

State of Florida

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DIVISION OF WATER &  
WASTEWATER  
CHARLES HILL  
DIRECTOR  
(904) 413-6900

Public Service Commission

March 13, 1996

Mr. Martin S. Friedman  
Rose, Sundstrom & Bentley  
2548 Blairstone Pines Drive  
Tallahassee, Florida 32301

Dear Mr. Friedman:

Re: Docket No. 960229-SU, Application for amendment of Certificate No. 300-S in Lee County by Forest Utilities, Inc.

As we discussed by phone today, the above referenced application has been reviewed by staff and is determined to have the following deficiency:

**Proof of Ownership:** As part of Exhibit A to the application, two Quit Claim Deeds were provided for:

Any and all lines, lifts, laterals, and supports located in, under and through the following described property, but without conveying the referenced real property of any interest therein.

- ACK \_\_\_\_\_
- AFA \_\_\_\_\_
- APP \_\_\_\_\_
- CAF \_\_\_\_\_
- CMU \_\_\_\_\_
- CTR \_\_\_\_\_
- EAG \_\_\_\_\_
- LEC \_\_\_\_\_
- LIF \_\_\_\_\_
- OMI \_\_\_\_\_
- ROK \_\_\_\_\_
- SDC \_\_\_\_\_
- WAS \_\_\_\_\_
- OTH \_\_\_\_\_

The two combined deeds were for the ten (10') foot easement dedicated in the plat books as part of the Public Records of Lee County for:

The Forest, Unit One , as recorded at Plat Book 33, Pages 85-88,  
The Forest, Unit Two , as recorded at Plat Book 34, Pages 20-22,  
The Forest, Unit Three, as recorded at Plat Book 35, Pages 34-37, and  
The Forest Oaks, as recorded in Plat Book 37, Pages 51-55.

Also part of Exhibit A to the application, was a bill of sale which provided for:

Any and all lines, lifts, laterals and supports as might be located under and through The Forest Subdivision Units One, Two and Three and The Forest Oaks, Lee County, Florida.

DOCUMENT NUMBER - DATE

03232 MAR 1996

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Since the bill of sale does warrant that the party of the second part is the lawful owner of the said goods and that he has the right to sale said goods, and since it refers to all the areas specified in the two Quit Claim Deeds, Mr. Raj Agarwal of Commission Legal staff has indicated that the bill of sale is acceptable for what it is warranting.

However, the rules require proof that the utility owns the land upon which the utility treatment facilities that will serve the proposed territory are located or a copy of an agreement, such as a 99-year lease, which provides for the continued use of the land. The Commission may consider a written easement or other cost-effective alternative.

According to information filed in the docket, the utility's existing wastewater treatment plant will serve the territory extension from its excess capacity. Therefore, please provide a warranty deed which shows that the utility continues to own the land upon which those facilities are located or that the utility has a long-term lease to the land. Be advised that, since the rules do not specifically allow for a Quit Claim Deed, staff is of the opinion such document alone is not sufficient to satisfy the rule. Staff has, however, accepted Quit Claim Deeds accompanied by Title Insurance.

Please file the document(s) requested above with the Commission by April 13, 1996. Staff only needs an **original and four** copies of the documents. They should be filed directly with:

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

If you have any questions, please feel free to contact me at 413-6686. However, if you have specific questions regarding the documents needed above, you may wish to contact Mr. Raj Agarwal or Ms. Alice Crosby directly in the Division of Legal Services.

Sincerely,



Patricia Brady  
Regulatory Analyst III  
Bureau of Policy Development  
and Industry Structure

PLB:plb

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cc: Alice Crosby, Division of Legal Services  
Raj Agarwal, Division of Legal Services  
Records and Reporting