

PAR

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DIVISION OF LEGAL SERVICES
NOREEN S. DAVIS
DIRECTOR
(904) 413-6199

Public Service Commission

April 15, 1996

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED
NUMBER P 407 857 584**

Mr. Ronald Hoffer
Amanda Company of Florida, Inc.
Post Office Box 1566
Lutz, Florida 33549

Re: Docket No. 951190-SU - Application Of Sky Acres Enterprises for a Certificate to Provide Wastewater Service in Pasco County

Dear Mr. Hoffer:

ACK
ADA
APP
CFF

On October 15, 1995, Sky Acres Enterprises filed an application with this Commission for a certificate to provide wastewater service in Pasco County. On November 7, 1995, Ms. Patricia Brady sent you a letter (copy enclosed) outlining deficiencies in the application. After a conversation with Mr. Paul Hoffer, another letter (copy enclosed) was sent on February 19, 1996, regarding the deficiencies. To date, no response has been received.

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It is our understanding that all of the deficiencies listed in the November 7, 1995 letter have been corrected except for the system map. However, had notice been provided to utilities in the county, governmental agencies, and the customers, in accordance with Rule 25-30.030, Florida Administrative Code, the Commission would have been noticed of the application. To date, notice has not been received. Rule 25-30.030, Florida Administrative Code, requires that notice to the utilities in the county and governmental agencies be given within seven days of filing the application. Notice to the customers must be given no more than twenty-one days before the application is filed and no more than seven days after the filing. Notice must also be given in a newspaper of general circulation in the territory proposed to be serve. Such publication must be within seven days of filing the application.

Due to the length of time which has elapsed, the list of entities to be noticed, which was included with the November letter, is no longer valid. Enclosed with this letter is a current list of entities which must be noticed if notice has not already been given.

DOCUMENT NUMBER-DATE

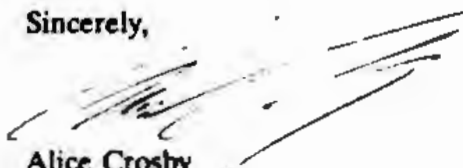
04350 APR 16 96

Continuation of Letter to:
Mr. Ronald Hoffer
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Pursuant to Section 367.031, Florida Statutes, a utility subject to Commission jurisdiction must obtain a certificate to provide water or wastewater service or an order finding it exempt from regulation. If a utility is found to have knowingly refused to comply with, or to have willfully violated, any provision of Chapter 367, Florida Statutes, Section 367.161, Florida Statutes, authorizes the Commission to assess a penalty of not more than \$5,000 for each offense. A copy of Section 367.161, Florida Statutes, is enclosed for your information.

Please provide a report outlining the status of the deficiencies by April 26, 1996. The information requested to correct the deficiencies set forth in the November 7, 1995, letter must be provided by May 15, 1996.

Sincerely,



Alice Crosby
Paralegal

ALC/mw

Enclosures

cc: Division of Records and Reporting
Division of Water and Wastewater
(Tomlinson, Brady)

- (b) **Notification of customers.** Pursuant to Rule 25-30.030(6), F.A.C., within 7 days of filing the application, notification of the filing should have been sent to each customer. Since this notification has apparently not occurred, it needs to be done as soon as possible.
 - (c) **Publication in newspaper.** Pursuant to Rule 25-30.030(7), F.A.C., within 7 days of filing the application, the notice should be published at least once in a newspaper of general circulation. Since this publication has apparently not occurred, it needs to be done as soon as possible.
 - (d) **Affidavit of notices.** Pursuant to Rule 25-30.030(7), F.A.C., within 7 days of the mailing and publishing of the notices in Items (4) through (6), an affidavit of the mailing and publishing must be received by the Commission. The affidavit of the published notice must come from the newspaper.
2. **System Map.** Rule 25-30.034(1)(i), Florida Administrative Code (F.A.C.), requires that the application include one copy of a detailed system map showing the existing lines, treatment facilities and the territory to be served. Any territory not served at the time of the application shall be specifically identified on the system map. The map must be of sufficient scale and detail to enable correlation with the description of the territory to be served.

We recommend that you contact the Florida Department of Environmental Protection for the system map which would have been provided at the time the system was originally licensed to operate.

3. **Evidence of Ownership.** Rule 25-30.034(e), F.A.C., requires evidence that the utility owns the land upon which its facilities are located, or a copy of an agreement which provides for the continued use of the land. Any one of the following will meet the requirements of Rule 25-30.034(e), F.A.C.: a recorded Warranty Deed, a recorded Quitclaim Deed with Title Insurance, or recorded long-term lease, such as a 99-year lease. The Quitclaim Deed furnished with the application is not sufficient proof of land ownership.

In addition to the documents, above, please respond to the following questions regarding the application:

1. Is the partnership a general partnership or a limited partnership?

- (a) If the partnership is a limited partnership, it should have been registered with the Florida Department of State. Please provide proof of such registration.
 - (b) If the partnership is a general partnership, it needs to be registered on or before January 1, 1996, with the Florida Department of State. Please provide proof of such registration.
2. The attachment to Exhibit B to the application indicates that the system has 132 occupied lots.
 - (a) Please verify the class(es) of service provided, i.e., residential, commercial, etc.
 - (b) Please verify the number of customers in each class of service.
 - (c) Please verify the size of the meters serving the lots.
3. The application indicates that Sky Acres Enterprises DEP permit expired October 1, 1995. Please provide a copy of the your application to DEP to renew the permit.
4. Exhibit D to the application provides information regarding your financial ability to continue to provide service. Please furnish a statement regarding your technical ability to continue to provide service. Such statement would normally include the length of time you have managed wastewater treatment systems and whether you are licensed to operate such systems. If the system is being managed by an independent contractor, such statement would identify the contractors credentials.
5. There are a number of corrections which will need to be made to your proposed Wastewater Tariff. Attached is a marked copy of the tariff pages which need to be corrected. Please contact me after you have had a chance to look over the notations for further instructions.


Again, the notice of the application needs to be taken care of immediately. The rest of the information should be provided by December 15, 1995. When providing any written documentation regarding the application to the Commission, please refer to the docket number as shown in the salutation. The original and four copies of all documentation should be sent directly to the:

Letter to Mr. Hoffer
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**Director, Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850**

If you have any questions or need further clarification, please feel free to contact me
at 904/413-6686.

Sincerely,



Patricia Brady
Regulatory Analyst III

cc: Mr. Paul Hoffer
700 Grand Avenue
Wausau, Wisconsin 54403

A. Crosby, Legal Services
Records and Reporting

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bcc: Ms. Roseann Reis
3840 Sarah drive
Zephyrhills, Florida 33543

Mr. Douglas S. Bramlett
Assistant County Administrator
Utility Services Branch
Public Works/Utilities Bldg. 3205
7530 Little Road
New Port Richey, Florida 34654