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

# Public Service Commission

November 27, 1996

Mr. F. Marshall Deterding  
Rose, Sundstrom & Bentley  
2548 Blairstone Pines Drive  
Tallahassee, FL 32301

Re: Docket No. 960867-WU; Application for amendment of Certificate No. 427-W to add territory by Windstream Utilities Company in Marion County.

Dear Mr. Deterding:

We are in receipt of the deficiency response dated October 9, 1996. However, after reviewing your response some deficiencies remain and further information is needed to process the application.

1. As required by Rule 25-30.036(3)(b) Florida Administrative Code (F.A.C.), provide a statement showing the financial and technical ability of the utility to provide service and the need for service in the area requested. The application stated that this would be submitted later. In addition, according to the 1995 annual report filed by the utility, the utility had operating revenues of \$137,434 and a net operating loss of \$20,317. Since the utility has a net operating loss, please elaborate on the financial ability of the utility to add these additional customers.

2. As required by Rule 25-30.036(3)(d), Florida Administrative Code (F.A.C.), provide evidence 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 of other cost-effective alternative. The utility filed a quit claim deed, which is insufficient. The Commission will accept a quit claim deed with title insurance. Please contact Ms. Donna Cyrus-Williams at (904) 413-6185 if you have any questions.

- ACK \_\_\_\_\_
- AFA \_\_\_\_\_
- APP \_\_\_\_\_
- CAF \_\_\_\_\_
- CMU \_\_\_\_\_
- CTR \_\_\_\_\_
- EAG \_\_\_\_\_
- LEG \_\_\_\_\_
- LIN \_\_\_\_\_
- OPC \_\_\_\_\_
- RCH \_\_\_\_\_
- SEC 1
- WAS \_\_\_\_\_
- OTH \_\_\_\_\_

As the utility indicates water service will be provided from the Majestic Oaks and Sun Country water treatment plants. Therefore, two deeds need to be provided. One for each water treatment plant. Your response stated that the Commission did not require a warranty deed in Docket No. 900311-WU and 900455-SU. In Docket No. 900311-WU, according to case

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management, the utility filed a warranty deed on October 4, 1990 (Document No. 08983-90). In Docket No. 900455-WU, according to case management, the utility filed a warranty deed on October 4, 1990 (Document No. 08981-90). In any event, if staff accepted a quit claim deed in the past, staff made an error, and now requires a warranty deed in all future cases, or quit claim deed with the above requirement.

In addition, the deed submitted in your response does not agree with the drawing attached. It appears that the deed is for Sun Country (Tract M), but the map for the deed (Tract A) references Majestic Oaks. In summary, please file two warranty deeds with corresponding maps. One for each water treatment plant.

3. As required by Rule 25-30.036(3) (e), Florida Administrative Code (F.A.C.), provide a description of the territory proposed to be served, using township, range and section references as specified in Rule 25-30.030(2). The first exception: "The North 1/2 of the NW 1/4 of the SE 1/4 of Section 17, Township 16 South, Range 21 East, Marion County" does not describe the area that is indicated in green on the territory map. The area in green on map is described as "The North 1/2 of the NW 1/4 of the SW 1/4 of Section 17 ..." Which description is correct? The last exception does not appear to agree with the map. Your response did not clarify which description was correct.

4. As required by Rule 25-30.036(3) (j), Florida Administrative Code (F.A.C.), the utility must provide a statement describing the capacity of the existing lines, the capacity of the treatment facilities, and the design capacity of the proposed extension. Your response stated that your existing plant capacity is 580,000 gpd and you are presently using 185,000 gpd. Is this for the Sun County Estates water plant, Majestic Oaks water plant or both. Please provide information for each water treatment plant.

5. As required by Rule 25-30.036(3) (k), Florida Administrative Code (F.A.C.), provide the numbers and dates of any permits issued for the proposed systems by the Department of Environmental Protection (DEP). A copy of the water management permits and DEP water treatment plant for Majestic Oaks Water Treatment Plant was provided, but there was no mention of any permits from the DEP for the Sun Country Water Treatment Plant or any line extension permits for this amendment application. This question was not addressed in your response.

6. As required by Rule 25-30.036(3) (p), Florida Administrative Code (F.A.C.), the utility must provide the applicants original Certificate No. 427-W for possible amendment. Please submit. The application stated that the Certificate was enclosed. The certificate could not be

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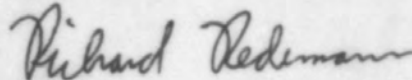
located in the Commission Clerks' file, in the letter sent to water and wastewater or in the letter sent to legal. Please check your file and respond.

7. The utility's response indicates that the customers in this development will be charged the Windstream's Marion County rate. Also, you state that the Sun Country water plant will be interconnected at some time. When do believe that interconnection will occur?

Please file an original and twelve copies of the requested information no later than December 30, 1996 with the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399.

If you have any questions please call.

Sincerely,



Richard Redemann, P.E.

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cc: Division of Water and Wastewater (Hill)  
Division of Legal Services (Cyrus-Williams)  
Division of Records and Reporting (Bayo)  
Division of Records and Reporting (Security File)