the full amount of the authorized charges. The difference between the authorized charges and the amount actually collected by Southern States ($1800 - Section 4.4 or $1225 - Section 4.5) will be booked as a reduction to the below the line acquisition adjustment. All customers will ultimately pay the same service availability charges, including the system capacity, meter installation, and tap-in charges and the CIAC account will be credited for the full amount of the authorized charges.

Twin County's existing tariff does not provide for the gross-up on CIAC and Southern States did not request that the gross-up be approved for that system. Therefore, Southern States shall not collect the gross-up for connections in the Twin County service area.

We find that it is appropriate to authorize Southern States to collect the existing Twin County service availability charges, without the gross-up on CIAC. The monies collected as part of the consideration for the purchase of the system, pursuant to Sections 4.4 and 4.5 of the Asset Purchase Agreement, shall be booked to CIAC as though the full, authorized charges were collected. CIAC will be imputed by Southern States in those entries.

Asset Purchase Agreement/Developer Agreement

On December 2, 1988, Southern States and PGI entered into a developer's agreement specifying certain conditions under which Southern States will provide service to land which will be developed by PGDI and which is within the certificated

territory of Twin County. The developer's agreement was filed in this docket on February 21, 1989, as Exhibit 6 to the Asset Purchase Agreement between Southern States and Twin County.

We have the following concerns with the developer's agreement:

(1) Paragraph 13.2 Golf Course:

In this provision of the agreement, the developer and Utility acknowledge that the developer may build a golf course on the land to be developed. In this event, the developer agrees to make the golf course available to receive treated sewage effluent. Further, the parties agree that neither party shall be charged for the services provided. In addition, this paragraph provides that the developer will construct and maintain the irrigation system on the golf course and the Utility will install, at its expense, any facilities needed in order to bring effluent from its plants to the access point of the irrigation system.

This provision is hypothetical since it is not known if or when a golf course will in fact be built. Further, there is no way of knowing the specific conditions that would exist at the time a golf course is constructed. These conditions would be critical in our determination of whether there should be a charge to the golf course for receipt of spray effluent. In making such a determination, we would evaluate whether the Utility needs additional sewage treatment disposal capacity, and, if so, what its other alternatives would be and the cost of same. We would also evaluate the irrigation alternatives of the golf course and the probable cost. Without knowing the circumstances, we are unable to determine whether this provision of the agreement is appropriate. Therefore, the provision that there be no charge to the golf course for receipt of spray effluent is denied. This matter will be addressed when a golf course is constructed based on the circumstances existing at that time.

(2) Paragraph 16.2 Contributions-in-Aid-of-Construction: System Capacity Charges:

According to this paragraph, the amount of CIAC paid by the developer will be the lesser of (a) the capacity charge in

the Utility's tariff, or (b) 25% of the actual cost to the Utility of any central plant facilities expansion and improvements constructed to meet the Utility's obligation to serve. This provision does not apply to the connections covered by the provisions of Sections 4.4 and 4.5 of the Asset Purchase Agreement.

Previously herein, we authorized Southern States to charge the existing Twin County service availability charges for this system. The terms of this paragraph of the developer agreement are not in accordance with Twin County's tariff. Further, Southern States provided no documentation supporting the need for a charge less than that contained in the tariff. Therefore, this provision is denied and the Utility advised that it must collect the approved service availability charges in effect at the time of connection. If extenuating circumstances exist whereby the current charges would be inappropriate, Southern States can file a special service availability contract pursuant to Chapter 25-30.550, Florida Administrative Code, along with documentation supporting its proposed charges.

(3) Paragraph 22 Certain Taxes on Contributions-in-Aid-of-Construction:

This paragraph provides that Southern States will not collect the CIAC income tax gross-up from PGDI. However, the paragraph further provides that if the developer assigns any of its rights or obligations, such assignee shall pay an amount sufficient to cover the Federal and state income taxes payable by Southern States as a result of the CIAC. This provision is discriminatory. If an income tax gross-up is appropriate, it must be collected from all customers. Previously in this Order, we denied Southern States authorization to collect the income tax gross-up for connections in the Twin County service area because the existing service availability charges of Twin County are being retained and the tariff does not provide for gross-up on CIAC. Therefore, this provision of the developer agreement requiring any assignee of PGI be required to pay the gross-up is denied.

Southern States shall file a revised executed developer's agreement incorporating the above changes within thirty days of the effective date of this Order.

It is, therefore,

ORDERED by the Florida Public Service Commission that the application for transfer of facilities from Twin County Utility Company, 92 Cypress Boulevard West, Homosassa, Florida 32646, to Southern States Utilities, Inc., 1000 Color Place, Apopka, Florida 32703, is hereby approved with the amendments as discussed in the body of this Order. It is further

ORDERED that Certificates Nos. 187-W and 131-S, held by Twin County Utility Company, shall be returned to this Commission within 20 days of the date of this Order for cancellation. Certificates Nos. 189-W and 134-S, held by Southern States, shall be returned to the Commission for amendment to reflect the addition of the territory served by Twin County. It is further

ORDERED that rate base shall be established at a subsequent time as discussed in the body of this Order. It is further

ORDERED that Southern States shall continue to charge the rates and charges previously approved for Twin County. It is further

ORDERED that Southern States shall file revised tariff sheets incorporating the rates, charges and territorial description, set forth in the body of this Order, into its approved water and sewer tariffs within 30 days of the date of this Order. It is further

ORDERED that Southern States retain Twin County's service availability policy and charges. It is further

ORDERED that Southern States is authorized to continue to collect the $100 tap-in fee authorized by Commission Order No. 13882. It is further

ORDERED that Southern States is not authorized to collect gross-up for connections in the Twin County service area. It is further

ORDERED that monies collected as part of the consideration for the purchase of the system, pursuant to Sections 4.4 and

4.5 of the Asset Purchase Agreement, shall be booked to CIAC as though the full, authorized charges were collected. It is further

ORDERED that the provision in Paragraph 13.2 of the Developer's Agreement that there be no charge to the golf course for receipt of spray effluent is hereby denied. It is further

ORDERED Paragraph 16.2 of the Developer's Agreement, as filed, is hereby denied. It is further

ORDERED that Paragraph 22 of the Developer's Agreement, as filed, is hereby denied. It is further

ORDERED that Southern States shall filed a revised executed Developer's Agreement incorporating the changes set forth in the body of this Order within 30 days of the effective date of this Order. It is further

ORDERED that the provisions of this Order, issued as Proposed Agency Action, shall become final unless an appropriate petition in the form provided by Rule 25-22.036, Florida Administrative Code, is received by the Director, Division of Records and Reporting, 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on August 21, 1989. It is further

ORDERED that Docket No. 881339-WS shall remain open for the setting of rate base and determination of the appropriate amount of service availability charges to the Adult Congregate Living Facility.

By ORDER of the Florida Public Service Commission, this 2nd day of AUGUST, 1989.

STEVE TRIBBLE, Director
Division of Records and Reporting

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

As identified in the body of this order, our action denying the Developer's Agreement and requiring Southern States to file an amended Developer's Agreement is preliminary in nature and will not become effective or final, except as provided by Rule 25-22.029, Florida Administrative Code. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, as provided by Rule 25-22.029(4), Florida Administrative Code, in the form provided by Rule 25-22.036(7)(a) and (f), Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting at his office at 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on August 21, 1988. In the absence of such a petition, this order shall become effective August 22, 1988, as provided by Rule 25-22.029(6), Florida Administrative Code, and as reflected in a subsequent order.

Any objection or protest filed in this docket before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.

If the relevant portion of this order becomes final and effective on August 22, 1988, any party adversely affected may request judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or by the First District Court of Appeal in the case of a water or sewer utility by filing a notice of appeal with the Director, Division of Records and Reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days

of the effective date of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.

Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water or sewer utility by filing a notice of appeal with the Director, Division of Records and Reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.

ATTACHMENT A

Southern States Utilities, Inc.
Citrus County
Service Territory Description
(Twin County Utility Company)

Cypress Village, Sugarmill Woods Subdivision according to the Plat thereof in Plat Book 9, Pages 86 - 150 including Plat Book 10, Pages 1 - 9 Public Records of Citrus County, Florida; and more particularly described as follows:

Beginning at the NW corner of Section 18, TWP 20 S, R 18 E, run S 89 41' 29" E 2681.07 feet to the N 1/4 corner of said Section 18, thence run S 89 38' 40" E 2666.52 feet to the NE corner of said Section 18, said corner also being the NW corner of Section 17, TWP 20 S, R 18 E, thence S 89 35' 55" E 2634.22 feet to the NE 1/4 corner of said Section 17, thence S 89 35' 08" E 2634.28 feet to the NE corner of said Section 17, said corner also being the NW corner of Section 16, TWP 20 S, R 18 E, thence S 89 38' 37" E 2631.85 feet to the NE 1/4 corner of said Section 16, thence S 89 38' 37" E 2631.86 feet to the NE corner of said Section 16, thence S 89 55' 32" E 19.55 feet to a point (PRM), said point being the east body of Cypress Village, thence S 00 06' 25" W 5279.42 feet to a point, said point being 6.89 feet S 89 43' 26" E of the SE corner of Section 16, TWP 20 S, R 18 E, thence from said point S 00 07' 44" E 1328.33 feet to the SW corner of the NE 1/4 of Section 21, TWP 20 S, R 18 E, thence S 00 07' 44" E 345.89 feet to a PRM, thence from said PRM S 00 06' 25" W 982.41 feet to the E 1/4 corner of said Section 21, said corner also being the SE corner of the SE 1/4 of the NE 1/4 of said Section 21, thence from said corner run N 89 59' 37" W 1324.28 feet to the SW corner of the SE 1/4 of the NE 1/4 of said Section 21, thence N 89 59' 37" W 1324.27 feet to the center of said Section 21, thence from center of said Section 21 S 00 13' 11" E 2660.17 feet to the S 1/4 corner of said Section 21, thence run N 89 57' 00" W 2114.68 feet to a PRM, said PRM being a point of intersection of the south line of said Section 21 and the N r/w (100' r/w) of SR 480, thence along said r/w N 76 23' 40" W 550.55 feet to a PRM, said PRM being a point of intersection of

the west line of said Section 21 and the north r/w SR 480, thence continue along said r/w N 76 23' 40" W 1353.34 feet to a PRM, said PRM being a point of intersection of the east line of the SE 1/4 of the NW 1/4 of the SE 1/4 of said Section 20 and the north r/w of said SR 480, thence continue N 76 23' 40" W 675.68 feet to a PRM, said PRM being a point of intersection with the west line of the SE 1/4 of the NW 1/4 of the SE 1/4 of said Section 20, thence continue along N 76 23' 40" W 156.34 feet to a point of curve to the left, curve having a central angle of 6 51' 04" and a radius of 2284.77', continue along arc of said curve a distance of 273.20 feet to a point of tangent, thence continue along said SR r/w N 83 14' 44" W 1287.79 feet to a point of curve to the left, said curve having a central angle of 13 06' 06" and a radius of 1175.97', continue along arc of said curve a distance of 268.91 feet to a point of tangent, thence continue along said r/w of SR 480 S 83 39' 40" W 914.23 feet to a point of curve to the left having a central angle of 7 40' 32" and a radius of 1785.18', continue along arc of said curve a distance of 239.15 feet to a point of tangent, thence continue along said r/w of SR 480 S 75 58' 38" W 1245.67 feet to a point of curve to the right having a central angle of 4 56' 30" and a radius of 3818.61', continue along arc of said curve a distance of 329.35 feet to a point of tangent, thence continue along said r/w SR 480 S 80 55' 08" W 1155.22 feet to a point of curve to the right having a central angle of 9 24' 13" and a radius of 2585.88', continue along arc of said curve a distance of 424.40 feet to a point of tangent, thence continue along said r/w of SR 480 N 89 40' 32" W 1817.94 feet to a point of curve to the left having a central angle of 20 14' 24" and a radius of 869.50', thence continue along arc of said curve to a distance of 307.15 feet to a PRM, said PRM being a point of intersection with the north r/w of SR 480 and the south line of Section 19, TWP 20 S, R 18 E, thence from said PRM run N 89 26' 50" W 298.63 feet to the SW corner of said Section 19, thence from SW corner of said Section 19 run N 00 00' 40" W 2650.98 feet to the W 1/4 corner of said Section 19, thence 00 00' 22" E 2655.30 feet to the NW corner of said Section 19, said corner also being the SW corner of Section 18, TWP 20 S, R 18 E, thence N 00 02' 33" W 5309.43 feet to the NW corner of said Section 18, said corner being the point of beginning.

LESS AND EXCEPT THE FOLLOWING:

The SE 1/4 of the NW 1/4 of the SE 1/4 of said Section 20 lying north of the north r/w of SR 480 described as follows:

Beginning at the NW corner of the SE 1/4 of the NW 1/4 of the SE 1/4 of said Section 20, thence run S 00 02' 28" E 1552.98 feet to a PRM, said PRM being a point of intersection with the north r/w (100' r/w) of SR 480, thence from said PRM run N 76 23' 40" W 675.68 feet to a PRM, said PRM being a point of intersection with the north r/w of said SR 480 and the west line of said property, thence from said PRM run N 00 04' 36" E 1397.42 feet to the point of beginning.

ALSO LESS the SW 1/4 and the south 30 feet of the west 1325.88 feet of the NW 1/4 of Section 21, TWP 20 S, R 18 E.

AND LESS the NE 1/4 of the NE 1/4 Section 21, TWP 20 S, R 18 E.

Sections 13 through 23 and 26 through 35, Township 20S, Range 18E.