

MARTIN, ADE, BIRCHFIELD & MICKLER, P.A.

ONE INDEPENDENT DRIVE - SUITE 3000
JACKSONVILLE, FLORIDA 32202

MAILING ADDRESS
POST OFFICE BOX 59
JACKSONVILLE, FLORIDA 32201

TELEPHONE (904) 354 2050
TELECOPIER (904) 354 5842

SHARON ROBERTS HENDERSON
BARBARA CHRISTIE JOHNSTON
WILHELMINA F. RIGTLINGER
MYRA LOUGHMAN
RALPH H. MARTIN
ROBERT O. MICKLER
JOHN D. MILTON, JR.
DANIEL B. NUNN, JR.
SCOTT G. SCHILDBERG
GARY L. WILKINSON
L. PETER JOHNSON (1942-1988)

JAMES L. ADE
LYNDA R. AYCOCK
W. O. BIRCHFIELD
TIMOTHY A. BURLEIGH
CHARLES L. CRANFORD
PHILLIP A. DELMONT
STEPHEN H. DURANT
T. WILLIAM GLOCKER
MICHAEL E. GOODBREAD, JR.
STEPHEN D. HALKER
KOKO HEAD

July 18, 1996

Via Federal Express

Blanca Bayo, Director
Department of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Betty Easley Building, Room 110
Tallahassee, Florida 32399-0850

RE: Joint Application by Clay Utility Company and South Broward Utility, Inc., for Transfer of Water Certificate No. 359-W, Wastewater Certificate No. 290-S, and Utility Facilities from South Broward Utility, Inc., to Clay Utility Company, Docket No. 960695-WS

- ACK _____
- AFA _____
- APP _____
- CAF _____
- CMU _____
- CTR _____
- EAG _____
- LEG Vaccaro
- LIN _____
- OPC _____
- RCH _____
- SEC 1
- WAS Brady
- OTH _____

Dear Ms. Bayo:

In connection with the above-referenced matter, please find enclosed for filing an original and four copies of South Broward Utility, Inc.'s and Clay Utility Company's Response to Request For Additional Information. Please file the original and distribute the copies in accordance with your usual procedures.

If you have any questions regarding this matter, please feel free to contact me.

Sincerely yours,

Scott G. Schildberg
Scott G. Schildberg

SGS:msa
Enclosures

cc: Timothy Vaccaro, Esquire
Susan Fleischner Kornspan, Esquire
John R. Marks, Esquire

RECEIVED
FLORIDA PUBLIC SERVICE COMMISSION
SERVICES DIVISION
MAIL ROOM
96 JUL 19 AM 10:24

DOCUMENT NUMBER-DATE

07648 JUL 19 96

FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Joint Application for Approval)
of Transfer of Certificates Nos. 359-W) DOCKET NO.: 960695-WS
and 290-S and Utility Facilities from)
South Broward Utility, Inc., to Clay) Date Submitted for
Utility Company in Broward County) Filing: July 18, 1996
_____)

RESPONSE TO REQUEST FOR ADDITIONAL INFORMATION

South Broward Utility, Inc., and Clay Utility Company, by and through their undersigned attorneys, hereby files with the Director, Division of Records and Reporting, Florida Public Service Commission, an original and four copies of this Response To Request For Additional Information and states as follows:

1. By letter dated July 3, 1996, a copy of which is attached as Schedule "1", the Staff of the Florida Public Service Commission requested additional information in connection with this docket ("Staff's Request").

2. The affidavit requested in Item number 1 of Staff's Request already was submitted for filing to the Commission on June 14, 1996. The notice was sent to the government and private entities on Thursday, June 6, 1996. A copy of the notice and a list of the entities receiving the notice are attached as Schedules A-1 and A-2 to Exhibit B of the affidavit.

3. Item number 2 of the Staff's Request requested a legible copy of the deed submitted as Exhibit "D" to the Joint Application by Clay Utility Company and South Broward Utility, Inc. For Transfer of Water Certificate No. 359-W, Wastewater Certificate No. 290-S, and Utility Facilities from South Broward Utility, Inc. to

DOCUMENT NUMBER-DATE

07648 JUL 19 96

FPSC-RECORDS/REPORTING

LAW OFFICES

MARTIN, ADE, BIRCHFIELD & MICKLER, P.A.

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RECEIVED
FLORIDA PUBLIC SERVICE COMMISSION
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MAIL ROOM

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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RESPONSE TO REQUEST FOR ADDITIONAL INFORMATION

South Broward Utility, Inc., and Clay Utility Company, by and through their undersigned attorneys, hereby files with the Director, Division of Records and Reporting, Florida Public Service Commission, an original and four copies of this Response To Request For Additional Information and states as follows:

1. By letter dated July 3, 1996, a copy of which is attached as Schedule "1", the Staff of the Florida Public Service Commission requested additional information in connection with this docket ("Staff's Request").
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DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

Clay Utility Company. A copy of said deed is attached hereto as Schedule "2".

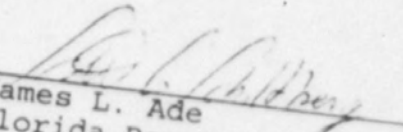
4.. With respect to Item number 3 of Staff's Request, the applicants, South Broward Utility, Inc., and Clay Utility Company, do not intend to request an acquisition adjustment.

DATED this 18th day of July, 1996.

Respectfully submitted,

MARTIN, ADE, BIRCHFIELD &
MICKLER, P.A.

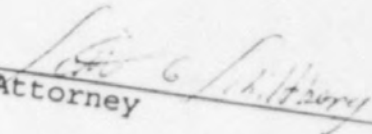
By:


James L. Ade
Florida Bar No. 0000460
Scott G. Schildberg
Florida Bar No. 0613990
3000 Independent Square
Jacksonville, FL 32202
Telephone: (904) 354-2050

Attorneys for South Broward
Utility, Inc., and Clay Utility
Company

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that an original and four copies of the foregoing Response to Request for Additional Information on behalf of South Broward Utility, Inc. and Clay Utility Company, have been furnished to Blanco Bayo, Director, Department of Records & Reporting, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Betty Easley Building, Room 110, Tallahassee, Florida 32399-0850, by Federal Express, and a copy of the foregoing has been furnished to Susan Fleischner Kornspan, Nason, Gildan, Yeager, Gerson & White, P.A., 1645 Palm Beach Lake Boulevard, Suite 1200, West Palm Beach, Florida 33401; John R. Marks, Katz, Kutter, Haigler, Alderman, Marks & Bryant, P.A., 106 East College Avenue, Suite 1200, Tallahassee, Florida, 32301; and Tim Vaccaro, Esquire, Division of Legal Services, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850; by U.S. mail this 18th day of July, 1996.



Attorney

State of Florida

Commissioners:
SUSAN F. CLARK, CHAIRMAN
J. TERRY DEASON
JULIA L. JOHNSON
DIANE K. KIESLING
JOE GARCIA



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

Public Service Commission

JUL 11 1996

Martin, Ade, Birchfield & Mickler

July 3, 1996

Mr. Scott G. Schildberg
Martin, Ade, Birchfield & Mickler, P.A.
One Independent Drive, Suite 3000
Jacksonville, Florida 32202

Re: Docket No. 960695-WS, Joint application for approval of transfer of Certificates Nos. 359-W and 290-S and utility facilities from South Broward Utility, Inc. to Clay Utility Company in Broward County.

Dear Mr. Schildberg:

Staff has preliminarily reviewed the subject application. Although the application does not appear to be deficient, the following items are needed to complete the record:

1. **Notice of government and private entities.** Please provide an affidavit of the notice given pursuant to Rule 25-30.030(5), Florida Administrative Code. The affidavit should state the date the notice was given and include a copy of the notice given and a list of the entities receiving the notice.
2. **Evidence of Ownership.** Please provide a legible copy of the deed which was provided as evidence that the utility owns the land upon which the utility treatment facilities are located.
3. **Acquisition Adjustment.** It appears that the utility does not intend to request an acquisition adjustment. If this is correct, please provide a statement to that effect. If the utility does intend to request an acquisition adjustment, please provide a statement setting out the reasons for the inclusion of an acquisition adjustment pursuant to Rule 25-30.037(2)(m), Florida Administrative Code.

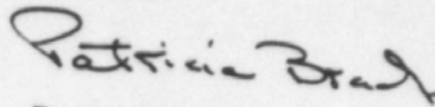
Schedule 1

Page 1 of 2

Mr. Scott G. Schildberg
Page 2
July 3, 1996

It is only necessary to file the **original and four copies** of the information requested above with the Director of the Division of Records and Reporting. Staff would appreciate having the information filed by July 19, 1996. 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: Tim Vaccaro, Division of Legal Services
Division of Records and Reporting (2 copies)

WARRANTY DEED
WITH ASSIGNMENT

13-059028

SS FORM 48

This Warranty Deed Made and conveyed the 28th day of January A.D. 1983 by

IVANHOE LAND INVESTMENTS, INC.
a corporation existing under the laws of FLORIDA
business at 5969 N. W. 151st Street, Miami Lakes, Florida
and having its principal place of
business at the grantor, to

SOUTH BROWARD UTILITY, INC., a Florida corporation
Suits 655 Florida National Bank Building
whose postoffice address is 727 West Adams Street, Jacksonville, Florida 32208
hereinafter called the grantor;

Witnesseth: That the grantor, for and in consideration of the sum of \$ 10.00 and other
valuable considerations, receipt whereof is hereby acknowledged, by these presents does grant, bargain, sell,
alien, remise, release, convey and confirm unto the grantee, all that certain land situate in
County, Florida, viz:

SEE LEGAL DESCRIPTIONS ATTACHED HERETO AS
EXHIBIT "A"

SUBJECT TO:

1. Taxes for the year 1982 and subsequent years.
2. All restrictions, reservations and easements of record.
3. Agreement with CMRCC, INC. dated October 6, 1981, filed in
Official Records Book 9833, Page 24, of the Public Records of
Broward County, Florida.

Together with all the tenements, hereditaments and appurtenances thereto belonging or in any
wise appertaining.
To Have and to Hold, the same in fee simple forever.

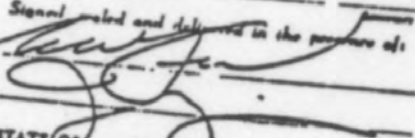
And the grantor hereby covenants with said grantee that it is lawfully seized of said land in fee
simple; that it has good right and lawful authority to sell and convey said land; that it hereby fully war-
rants the title to said land and will defend the same against the lawful claims of all persons whomsoever;
and that said land is free of all encumbrances

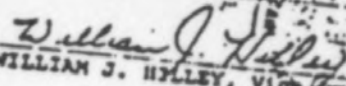
3195m
In witness whereof
I, the undersigned, Secretary
of the above named
company, have hereunto set my
hand and the seal of said
company at Jacksonville, Florida
this 28th day of January, 1983.

CORPORATE SEAL

In Witness Whereof the grantor has caused these presents to
be executed in its name, and its corporate seal to be hereunto affixed, by its
proper officers thereunto duly authorized, the day and year first above written.

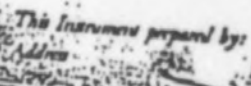
ATTEST:

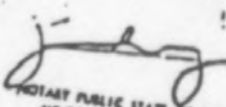
Signed, sealed and delivered in the presence of:


IVANHOE LAND INVESTMENTS, INC.
By 
WILLIAM J. HILLEY, Vice President

STATE OF FLORIDA
COUNTY OF BROWARD

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take, acknowledge
and return to me to be the Vice President and
in the presence of, and that they personally acknowledged executing the same in the presence of two subscribing witnesses duly qualified and sworn
under authority duly issued to them by said corporation and that the said official thereon is the true and correct copy of said instrument
WITNESSE my hand and official seal in the County and State first aforesaid this 28th day of January, A.D. 1983.

This instrument prepared by:

Zaiher and Schroeder
P. O. Box 11719
St. Louis, Mo. 63143


NOTARY PUBLIC STATE OF FLORIDA AS LANC
BY COMMISSION EXPIRES AUG 27 1983
BONDED 2786 CAPITAL MB, JACKSONVILLE

[28] 28 11 45 AM '83

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PARCEL "A"

A portion of Tracts 1 and 2 together with a portion of the road right-of-way adjacent thereto in the NW 1/4 of Section 4, Township 51 South, Range 40 East, according to CHAMBERS LAND COMPANY SUBDIVISION, as recorded in Plat Book 1, Page 58, of the Public Records of Broward County, Florida, being described as follows:

Commencing at the Northeast corner of said NW 1/4; thence, S.1°49'12"E. along the East line of said NW 1/4 a distance of 140.05 feet to a Point of Beginning; thence, S.89°43'55"W. parallel with and 140 feet South of the North line of said NW 1/4 a distance of 400 feet; thence S.1°49'12"E. 400 feet; thence, N.89°43'55"E. 400 feet to the East line of said NW 1/4; thence N.1°49'12"W. along said East line 400 feet to the Point of Beginning.

PARCEL "B"

A portion of Tracts 1 and 9, together with a portion of the road right-of-way adjacent thereto, in the SW 1/4; and a portion of Tracts 6, 7, 8, and 24, together with a portion of the road right-of-way adjacent thereto in the NW 1/4, all in Section 4, Township 51 South, Range 40 East, according to CHAMBERS LAND COMPANY SUBDIVISION, as recorded in Plat Book 1, Page 58, of the Public Records of Broward County, Florida, being described as follows:

Commencing at the Northeast corner of said SW 1/4; thence run S.89°31'06"W. along the North line of said SW 1/4 a distance of 10.65 feet to a Point of Beginning; thence, S.2°24'27"W. 331.80 feet to the South line of said Tract 1; thence S.89°29'33"W. along the South line of said Tracts 1 and 9 a distance of 800 feet; thence, N.1°49'12"W. 650 feet; thence, N.32°26'30"E. 595.10 feet; thence, N.89°29'33"E. 500 feet to the East line of said NW 1/4; thence, S.1°49'12"E. along said East line 673.82 feet; thence, S.2°24'27"W. 144.38 feet to the Point of Beginning.

RECORDED IN THE PUBLIC RECORDS DEPARTMENT
OF BROWARD COUNTY, FLORIDA
F. I. JOHNSON
DEPUTY ADMINISTRATOR

OFF 1069690 524

WJH