

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

| | | |
|---------------------------------------|---|----------------------|
| IN RE: Adoption of NEW RULES |) | DOCKET NO. 900031-WS |
| 25-30.032, 25-30.033, 25-30.034, |) | |
| 25-30.036, 25-30.037, F.A.C.; |) | ORDER NO. 23972 |
| REPEAL OF RULES 25-30.040, 25-30.041, |) | |
| 25-30.045, F.A.C.; AMENDMENT OF |) | ISSUED: 1/9/91 |
| RULES 25-30.030, 25-30.031, |) | |
| and 25-30.035, F.A.C. |) | |

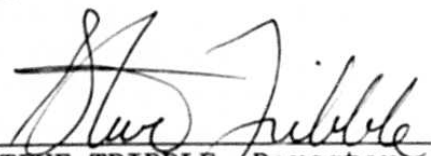
NOTICE OF ADOPTION OF RULES

NOTICE is hereby given that the Commission, pursuant to section 120.54, Florida Statutes, has adopted NEW RULES 25-30.032, 25-30.033, 25-30.034, 25-30.036, 25-30.037, F.A.C., REPEAL OF RULES 25-30.040, 25-30.041, 25-30.045, F.A.C., AMENDMENT OF RULES 25-30.031, AND 25-30.035, F.A.C. F.A.C., relating to water and wastewater certification without changes. The Commission has adopted an amendment to Rule 25-30.030, F.A.C., with changes.

The rules were filed with the Secretary of State on January 7, 1991 and will be effective on January 27, 1991. A copy of the relevant portions of the certification filed with the Secretary of State is attached to this Notice.

This docket is closed upon issuance of this notice.

By Direction of the Florida Public Service Commission, this
9th day of JANUARY, 1991.


 STEVE TRIBBLE, Director
 Division of Records & Reporting

(S E A L)

MCB/cp

adp30030.cp

DOCUMENT NUMBER-DATE
 00255 JAN-9 1991
 FPSC-RECORDS/REPORTING

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CERTIFICATION OF
PUBLIC SERVICE COMMISSION ADMINISTRATIVE RULES
FILED WITH THE
DEPARTMENT OF STATE

I do hereby certify:

(1) The time limitations prescribed by paragraph 120.54(11)(a), F.S., have been complied with; and

(2) There is no administrative determination-under section 120.54(4), F.S., pending on any rule covered by this certification; and

(3) All rules covered by this certification are filed within the prescribed time limitations of paragraph 120.54(11)(b), F.S. They are filed not less than 28 days after the notice required by subsection 120.54(1), F.S., and;

(a) And are filed not more than 90 days after the notice; or

(b) Are filed not more than 90 days after the notice not including days an administrative determination was pending; or

(c) Are filed within 21 days after the adjournment of the final public hearing on the rule; or

(d) Are filed within 21 days after the date of receipt of all material authorized to be submitted at the hearing; or

(e) Are filed within 21 days after the date the transcript was received by this agency.

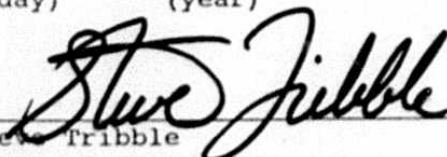
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Attached are the original and two copies of each rule covered by this certification. The rules are hereby adopted by the undersigned agency by and upon their filing with the Department of State.

| <u>Rule No.</u> | <u>Specific Rulemaking Authority</u> | <u>Law Being Implemented, Interpreted or Made Specific</u> |
|-----------------|--------------------------------------|--|
| 25-30.030 | 367.121(1)(f) | 367.031, 367.045, 367.071 |
| 25-30.031 | 367.121(1)(f) | 367.045 |
| 25-30.032 | 367.121 | 367.031, 367.045, 367.071 |
| 25-30.033 | 367.121 | 367.031, 367.045 |
| 25-30.034 | 367.121 | 367.045 |
| 25-30.035 | 367.121 | 367.171 |
| 25-30.036 | 367.121 | 367.045 |
| 25-30.037 | 367.121 | 367.171 |
| 25-30.040 | 367.121(1)(f) | 367.071 |
| 25-30.041 | 350.127(2) | 367.041 |
| 25-30.045 | 367.121(1)(f) | 367.06 |

Under the provision of paragraph 120.54(12)(a), F.S., the rules take effect 20 days from the date filed with the Department of State or a later date as set out below:

Effective: _____
 (month) (day) (year)



 Steve Fribble
 Director, Division of Records & Reporting
 Title

Number of Pages Certified

(S E A L)

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NEW RULES 25-30.032, 25-30.033,
25-30.034, 25-30.036, 25-30.037,
F.A.C., REPEAL OF RULES
25-30.040, 25-30.041, 25-30.045,
F.A.C., AMENDMENT OF RULES
25-30.030, 25-30.031, AND
25-30.035, F.A.C.
Docket No. 900031-WS

SUMMARY OF RULE

The proposed rules and rule amendments set out the notice and filing requirements for all types of certification of water and wastewater utilities and they extend the time for filing objections to applications for certification from 20 to 30 days. Separate rules are created for each type of certificate application. These rules specify the information a utility must include in its application for original certification, transfer, extension, or deletion of a certificate. Duplicative rules are deleted.

SUMMARY OF HEARINGS ON THE RULE

At a public hearing December 18, 1990, the Commission considered and approved a suggested change to the amendment of Rule 25-30.030(6), F.A.C., that expanded the time within which a utility must provide notice of its application to affected customers.

FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

The proposed amendments, deletions, and additions to the Commission's water and wastewater certification rules reflect legislative changes to Chapter 367, Florida Statutes, codify current Commission policy, and restructure the certification rules to clarify and improve the certification process.

Proposed amendments to Rule 25-30.030 change the title of the

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rule to "Notice of Application" to reflect recent statutory changes to the certification noticing requirements. The revised rule also requires that applicants begin the notice required no sooner than 21 days before and no later than 7 days after the certificates. The new Rules replace Rules 25-30.040, 25-30.041, and 25-30.045.

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23-30.030 Notice of Application Intention.

(1) When a utility applies ~~intends to apply for~~ a certificate of authorization, an extension or a transfer, a deletion of its service area, or a sale, assignment or transfer of its certificate of authorization, facilities or any portion thereof or majority organizational control, it shall provide notice of its application in the manner and to the entities described in this section.

(2) Before providing notice in accordance with this section, a ~~or an extension of service~~, the utility shall obtain from the Commission a list of municipalities, water utilities, and wastewater sewer utilities within a four-mile radius. The utility's request for the entities to receive notice. ~~The request for the list shall include a legal description, of the area to be covered in the description is a description with in township, range and land sections, of the territory in the application. as specific references, it shall be easily plotted on an official county or city property tax map.~~

~~(2) Thereafter, the utility shall give notice of its intention in accordance with this subsection.~~

(3) ~~(a)~~ The Notice notice shall be appropriately styled:

(a) Notice of Application for an Initial Certificate of Authorization for Water, Wastewater, or Water and Wastewater ~~{Water} {Sewer} {Water and Sewer Certificate}~~;

(b) Notice of Application for an Extension of Service Area;

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 2 (c) Notice of Application for Deletion of Service Area;

3 (d) Notice of Application for a Transfer of (Water,)
 4 Wastewater, or water and wastewater (Sewer)-(Water-and-Sewer)
 5 Certificate(s); or ~~;~~ Notice of Extension (or deletion) of (Water
 6 (Sewer)-(Water-and-Sewer)-Service;

7 (e) Notice of Application for a Transfer of Majority
 8 Organizational Control.

9 (4) ~~(b)~~ The Notice notice shall include the following:

10 (a) state the name and address of the applicant;

11 (b) and a description, using township, range and section
 12 references, of the territory proposed to be either served, added,
 13 deleted, or transferred;

14 (c) a statement that any objections to the Application must
 15 be filed with the Director, Division of Records and Reporting, 101
 16 East Gaines Street, Tallahassee, Florida 32399-0870, no later
 17 than 30 days after the last date that the Notice was mailed or
 18 published, whichever is later.

19 ~~(e) notice shall be given at least thirty and no more than~~
 20 ~~one hundred eighty days prior to the filing of any application~~
 21 ~~for a certificate change pursuant to either s. 367.041 or 367.071,~~
 22 ~~F-5;~~

23 (5) Within seven days of filing its application, the utility
 24 shall provide a copy of the Notice, by certified mail or personal
 25 service, to:

(a) the governing body of the county in which the utility is

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2 located;

3 (b) the governing body of any municipality within a four-mile
4 radius of the utility system or the territory proposed to be
5 served;

6 (c) the regional planning agency designated by the Clean
7 Water Act, 33 U.S.C. 1288(2);

8 (d) any water or wastewater utility within a four-mile radius
9 of the territory proposed to be served, added, deleted, or
10 transferred; ~~--The notice shall be given at least thirty and no~~
11 ~~more than one hundred eighty days prior to the commencement of~~
12 ~~any construction associated with any proposed extension pursuant~~
13 ~~to 37-367-0617-F.S.--In the event of a prima facie valid protest~~
14 ~~to the notice the one hundred eighty day time limitation does not~~
15 ~~apply.~~

16 (e) the office of Public Counsel; and ~~The notice shall be~~
17 ~~given by certified mail or personal delivery to the governing~~
18 ~~body of the county in which the system is located, the governing~~
19 ~~body of any municipality within a 4-mile radius of the system,~~
20 ~~any water or sewer utility, within a 4-mile radius of the~~
21 ~~territory proposed to be served, area planning agency designated~~
22 ~~by the Clean Water Act, 33 U.S.C. 1288(2) (Chapter 758, Title II,~~
23 ~~section 308 P.B. 92-5007, P.B. 94-217), the public counsel, and~~
24 ~~the Commission.~~

25 (f) the Commission's Director of Records and Reporting.

(6) No sooner than twenty-one days before the application is

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2 filed and no later than seven days after the application is filed,
3 the utility within seven days of the date the utility files its
4 application, it shall also provide a copy of the Notice, by
5 regular mail or personal service, to each customer, if any, of the
6 system to be certificated, transferred, acquired, or deleted.

7 7) (f) The Notice notice shall be published once each
8 week, for three consecutive weeks, in a newspaper of general
9 circulation in the territory proposed to be served, added,
10 deleted, or transferred. to be served. The first publication
11 shall be no sooner than 21 days before the date the application is
12 filed, and no later than seven days after the date the application
13 is filed. within seven days of the date the application is filed.

14 ~~(g) In the case of a transfer, additional notice of~~
15 ~~intention shall be given by mail or personal delivery to the~~
16 ~~customers of the system being transferred.~~

17 (8) This rule does not apply to applications for grandfather
18 certificates filed under section 367.171, Florida Statutes.

19 Specific Authority: 367.121(1), F.S.

20 Law Implemented: 367.031, 367.045, 367.071, F.S.

21 History: New 4/5/81, formerly 25-10.061, Transferred from
22 25-10.0061 and Amended 11/9/86, Amended _____.

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1 25-30.031 Written Objection.

2 (1) A written objection to a Notice of Application for all
3 applications for certificate changes, except an extension
4 pursuant to Section 367.061, Florida Statutes, is timely
5 made if it is filed it is within 30 20 days after of
6 the last day that of the required the Notice notice is
7 mailed or published by the applicant, or within 20 days of the
8 official date of filing, whichever is later.

9 (2) A written objection must state the grounds for the
10 objection with particularity to an extension pursuant to section
11 367.061, F.S., is timely made if it is within 30 days of the last
12 day of the required notices.

13 Specific Authority: 367.121(1), F.S.

14 Law Implemented: 367.045, F.S.

15 History: New 11/9/86. Amended _____
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1 25-30.032 Applications:

2 (1) Each utility subject to regulation by the Commission
3 shall apply for an initial certificate of authorization, amendment
4 to an existing certificate of authorization, or transfer by filing
5 a completed application and fifteen copies, in accordance with
6 either 25-30.033, 25-30.034, 25-30.035, 25-30.036, or 25-30.037(1)
7 or (2), F.A.C. However, a utility shall apply for a transfer to a
8 governmental authority by filing a completed application and two
9 copies, in accordance with Rule 25-30.037 (3) and (4), F.A.C. The
10 application shall be filed with the Director, Division of Records
11 and Reporting, 101 East Gaines Street, Tallahassee, Florida
12 32399-0870. Sample application forms may be obtained from the
13 Division of Water and Wastewater, Bureau of Certification, 101
14 East Gaines Street, Tallahassee, Florida 32399-0873.

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

21 (3) The official filing date of an application for an
22 original certificate, any amendment to an existing certificate, or
23 any transfer shall be the date a completed application is filed
24 with the Division of Records and Reporting, except that the
25 noticing requirements set forth in Rule 25-30.030 do not need to

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1 be completed at that time. If, however, the utility has not
2 completed the noticing within 22 days of filing the application,
3 the official filing date shall be the date the noticing is
4 complete. The affidavit that the applicant has provided notice of
5 its actual application required by Section 367.045, Florida
6 Statutes, shall be filed within 35 days after filing the
7 application.

8 Specific Authority: 367.121, F.S.

9 Law Implemented: 367.031, 367.045, 367.071, F.S.

10 History: New
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1 25-30.033 Application for Original Certificate of Authorization
2 and Initial Rates and Charges.

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

6 (a) the applicant's name and address;

7 (b) the nature of the applicant's business organization,
8 i.e., corporation, partnership, limited partnership, sole
9 proprietorship, association, etc.;

10 (c) the name(s) and address(es) of all corporate officers,
11 directors, partners, or any other person(s) owning an interest in
12 the applicant's business organization;

13 (d) whether the applicant has made an election under Internal
14 Revenue Code § 1362 to be an S corporation;

15 (e) a statement showing the financial and technical ability
16 of the applicant to provide service, and the need for service in
17 the proposed area. The statement shall identify any other
18 utilities within a 4-mile radius that could potentially provide
19 service, and the steps the applicant took to ascertain whether
20 such other service is available;

21 (f) A statement that the provision of service will be
22 consistent with the water and wastewater sections of the local
23 comprehensive plan, as approved by the Department of Community
24 Affairs, or, if not, a statement demonstrating why granting the
25 certificate of authorization would be in the public interest.

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1 (g) the date applicant plans to begin serving customers;

2 (n) the number of equivalent residential connections (ERCs)
3 proposed to be served, by meter size and customer class. If
4 development will be in phases, separate this information by phase;

5 (i) a description of the types of customers anticipated,
6 i.e., single family homes, mobile homes, duplexes, golf course
7 clubhouse, commercial, etc.;

8 (j) evidence, in the form of a warranty deed, that the
9 utility owns the land upon which the utility treatment facilities
10 are or will be located, or a copy of an agreement which provides
11 for the continued use of the land, such as a 99-year lease. The
12 applicant may submit a contract for the purchase and sale of land
13 with an unexecuted copy of the warranty deed, provided the
14 applicant files an executed and recorded copy of the deed, or
15 executed copy of the lease, within thirty days after the order
16 granting the certificate;

17 (k) one original and two copies of a sample tariff,
18 containing all rates, classifications, charges, rules, and
19 regulations, which shall be consistent with Chapter 25-9, Florida
20 Administrative Code. Model tariffs are available from the
21 Division of Water and Wastewater, 101 East Gaines Street,
22 Tallahassee, Florida 32399-0870;

23 (l) a description of the territory to be served, using
24 township, range and section references;

25 (m) one copy of a detailed system map showing the proposed

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1 lines, treatment facilities and the territory proposed to be
2 served. The map shall be of sufficient scale and detail to enable
3 correlation with the description of the territory proposed to be
4 served;

5 (n) one copy of the official county tax assessment map, or
6 other map showing township, range, and section with a scale such
7 as 1"=200' or 1"=400', with the proposed territory plotted thereon
8 by use of metes and bounds or quarter sections, and with a defined
9 reference point of beginning.

10 (o) a statement regarding the separate capacities of the
11 proposed lines and treatment facilities in terms of ERCs and
12 gallons per day. If development will be in phases, separate this
13 information by phase;

14 (p) a written description of the type of water treatment,
15 wastewater treatment, and method of effluent disposal;

16 (q) if (p) above does not include effluent disposal by means
17 of spray irrigation, a statement that describes with particularity
18 the reasons for not using spray irrigation;

19 (r) a detailed statement (balance sheet), certified if
20 available, of the financial condition of the applicant, that shows
21 all assets and liabilities of every kind and character. The
22 statement shall be prepared in accordance with Rule 25-30.115,
23 Florida Administrative Code;

24 (s) a statement of profit and loss (operating statement),
25 certified if available, of the applicant for the preceding

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1 calendar or fiscal year. If an applicant has not operated for a
2 full year, then for the lesser period;

3 (t) a list of all entities which have provided, or will
4 provide funding to the utility, their financial statements or
5 copies of any financial agreements;

6 (u) a cost study including customer growth projections
7 supporting the proposed rates, charges and service availability
8 charges. A sample cost study, and assistance in preparing initial
9 rates and charges, are available from the Division of Water and
10 Wastewater;

11 (v) a schedule showing the projected cost of the proposed
12 system(s) by NARUC account numbers and the related capacity of
13 each system in ERCs and gallons per day. If the utility will be
14 built in phases, this shall apply to the first phase;

15 (w) a schedule showing the projected operating expenses of
16 the proposed system by NARUC account numbers, when 80 percent of
17 the designed capacity of the system is being utilized. If the
18 utility will be built in phases, this shall apply to the first
19 phase; and

20 (x) a schedule showing the projected capital structure
21 including the methods of financing the construction and operation
22 of the utility until the utility reaches 80% of the design
23 capacity of the system.

24 Specific Authority: 367.121, F.S.

25 Law Implemented: 367.031, 367.045, F.S.

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1 | History: New.
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1 25-30.034 Application for Certificate of Authorization for
 2 Existing Utility Currently Charging for Service.

3 (1) Each existing utility currently charging for service,
 4 which is applying for an initial certificate of authorization,
 5 other than under section 367.171, Florida Statutes, shall provide
 6 the following information:

7 (a) the utility's complete name and address;

8 (b) the nature of the utility's business organization, i.e.,
 9 corporation, partnership, limited partnership, sole
 10 proprietorship, association, etc.;

11 (c) the name(s) and address(es) of all corporate officers,
 12 directors, partners, or any other person(s) owning an interest in
 13 the utility;

14 (d) a statement regarding the financial and technical ability
 15 of the applicant to continue to provide service;

16 (e) evidence that the utility owns the land upon which the
 17 utility treatment facilities are located, or a copy of an
 18 agreement which provides for the continued use of the land, such
 19 as a 99-year lease;

20 (f) one original and two copies of sample tariff, containing
 21 all rates, classifications, charges, rules, and regulations, which
 22 shall be consistent with Chapter 25-9, Florida Administrative
 23 Code. Sample tariffs are available from the Division of Water and
 24 Wastewater, 101 East Gaines Street, Tallahassee, Florida
 25 32399-0870;

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1 (g) a statement specifying on what date and under what
2 authority the current rates and charges were established;

3 (h) a description of the territory to be served, using
4 township, range and section references;

5 (i) one copy of a detailed system map showing the lines,
6 treatment facilities and the territory to be served. Any
7 territory not served at the time of the application shall be
8 specifically identified on the system map. The map shall be of
9 sufficient scale and detail to enable correlation with the
10 description of the territory to be served;

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

16 (k) the numbers and dates of any permits issued for the
17 systems by the Department of Environmental Regulation;

18 (l) the date the utility was established; and

19 (m) a statement explaining how and why applicant began
20 providing service prior to obtaining a certificate of
21 authorization.

22 Specific Authority: 367.121, F.S.

23 Law Implemented: 367.045, F.S.

24 History: New.

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1 (SUBSTANTIALLY REWODED. SEE FLORIDA ADMINISTRATIVE CODE FOR
2 CURRENT LANGUAGE)

3 25-30.035 Applications for Grandfather Certificates.

4 (1) Each applicant for a certificate of authorization under
5 the provisions of section 367.171, Florida Statutes, shall provide
6 the following information:

7 (a) the utility's complete name and address;

8 (b) the nature of the utility's business organization, i.e.,
9 corporation, partnership, limited partnership, sole
10 proprietorship, association, etc.;

11 (c) the name(s) and address(es) of all corporate officers,
12 directors, partners, or any other person(s) owning an interest in
13 the utility;

14 (d) the date the utility was established;

15 (e) a description of the types of customers served, i.e.,
16 single family homes, mobile homes, duplexes, golf course
17 clubhouse, commercial, etc.;

18 (f) evidence that the utility owns the land upon which the
19 utility treatment facilities are located, or a copy of an
20 agreement which provides for the continued use of the land, such
21 as a 99-year lease;

22 (g) one original and two copies of a sample tariff,
23 containing all rates, classifications, charges, rules, and
24 regulations, which shall be consistent with Chapter 25-9, Florida
25 Administrative Code. Sample tariffs are available from the

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1 Division of Water and Wastewater, 101 East Gaines Street,
2 Tallahassee, Florida 32399-0870.

3 (h) a statement specifying on what date and under what
4 authority the current rates and charges were established;

5 (i) a description, using township, range, and section
6 references, of the territory the utility was serving, or was
7 authorized to serve by the county which had jurisdiction over the
8 utility on the day Chapter 367, Florida Statutes, became
9 applicable to the utility;

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

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

21 (l) the numbers and dates of any permits issued for the
22 systems by the Department of Environmental Regulation.

23 ~~{i}--Such-utility-subject-to-regulation-by-the-Commission-shall~~
24 ~~apply-by-completing-an-application-form-prescribed-and-supplied~~
25 ~~by-the-Commission,-and-submitting-that-completed-application-form-~~

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1 and fifteen copies of it to the Director of Records and Reporting
 2 at 101 East Gaines Street, Tallahassee, Florida 32301-81453.

3 (2) ~~The utility may file a combined application when the~~
 4 ~~utility is seeking a certificate for a water and sewer system.~~
 5 ~~However, the Commission will treat the combined application as if~~
 6 ~~separate applications had been filed for the water system and for~~
 7 ~~the sewer system, and the utility shall remit a separate~~
 8 ~~application fee for each system.~~

9 (3) ~~In addition to meeting the requirement of s. 367.041,~~
 10 ~~F.S., the utility shall provide:~~

11 (a) ~~its fully accurate name and address;~~

12 (b) ~~The character of its organization, i.e., corporation,~~
 13 ~~partnership, individual proprietorship, association;~~

14 (c) ~~The name and addresses of any corporate officers and~~
 15 ~~directors or the names and addresses of any persons owning an~~
 16 ~~interest in the utility which is not a corporation;~~

17 (d) ~~The date the utility was established;~~

18 (e) ~~The number of its active connections in operation on the~~
 19 ~~date Chapter 367, F.S., became or will become applicable to the~~
 20 ~~applicant;~~

21 (f) ~~Evidence that the utility owns the land where the utility~~
 22 ~~treatment facilities are located or a copy of the agreement which~~
 23 ~~provides for the continuous use of the land;~~

24 (g) ~~Consistent with a model tariff which the utility may~~
 25 ~~obtain from the Director of the the Division of Water and Sewer~~

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1 of the Commission, all rates, classifications, charges, fees and
 2 regulations for service furnished or to be furnished, and an
 3 explanation, if necessary, of any discrepancy or difference
 4 between rates to be charged and rates being charged on the date
 5 of the application. If the applicant has rates and charges in
 6 effect at the time of the application of the application, a
 7 statement shall be submitted which indicates the date the rates
 8 were established, and by what authority they were established.
 9 If the applicant is a new utility seeking approval of initial
 10 rates, a cost study supporting the requested rates shall be
 11 submitted. A sample cost study and assistance in preparing the
 12 initial rates is available from the Division of Water and Sewer.
 13 (h) Territory proposed to be served, including:
 14 1- Detailed map showing existing lines and facilities and
 15 extensions thereof under construction and the territory
 16 served thereby, said map to be of sufficient scale and
 17 detail to enable correlation with a description of the
 18 territory proposed to be served on the effective date
 19 of Chapter 367, Florida Statutes.
 20 2- Statement relating the capacity of existing lines and
 21 facilities and extensions thereof under construction.
 22 (i) Description of the territory to be served using metes and
 23 bounds with township, range and section references.
 24 (j) Serial number or numbers and respective date or dates of
 25 approval of engineering plans and specifications for any existing

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1 and/or proposed water or sewer system given by the Florida
 2 Department of Health and Rehabilitative Services, Division of
 3 Health;--Permit number or numbers and respective date or dates if
 4 issuance of any permit for sewer systems issued by the Department
 5 of Environmental Regulation;

6 (k)--Detailed statement (balance sheet) of financial condition
 7 of the applicant showing all assets and liabilities of every kind
 8 and character, said statement prepared in accordance with Rule
 9 25-30-115;

10 (l)--Statement of profit and loss (operating statement) of
 11 applicant for the preceding calendar or fiscal year, if applicant
 12 has operated for such period, or any lesser period if applicant
 13 has not operated for a full year;

14 (m)--Certified financial statements of the applicant shall be
 15 filed if they exist;

16 (n)--A statement listing those providing the principal funding
 17 to the utility, along with their financial statement and copies
 18 of any financial agreements;

19 (o)--A schedule showing the projected cost of the proposed
 20 system(s) by N.A.R.U.E. account numbers and the related capacity
 21 of each system in equivalent residential connections (SREs) and
 22 gallons per day;

23 (p)--A schedule showing the projected operating expenses of
 24 the proposed system by N.A.R.U.E. account numbers when 80% of the
 25 designed capacity of the system is being utilized;

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1 ~~(g) -- A schedule showing the projected capital structure~~
2 ~~including the methods of financing for the construction and~~
3 ~~operation of the utility in the initial years of the development.~~

4 ~~(h) -- A description of the types of customers anticipated,~~
5 ~~including single-family homes, mobile homes, duplexes, golf course~~
6 ~~clubhouse, commercial, etc.~~

7 Specific Authority: 367.121, F.S.

8 Law Implemented: 367.171 ~~367-041~~, F.S.

9 History: Amended 7/21/65, 1/7/69, 2/3/70, 3/6/71, 9/12/74,
10 3/26/81, formerly 25-10.02, Transferred from 25-10.002 and Amended
11 11/9/86, Amended _____.

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1 25-30.036 Application for Amendment to Certificate of
2 Authorization.

3 (1) Each utility proposing to extend its service area shall
4 provide the following:

5 (a) the utility's complete name and address;

6 (b) a statement showing the financial and technical ability
7 of the utility to provide service and the need for service in the
8 area requested. The statement shall identify any other utilities
9 within a 4-mile radius that could potentially provide such service;

10 (c) a statement that the provision of service will be
11 consistent with the water and wastewater sections of the local
12 comprehensive plan, as approved by the Department of Community
13 Affairs, or, if not, a statement demonstrating why granting the
14 amendment would be in the public interest.

15 (d) evidence that the utility owns the land upon which the
16 utility treatment facilities that will serve the proposed
17 territory are located or a copy of an agreement, such as a 99-year
18 lease, which provides for the continued use of the land;

19 (e) a description of the territory proposed to be served,
20 using township, range and section references;

21 (f) one copy of a detailed system map showing the proposed
22 lines, treatment facilities, and the territory proposed to be
23 served. The map shall be of sufficient scale and detail to enable
24 correlation with the description of the territory;

25 (g) if the utility is planning to build a new wastewater

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1 treatment plant, or upgrade an existing plant to serve the
2 proposed territory, provide a written description of the proposed
3 method(s) of effluent disposal;

4 (h) if (g) above does not include effluent disposal by means
5 of spray irrigation, a statement that describes with particularity
6 the reasons for not using spray irrigation.

7 (i) one copy of the official county tax assessment map or
8 other map showing township, range, and section, with a scale such
9 as 1"=200' or 1"=400', with the proposed territory plotted thereon
10 by use of metes and bounds or quarter sections, and with a defined
11 reference point of beginning.

12 (j) a statement describing the capacity of the existing
13 lines, the capacity of the treatment facilities, and the design
14 capacity of the proposed extension;

15 (k) the numbers and dates of any permits issued for the
16 proposed systems by the Department of Environmental Regulation;

17 (l) a detailed statement regarding the proposed method of
18 financing the construction, and the projected impact on the
19 utility's capital structure;

20 (m) a description of the types of customers anticipated to be
21 served by the extension, i.e., single family homes, mobile homes,
22 duplexes, golf course clubhouse, commercial, etc.;

23 (n) a statement regarding the projected impact of the
24 extension on the utility's monthly rates and service availability
25 charges;

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1 (o) the original and two copies of sample tariff sheets
2 reflecting the additional service area; and

3 (p) the applicant's current certificate for possible
4 amendment.

5 (2) Each utility proposing to delete a portion of its service
6 area shall submit the following:

7 (a) the utility's complete name and address;

8 (b) a description of the territory proposed to be deleted,
9 using township, range and section references;

10 (c) one copy of a detailed system map showing the existing
11 lines, treatment facilities, and territory served. The map shall
12 be of sufficient scale and detail to enable correlation with the
13 legal description of the territory;

14 (d) the number of current active connections within the
15 territory to be deleted;

16 (e) one copy of the official county tax assessment map, or
17 other map, showing township, range, and section with a scale such
18 as 1"=200' or 1"=400', with the territory proposed to be deleted
19 plotted thereon by use of metes and bounds or quarter sections,
20 and with a defined reference point of beginning.

21 (f) a statement specifying the reasons for the proposed
22 deletion of territory;

23 (g) a statement indicating why the proposed deletion of
24 territory is in the public interest;

25 (h) a statement as to the effect of the proposed deletion on

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1 the ability of any customer or potential customer to receive water
2 and wastewater service, including alternative source(s) of service;

3 (i) the original and two copies of sample tariff sheets
4 reflecting the revised service area; and

5 (j) the applicant's current certificate for possible
6 amendment.

7 Specific Authority: 367.121, F.S.

8 Law Implemented: 367.045, F.S.

9 History: New.

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1 25-30.037 Application for Authority to Transfer.

2 (1) Each application for transfer of certificate of
3 authorization, facilities or any portion thereof, to a
4 non-governmental entity shall include the following information:

5 (a) the complete name and address of the transferor;

6 (b) the complete name and address of the transferee;

7 (c) the nature of the transferee's business organization,
8 i.e., corporation, partnership, limited partnership, sole
9 proprietorship, or association;

10 (d) the name(s) and address(es) of all of the transferee's
11 corporate officers, directors, partners or any other person(s) who
12 will own an interest in the utility;

13 (e) the date and state of incorporation or organization of
14 the transferee;

15 (f) the names and locations of any other water or wastewater
16 or water and wastewater utilities owned by the transferee;

17 (g) a copy of the contract for sale, which shall include:

18 1. purchase price and terms of payment, and

19 2. a list of the assets purchased and liabilities
20 assumed or not assumed;

21 (h) the contract for sale shall also provide for the
22 disposition, where applicable, of the following:

23 1. customer deposits and interest thereon;

24 2. any guaranteed revenue contracts;

25 3. developer agreements;

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1 4. customer advances;

2 5. debt of the utility;

3 6. leases;

4 (i) a statement describing the financing of the purchase;

5 (j) a statement indicating how the transfer is in the public
6 interest, including a summary of the transferee's experience in
7 water or wastewater utility operations, a showing of the
8 transferee's financial ability to provide service, and a statement
9 that the transferee will fulfill the commitments, obligations and
10 representations of the transferor;

11 (k) a list of all entities which have provided, or will
12 provide, funding to the transferee, their financial statements and
13 copies of any financial agreements;

14 (l) the proposed net book value of the system as of the date
15 of the proposed transfer. If rate base has been established by
16 this Commission, indicate the order number and date issued and
17 identify all adjustments made to update this rate base to the date
18 of transfer;

19 (m) a statement setting out the reasons for the inclusion of
20 an acquisition adjustment, if one is requested;

21 (n) if the books and records of the transferor are not
22 available for inspection by the Commission, a statement by the
23 transferee that a good faith, extensive effort has been made to
24 obtain such books and records for inspection by the Commission;

25 (o) evidence that the utility owns the land upon which the

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1 utility treatment facilities are located, or a copy of an
2 agreement which provides for the continued use of the land, such
3 as a 99-year lease;

4 (p) a statement regarding the disposition of any outstanding
5 regulatory assessment fees, fines, or refunds owed;

6 (q) the original and two copies of sample tariff sheets
7 reflecting the change in ownership; and

8 (r) the utility's current certificate(s), or if not
9 available, provide an explanation of the steps the applicant took
10 to obtain the certificate(s).

11 (2) In case of a change in majority organizational control,
12 the application shall include:

13 (a) the information required under paragraphs (a), (b), (d),
14 (f), (i), (j), (k), (o), and (q) of subsection (1);

15 (b) a copy of the purchase agreement;

16 (c) a statement from the transferee that it has obtained or
17 will obtain all the books and records of the utility; and

18 (d) if the books and records of the transferor are not
19 available, a statement by the transferee that a good faith,
20 extensive effort has been made to obtain such books and records.

21 (3) Each application for transfer of certificate of
22 authorization, facilities, or any portion thereof, or majority
23 organizational control to a governmental authority shall contain
24 the following information:

25 (a) the name and address of the utility and its authorized

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1 representative;

2 (b) the name of the governmental authority and the name and
3 address of its authorized representative;

4 (c) a statement that the governmental authority obtained,
5 from the utility or Commission, the most recent available income
6 and expense statement, balance sheet, statement of rate base for
7 regulatory purposes, and contributions-in-aid-of-construction;

8 (d) the date on which the governmental authority proposes to
9 take official action to acquire the utility;

10 (e) a statement describing the disposition of customer
11 deposits and interest thereon; and

12 (f) a statement regarding the disposition of any outstanding
13 regulatory assessment fees, fines or refunds owed.

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

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

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

24 (c) the original and two copies of sample tariff sheets
25 reflecting the remaining territory.

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1 (5) Upon its receipt of items required in (3)(a), (b), (c),
2 and (d), the Commission will issue an order acknowledging that the
3 facilities or any portion thereof have been acquired by the
4 governmental authority.

5 (6) Upon receipt of the items required in (3)(e) and (f) and,
6 if applicable, (4)(a), (b), and (c), upon payment of all
7 regulatory assessment fees due and owing, and upon the completion
8 of all pending proceedings before the Commission, the Commission
9 will issue an order amending or cancelling the utility's
10 certificate.

11 Specific Authority: 367.121, F.S.

12 Law Implemented: 367.071, F.S.

13 History: New.
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1 25-30.040 Application for Authority to Transfer.

2 ~~(1)--When a utility proposes to sell, transfer, or assign its~~
3 ~~certificate, facilities or any portion of these facilities, or~~
4 ~~majority organizational control the utility shall apply to the~~
5 ~~Commission for authorization of the transactions.~~

6 ~~(2)--The utility must demonstrate that the proposed sale,~~
7 ~~transfer, or assignment is in the public interest.~~

8 ~~(3)--The utility shall submit an original and fifteen copies~~
9 ~~of an application which shall include:~~

10 ~~(a)--the full name and address of the seller;~~

11 ~~(b)--the full name and address of the buyer;~~

12 ~~(c)--the type of business organization of the buyer~~

13 ~~(corporation, partnership, individual proprietorship);~~

14 ~~(d)--the names and addresses of corporate officers and~~
15 ~~directors of;~~

16 ~~(e)--the names and addresses of the owners;~~

17 ~~(f)--the date and state of incorporation or organization;~~

18 ~~(g)--the names and locations of any other public utilities~~
19 ~~owned by the buyer;~~

20 ~~(h)--an affidavit showing compliance with Rule 25-30.030,~~

21 ~~F.A.C.;~~

22 ~~(i)--a copy of the contract for sale, which should include or~~
23 ~~provide for the disposition of:~~

24 ~~1- customer deposits and interest on those deposits;~~

25 ~~2- any guaranteed revenue contracts;~~

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- 1 3- ~~developer-agreements;~~
2 4- ~~customer-advances;~~
3 5- ~~debt-of-the-utility;~~
4 6- ~~leases;~~
5 7- ~~purchase-price-and-terms-of-payment;~~
6 8- ~~a-balance-sheet-which-lists-the-assets-purchased-and-~~
7 ~~liabilities-assumed-(or-not-assumed)-and-shows-the~~
8 ~~amount-of-contributions-in-aid-of-construction-and~~
9 ~~its-accumulated-depreciation;~~
10 9- ~~Payment-of-regulatory-assessment-fees;~~
11 ~~(j)--a-statement-from-the-buyer-as-to-the-financing-of-the~~
12 ~~purchase;~~
13 ~~(k)--a-statement-of-fact-relied-upon-by-the-seller-to-show~~
14 ~~that-the-transfer-is-in-the-public-interest,-including-a-summary~~
15 ~~of-the-buyer's-experience-in-water-and/or-sewer-utility~~
16 ~~operations-and-a-showing-of-the-buyer's-financial-ability-to~~
17 ~~provide-the-service;~~
18 ~~(l)--the-filing-fee-required-by-sr-367-1417-F.S.~~
19 ~~(m)--The-rate-base-of-the-transferor-as-of-the-date-of~~
20 ~~transfer-or-if-the-transfer-has-not-taken-place-the-most-current~~
21 ~~date-available;~~
22 ~~(n)--The-proposed-rate-base-of-the-transferee-as-of-the-date~~
23 ~~of-transfer;~~
24 ~~(o)--A-statement-setting-out-the-reasons-for-the-inclusion-of~~
25 ~~an-acquisition-adjustment-if-one-is-requested;~~

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1 ~~(p) -- it the books and records of the transferor are not~~
2 ~~available for inspection by the Commission; a statement by the~~
3 ~~transferee that a good-faith, extensive effort has been made to~~
4 ~~obtain such books and records for inspection by the Commission.~~
5 Specific Authority: 367.121, F.S.
6 Law Implemented: 367.071, F.S.
7 History: New 6/10/75, Amended 4/5/81, 8/30/83, formerly 25-10.07,
8 Transferred from 25-10.007 and Amended 11/9/86, Repealed _____.

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1 25-30.041 Application for Approval of Transfer to a
 2 Governmental Agency.

3 ~~(1)--When a utility proposes to sell or transfer to a~~
 4 ~~governmental agency, its facilities, or any portion of these~~
 5 ~~facilities, or majority organization control, the utility shall~~
 6 ~~apply to the Commission for approval of the transaction.~~

7 ~~(2)--the application for approval shall include:~~

8 ~~(a)--the name and address of the utility and its authorized~~
 9 ~~representative;~~

10 ~~(b)--the name and address of the buyer and its authorized~~
 11 ~~representative;~~

12 ~~(c)--evidence that the buyer requested and received from the~~
 13 ~~Commission the utility's income and expense statement, balance~~
 14 ~~sheet, and statement of rate base for regulatory purposes and~~
 15 ~~contributions in aid of construction;~~

16 ~~(d)--the date on which the buyer proposes to or did take~~
 17 ~~official action to acquire the utility;~~

18 ~~(e)--the contract between the utility and the buyer;~~

19 ~~(f)--a statement as to the disposition of customer deposits~~
 20 ~~and interest entered on these customer deposits;~~

21 ~~(g)--a statement regarding the amount of regulatory~~
 22 ~~assessment fees owed to the Commission;~~

23 ~~(3)--Upon receipt of items (2)(a), (b), (c) and (d), the~~
 24 ~~Commission will issue an order acknowledging that the facilities~~
 25 ~~or organizational control have been acquired by the governmental~~

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1 agency:

2 ~~(4) -- Upon receipt of items (2)(c), (f) and (g), payment of~~
3 ~~the regulatory assessment fee and completion of pending~~
4 ~~proceedings before the Commission, the Commission will issue an~~
5 ~~order cancelling the utility's certificate.~~

6 Specific Authority: 367.121(3)(f), F.S.

7 Law Implemented: 367.071, 367.161, F.S.

8 History: New 11/9/86, Repealed _____.

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1 25-30.045 Application for Amended Certificate Pursuant to an
 2 Extension of Service Area Pursuant to Either s.367.061, F.S. or s.
 3 367.041, F.S.

4 ~~(1)--An application for an amended certificate pursuant to an~~
 5 ~~extension of service under the provisions of s. 367.061, F.S.~~
 6 ~~shall be made after service has been provided for the area~~
 7 ~~noticed and no later than one year from the date the last~~
 8 ~~required notice was given.~~

9 ~~(2)--An extension of certificated territory may be~~
 10 ~~accomplished by complying with the statutory requirements and~~
 11 ~~rules of either s. 367.041 or s. 367.061, F.S. and 25-30.030,~~
 12 ~~25-30.035, or this rule.~~

13 Specific Authority: 350.127(2), 367.121(1)(f), F.S.

14 Law Implemented: 367.041, 367.06, F.S.

15 History: New 6/10/80, Amended 4/5/81, formerly 25-10.08,

16 Transferred from 25-10.008 and Amended 11/9/86, Repealed _____.

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STATEMENT OF CHANGES TO PROPOSED
AMENDMENT OF RULE 25-30.030(6), F.A.C.

At a public hearing on December 18, 1990, the Florida Public Service Commission considered and approved one change to Rule 25-30.030 (6), F.A.C. regarding notice of certificate applications to affected customers. The change was suggested in comments to the proposed water and wastewater certification rules filed by General Development Utilities, Inc. The change expands the time within which a utility must provide a copy of the notice of its application to each affected customer from 14 days to 28 days. The change to proposed Rule 25-30.030 (6) now reads:

No sooner than 21 days before the date the application is filed and no later than seven days after the application is filed, the utility shall also provide a copy of the Notice by regular mail or personal service, to each customer, if any, of the system to be certificated, transferred, acquired, or deleted.

The expansion of the time for notifying customers will allow a utility to notify customers in its usual billing cycle.

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FLORIDA PUBLIC SERVICE COMMISSION

Division of Appeals

NOTICE OF CHANGES

TITLE:

RULE NO:

| | |
|---|-----------|
| Notice of Application | 25-30.030 |
| Written Objections | 25-30.031 |
| Applications | 25-30.032 |
| Application for Original Certificate of Authorization and Initial Rates and Charges | 25-30.033 |
| Application for Certificate of Authorization for Existing Utility Currently Charging for Service | 25-30.034 |
| Application for Grandfather Certificate | 25-30.035 |
| Application for Amendment to Certificate of Authorization | 25-30.036 |
| Application for Authority to Transfer | 25-30.037 |
| Application for Authority to Transfer | 25-30.040 |
| Application for Approval of Transfer to a Governmental Agency | 25-30.041 |
| Application for Amended Certificate Pursuant to an Extension of Service Area Pursuant to Either s. 367.061, F.S., or s. 367.041, F.S. | 25-30.045 |

ORIGINAL NOTICE PUBLISHED: October 12, 1990

Pursuant to Section 120.54(13)(b), Florida Statutes, notice is

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given that the above rules, filed with the Secretary of State on January 7, 1991, contained the following changes from the rule as proposed:

25-30.030 Notice of Application.

(1) No Change

(2) No Change

(3) No Change

(b) No Change

(c) No Change

(d) No Change

(e) No Change

(4) No Change

(a) No Change

(b) No Change

(c) No Change

(5) No Change

(b) No Change

(c) No Change

(e) No Change

(f) No Change

(6) No sooner than twenty-one days before the application is filed and no later than seven days after the application is filed, the utility [Within seven days of the date the utility files its application, it] shall also provide a copy of the Notice, by regular mail or personal service, to each customer, if any, of the system to be certificated, transferred, acquired, or deleted.

(7) No Change

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(8) No Change

Specific Authority: 367.121(1), F.S.

Law Implemented: 367.031, 367.045, 367.071, F.S.

History: New 4/5/81, formerly 25-10.061, Transferred from
25-10.0061 and Amended 11/9/86, Amended 1/27/91.