

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

87 MAR 11 11 00 23

In re: Application for amendment
of Certificate No. 427-W to add
territory in Marion County by
Windstream Utilities Company.

Docket No. 860867-WU

INTERVENOR'S MOTION TO REQUEST OFFICIAL RECOGNITION

Intervenor, MARION COUNTY, FLORIDA ("County"), hereby requests the Florida Public Service Commission ("Commission") grant official recognition of the matters set forth herein, pursuant to Section 120.569(2)(g), Florida Statutes (1996 Supp.), Sections 90.202 and 90.203, Florida Statutes (1995), and Rule 25-22.048, Florida Administrative Code. As grounds for the Motion, the County states:

1. Official recognition of matters in administrative proceedings is authorized by Section 120.569(2)(g), Florida Statutes (1996 Supp.). Official recognition of matters in administrative proceedings is the functional equivalent to judicial notice of matters in proceedings in Florida's trial courts. *Health Quest Realty v. Department of Health and Rehabilitative Services*, 477 So.2d 576 (Fla. 1st DCA 1985). "Official recognition" and

ACK _____ "judicial notice" are synonymous, and matters which may be judicially noticed in courts are

AFA _____

APP _____ equally entitled to official recognition on administrative proceedings. *In Re Petition for*

CAF _____ *Determination of Need for Electrical Power Plant (Amelia Island Co-Generation Facility)* by

CMU _____

CTR _____ *Nassau Power Corporation*, 92 FPSC 2:467.

EAG _____

LEG 1 2. Matters which may be judicially noticed (and therefore granted official

LIN 3 recognition) are identified in Section 90.202, Florida Statutes (1995). Sections 90.202(5),

OPC _____ (10), (11) and (12), Florida Statutes (1995), list four categories of matters which may be

RCH _____
SEC _____
WAS Redeman
OTH _____

DOCUMENT NUMBER-DATE
02575 MAR 11 8
FPSC-RECORDS/REPORTING

judicially noticed or officially recognized: (a) Official actions of the legislative, executive, and judicial departments of Florida; (b) duly enacted ordinances and resolutions of municipalities and counties in Florida; (c) facts that are not subject to dispute because they are generally known within the territorial jurisdiction of the court; and (d) facts that are not subject to dispute because they are capable of accurate and ready determination by resort to sources whose accuracy cannot be questioned.

3. When official recognition is requested, all parties must be notified and given an opportunity to examine and contest the matters to be recognized. § 120.569(2)(g), Fla. Stat. (1996 Supp.).¹ By delivery of a copy of this Motion and its attachments to all parties of record, the matters for which official recognition is sought are hereby made available to the parties so they will have the opportunity to examine and contest the matters set forth below.

4. The following eight items are the matters for which official recognition is sought by this Motion:

(1) Resolution No. 96-R-18 of the Board of County Commissioners of Marion County, Florida, approving the issuance of a special use permit, providing an effective date (attached as Exhibit A);

(2) the Special Use Permit issued by the Marion County Board of County Commissioners on February 20, 1996, together with the zoning conditions of approval and map which indicate the existence of a sewer plant located on the 6.70 acres of property designated Parcel Account No. 35497-000-00 (attached as Composite Exhibit B);

¹This section is an identical provision to the former § 120.61, Florida Statutes (1995), which was repealed.

(3) the Notice of Permit issued by the State of Florida Department of Environmental Regulation on June 3, 1987 relating to Permit No. DO42-133023 to construct a sewage treatment plant for the project known as Pigeon Plaza (attached as Exhibit C);

(4) the Permit issued by the Florida Department of Environmental Regulation bearing Permit No. DC42-133023, issued June 3, 1987, for the construction of a sewage treatment plant at the project known as Pigeon Plaza (attached as Exhibit D);

(5) the Notice of Permit issued by the Florida Department of Environmental Regulation dated April 3, 1990, for the construction of the Pigeon Park Water Distribution System, bearing Permit No. WC42-174682, dated April 3, 1990 (attached as Exhibit E);

(6) the Permit issued by the Florida Department of Environmental Regulation bearing Permit No. WC42-174682, issued April 3, 1990 (attached as Exhibit F);

(7) the fact there is a wastewater treatment plant located at latitude $29^{\circ} 06' 44''$ North and longitude $82^{\circ} 13' 15''$ West, in Section 8, Township 16 South, and Range 21 East, in Marion County, Florida (see map showing area of facilities, attached as Exhibit G); and

(8) the fact there is a water treatment plant located at latitude $29^{\circ} 06' 30''$ North and longitude $82^{\circ} 13' 00''$ West, in Section 8, Township 16 South, and Range 21 East, in Marion County, Florida (see map showing area of facilities, attached as Exhibit G).

5. Item 1 proposed above for official recognition is a duly enacted ordinance of Marion County, Florida. Item 2 proposed for official recognition is part of a duly enacted zoning ordinance of Marion County, Florida, and/or is not subject to dispute because it is

capable of accurate and ready determination by resort to sources whose accuracy cannot be questioned. Items 3 through 6 constitute official actions of the Florida Department of Environmental Regulation (now Department of Environmental Protection), which is an executive department of the State of Florida, and they are not subject to dispute because they are capable of accurate and ready determination by resort to sources whose accuracy cannot be questioned. Items 7 and 8 are facts generally known within the jurisdiction of the Commission and are not subject to dispute because they are capable of accurate and ready determination by resort to sources whose accuracy cannot be questioned.

6. The matters set forth above which are the subject of this request for official recognition therefore fall into one or more of the following categories: (1) official actions of the legislative or executive departments of Florida (items 3 through 6); (2) duly enacted ordinances and resolutions of municipalities and counties in Florida (items 1 and/or 2); (3) facts that are not subject to dispute because they are generally known within the territorial jurisdiction of the Commission (items 7 and 8); and (4) facts that are not subject to dispute because they are capable of accurate and ready determination by resort to sources whose accuracy cannot be questioned (all items).

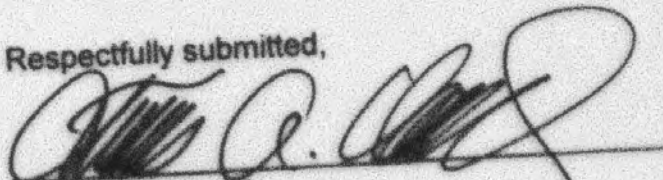
7. Section 90.203, Florida Statutes (1995), *requires* the taking of judicial notice of any of the matters identified under Section 90.202 when a party requests it and when the requesting party: (1) gives each adverse party timely written notice of their request (proof of which is filed with the court) to enable the adverse party to prepare to meet the request; and (2) furnishes the court with sufficient information to enable it to take judicial notice of the matter. § 90.203(1), (2), Fla. Stat. (1995).

8. As set forth above, copies of the documents and the matters for which official recognition is requested are identified herein and are attached hereto as exhibits, and are

contemporaneously being provided to all parties of record to enable them to prepare to meet the request. Because the requirements of § 90.203, Florida Statutes (1995) have been met by this request, the Commission is required to officially recognize the asserted matters.

WHEREFORE, Intervenor, MARION COUNTY, FLORIDA, respectfully requests the Commission grant official recognition to the matters set forth herein for all purposes in this proceeding.

Respectfully submitted,



Thomas A. Cloud
Fla. Bar No. 293326
Kenneth J. Plante
Fla. Bar No. 444790
Lee Killinger
Fla. Bar No. 807320
GRAY, HARRIS & ROBINSON, P.A.
Post Office Box 11189
Tallahassee, FL 32302-3189
Telephone: (904) 222-7717
Facsimile: (904) 222-3494

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original and 7 copies, was served together with the document on diskette, via hand delivery/U.S. Mail to:

- (1) Blanca S. Bayo, Director
Division of Records and Reporting

Public Service Commission
Capital Circle Office Center
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850
904/413-6770

With a copy via hand delivery/U.S. Mail to:

- (2) Donna Cyrus-Williams, Esquire
Florida Public Service Commission, Legal Division
Capital Circle Office Center
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850
904/413-6222
Counsel for the PSC
- (3) Martin S. Friedman, Esquire
ROSE, SUNDSTROM & BENTLEY
2548 Blairstone Pines Drive
Post Office Box 1567
Tallahassee, FL 32302-1567
904/877-6555
Counsel for Windstream Utilities Co.
- (4) Carlyle Ausley
AUSLEY CONSTRUCTION COMPANY
1107 E. Silver Springs Blvd., #2
Ocala, FL 34470
- (5) Joseph Lettelleir
JB Ranch
300 S. Duncan Avenue, Suite 296
Clearwater, FL 34615

this 10th day of March, 1997.



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RESOLUTION NO. 96-R-18

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, APPROVING THE ISSUANCE OF A SPECIAL USE PERMIT, PROVIDING AN EFFECTIVE DATE.

WHEREAS, an application for a Special Use Permit was duly filed by Armand & Eleanor Marcanthony and was considered by the Marion County Zoning Commission at its meeting on December 27, 1995 and

WHEREAS, the aforementioned application was considered at a public hearing held by the Board of County Commissioners of Marion County, Florida at its meeting on Tuesday, January 16, 1996, now therefore

BE IT RESOLVED by the Board of County Commissioners of Marion County, Florida:

SECTION 1. SPECIAL USE PERMIT APPLICATION 960115SU, Armand & Eleanor Marcanthony. The application for a Special Use Permit as submitted by Armand & Eleanor Marcanthony, a copy of said application being on file with the Zoning Director, is hereby approved for a Special Use Permit in an B-2 (Community Business) and A-1 (General Agriculture) zoning classifications on 6.70 acres for the intended use of an Assisted Care Living Facility on parcel account no. 35497-000-00.

SECTION 2. FINDINGS AND CONDITIONS. The Board of County Commissioners adopts the findings of fact recommended by the Zoning Commission and Planning Staff supporting approval of the Special Use Permit with the following conditions:


A. Conditions.

1. The vegetative buffer within the required setback shall be maintained to act as a buffer between the subject site and adjacent properties.
2. The applicant shall submit a site plan similar to the concept plan dated November 6, 1995.
3. The A-1 portion of the property shall be used for parking and water retention areas only.

SECTION 3. EFFECTIVE DATE. The Resolution shall take effect immediately upon its adoption.

DULY ADOPTED in regular session this 16th day of January, 1996.

**BOARD OF COUNTY COMMISSIONERS
MARION COUNTY, FLORIDA**



STEVE F. HENNING, CHAIRMAN

ATTEST:



FRANCES E. THIGPIN, CLERK

SPECIAL USE PERMIT

NAME: Armand and Eleanor Marcanthony

ADDRESS: 4456 SE Federal Highway
Stuart, Florida 34997

TELEPHONE: 407-283-0783
APPLICATION NO: 960115SU

WHEREAS, the Marion County Board of County Commissioners has considered the above-referenced application for a Special Use Permit and has approved the application on January 16, 1996, subject to conditions, and

WHEREAS, the Zoning Director is authorized to issue Special Use Permits in accordance with Board action, now therefore

A SPECIAL USE PERMIT is hereby issued to the above-listed property owner, pursuant to Board of County Commissioners' Resolution 96-R-18, for the Special Use of an assisted living facility in a B-2 (Community Business) zoning classification, and associated parking and storm water retention in an A-1 (General Agriculture) zoning classification, on Parcel Account No. 35497-000-00 subject to the following conditions:

1. The vegetative buffer within the required setback shall be maintained to act as a buffer between the subject site and adjacent properties.
2. The applicant shall submit a site plan similar to the concept plan dated November 6, 1995.
3. The A-1 portion of the property shall be used for parking and water retention areas only.

THIS SPECIAL USE PERMIT IS SUBJECT TO ALL APPLICABLE PROVISIONS OF THE MARION COUNTY LAND DEVELOPMENT CODE, NOT INCONSISTENT HERewith.



MICHAEL E. MAY, DIRECTOR
MARION COUNTY ZONING/DEVELOPMENT
REVIEW DEPARTMENT

DATE: 2-20-96

COMPOSITE EXHIBIT "B"

GCH-1

secondary service entrance is provided directly from State Road 200. Emergency access will be sufficient over either of the proposed access drives.

- (e) Off-street parking and loading areas are provided as shown on the site plan in order to provide parking for employees and visitors.
- (f) The proposed assisted living facility will not create any adverse economic, noise, glare or odor effects on adjoining properties. All development will take place in accordance with the requirements of the Marion County Land Development Code which regulates noise and lighting. There should be no odor and no adverse economic impact.
- (g) Refuse and service areas are provided as shown on the proposed site plan with a separate access drive directly from State Road 200.
- (h) The owner of this property has an existing package sewer plant located on adjacent property with sufficient capacity to service this project. The owner of this property has existing commercial water service available to serve this proposed project. In addition, at the terminus of Southwest 63rd Avenue and the intersection of Southwest 62nd Court and State Road 200, an existing public water supply system is available from Windstream Utilities, Inc.
- (i) The proposed assisted living facility will be compatible with the adjoining commercial uses to the north, east and west and no buffering is proposed. The existing agricultural use to the south is under common ownership and is intended to be an enhancement to this project allowing elderly confined individuals to view the existing horse farm activities. Accordingly, no buffer will be provided to this existing agricultural use.
- (j) Exterior lighting will be provided in accordance with the requirements of the Marion County Land Development Code, in order to provide adequate traffic and pedestrian safety and avoid any adverse impact to adjoining property. Sign location will be on Southwest 62nd Street at the entrance drive to the project.
- (k) Required yards and other green space will be above the minimum required by the Comprehensive Plan and the Land Development Code. The proposed project incorporates an internal courtyard (green space) for the use of the residents.
- (l) This proposed assisted living facility is compatible with all surrounding land uses and will enhance the services available to this community.
- (m) There are no special requirements identified by site analysis.

COMPOSITE EXHIBIT "B"

STATE OF FLORIDA
COUNTY OF Dade

I HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgments, personally appeared
ALBERT A. PORCO and JOSEPHINE PORCO, his wife

to me known to be the persons described in and who executed the foregoing instrument and acknowledged before me that
they executed the same.

GCH-1

600' Sealed B-2

960118 SLL

Zone A-1

600'

400'

300'

Existing Drive Extension

Existing Cables

Cross Street for Surface Drive

Phase I
50 Beds
Phase II
40 Beds

Parking Phase II

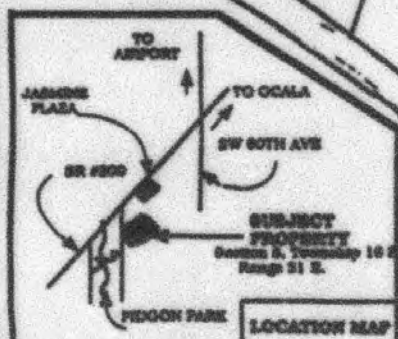
Parking Phase I

Future Drive to Intersection of SW 6th Ave

Note this drive will be abandoned when connection is made to the future extension of SW 6th Ave

40' Cross Street for Delivery to All?

CONCEPTUAL SITE PLAN
PHASE I - 50 BED
PHASE II - 40 BED
ASSISTED LIVING FACILITY



PALM Pampell House	
Phase I & II Site Plan	
Scale 1" = 100'	Date 11/6/95

GCH-1

COMPOSITE EXHIBIT "B"

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL REGULATION

SOUTHWEST DISTRICT

7601 HIGHWAY 301, N.W.
TAMPA, FLORIDA 33637-0001
813/885-7400
SUNCOCK 542-8000



June 3, 1967

NOTICE OF PERMIT

Mr. A. Marcanthony
4456 S.E. Federal Highway
Stuart, FL 33497

Re: Pidgeon Plaza

Dear Mr. Marcanthony:

Enclosed is Permit Number DO42-133023 to construct a sewage treatment plant, issued pursuant to Section(s) 403.067(1), Florida Statutes.

Any party of this Order (permit) has the right to seek judicial review of the permit pursuant to Section 120.68, Florida Statutes, by the filing of a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel, 2600 Blair Stone Road, Tallahassee, Florida 32301; and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The Notice of Appeal must be filed within 30 days from the date this Notice is filed with the Clerk of the Department.

Executed in Tampa, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION

Alexander MacEwan

ALEXANDER MACEWAN
Permitting Engineer

AM/lgr

cc: Marion CHD
Frederick Bell, P.E.

To: BKL
cc: GCH
T. Cloud
ATW
Pidgeon Plaza
Const. Permits

EXHIBIT "C"

CERTIFICATE OF SERVICE

This is to certify that the following persons were mailed before the _____ of _____ the listed persons.

FILING AND ACKNOWLEDGEMENT
FILED, on this date, pursuant to
§120.52(10), Florida Statutes, with
the designated Department Clerk,
receipt of which is hereby
acknowledged.

J. Smith
Clerk

6/1/79
Date

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL REGULATION



SOUTHWEST DISTRICT

601 N. GULF BLVD., SUITE 100
TALLAHASSEE, FLORIDA 32307-1000

813-985-7427
Surf Com: 942-4200

PERMITTEE
Mr. A. Marcanthony
4456 S. E. Federal Highway
Stuart, FL 33497

PERMIT/CERTIFICATION
GMS ID No: 42P10392
Permit No: DC42-133023
Date of Issue: June 3, 1987
Expiration Date: 6/15/88
County: Marion
Lat/Long: 29°06'44"
82°13'15"
Sec/Town/Rge: 8/16S/21E
Project: Pidgeon Plaza

This permit is issued under the provisions of Chapter 403, Florida Statutes, and Florida Administrative Code Rule(s) 17-3, 17-4 and 17-6. The above named permittee is hereby authorized to perform the work or operate the facility shown on the application and approved drawing(s), plans, and other documents, attached hereto or on file with department and made a part hereof and specifically described as follows:

Construction of a 0.02 MGD Type III extended aeration sewage treatment plant with chlorinated effluent to three percolation/evaporation ponds of 12,900 square feet total bottom area with an emergency overflow pond of 1,000 square feet total bottom area.

Location: State Road 200, 6 miles west of Ocala, Florida

Replaces Permit No.: N/A

Expired: N/A

Inf. Sta No.:

Eff. Sta. No.:

Segment No.: 20.2A

DER Form 17-1.201(5) Page 1 of 6.

EXHIBIT "D"

PERMITTEE:
 Mr. A. Marcanthony
 PIDGEON PLAZA

GMS ID NO.: 42P10392
 PERMIT NO.: 1041-1-3123

SPECIFIC CONDITIONS:

1. Drawings, plans, documents or specifications submitted by the permittee, not attached hereto, but retained on file at the Southwest District Office, are made a part hereof.

2. The zone of discharge boundary shall extend horizontally 100 feet from the site boundary or to the installation's property boundary, whichever is less, and vertically to the base of the shallow water table aquifer. (17-4.245(4), F.A.C.)

3. The water quality standards for Class G-II groundwater shall not be exceeded at the boundary of the zone of discharge. (17-3.402, 17-3.404, F.A.C.)

4. The requirements of Chapter 17-16 F.A.C. regarding certified operators shall be met.

5. The discharge from the chlorine contact chamber shall be sampled in accordance with Chapter 17-19 F.A.C. and shall meet the following limitations:

Parameter	Unit	Min-imum	Maximum	Type Sample	Frequency
BOD & Suspended Solids	mg/l	0	20 annual avg.	grab	Every other month
			30 monthly avg.		
			45 weekly avg.		
			60 any one sample		
Fecal coliform	#/100	0	200 annual avg. 200 monthly avg.	grab	Quarterly
Nitrate	mg/l	0	12	grab	Every other month
Flow	mgd	.000	0.02		Daily 5/wk
pH	STD UN	6.00	8.50	grab	Daily 5/wk

The results shall be reported monthly on DER Form 17-1.205(7).

6. The sludge shall be sampled after final treatment accordance with 17-7.54(2)(e) F.A.C. but prior to utilization disposal for the parameters listed below every 12 months. A copy of the analyses shall be submitted with the monthly operation report for the following parameters:

- Total Nitrogen - % dry weight
- Total Phosphorus - % dry weight
- Total Potassium - % dry weight
- Cadium - mg/kg dry weight
- Copper - mg/kg dry weight
- Lead - mg/kg dry weight
- Nickel - mg/kg dry weight
- Zinc - mg/kg dry weight
- pH - standard units

PERMITTEE:
Mr. A. Marcanthony
PIEDGEON PLAZA

DMS ID NO.: 42910292
PERMIT NO.: 0741-13-23

GENERAL CONDITIONS

1. The terms, conditions, requirements, limitations, and restrictions set forth herein are "Permit Conditions" and as such are binding upon the permittee and enforceable pursuant to the authority of Section 403.161, 403.727, or 403.859 through 403.861, Florida Statutes. The permittee is hereby placed on notice that the department will review this permit periodically and may initiate enforcement action for any violation of the "Permit Conditions" by the permittee, its agent, employees, servants or representatives.
2. This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action by the department.
3. As provided in Subsections 403.087(6) and 403.712(5), Florida Statutes, the issuance of this permit does not convey any vested rights or any exclusive privileges. Nor does it authorize any injury to public or private property or any invasion of personal rights, nor infringement of federal, state or local laws or regulations. This permit does not constitute a waiver of or approval of any other department permit that may be required for other aspects of the total project which are not addressed in the permit.
4. This permit conveys no title to land or water, does not constitute state recognition or acknowledgment of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the state. Only the Trustees of the Internal Improvement Trust Fund may express state opinion as to title.
5. This permit does not relieve the permittee from liability for harm or injury to human health or welfare, animal, plant or aquatic life or property and penalties therefore caused by the construction or operation of this permitted source, nor does it allow the permittee to cause pollution in contravention of Florida Statutes and department rules, unless specifically authorized by any order from the department.

PERMITTEE:
Mr. A. Marcanthony
PIDGEON PLAZA

GMS ID NO.: 42P10392
PERMIT NO.: DC42-133023

GENERAL CONDITIONS (con't):

6. The permittee shall at all times properly operate and maintain the facility and systems of treatment and control (and associated appurtenances) that are installed or used by the permittee to achieve compliance with the conditions of this permit as required by department rules. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the permit as required by department rules.
7. The permittee, by accepting this permit, shall agree to allow authorized department personnel, upon presentation of a credential or other documents as may be required, to enter the premises, at reasonable times, where the permittee is located or conducted for the purposes of:
- Having access to and copying any records that must be kept under the conditions of the permit;
 - Inspecting the facility, equipment, practices, or operations regulated or required under this permit; and
 - Sampling or monitoring any substances or parameters at any location reasonably necessary to assure compliance with this permit or department rules.

Reasonable time may depend on the nature of the concern being investigated.

8. If, for any reason, the permittee does not comply with or will be unable to comply with any condition or limitation specified in this permit, the permittee shall immediately notify and provide the department (17-6.130) with the following information:

- a description of and cause of non-compliance; and
- the period of non-compliance, including exact dates and times; or, if not corrected, the anticipated time the non-compliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the non-compliance.

The permittee shall be responsible for any and all damages which may result and may be subject to enforcement action by the department for penalties or revocation of this permit.

PERMITTEE:

MR. A. Marcanthony
PIGEON PLATA

GMS ID NO.: 42910292

PERMIT NO.: 17-1-133

GENERAL CONDITIONS (con't):

9. In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this permitted source, which are submitted to the department, may be used by the department as evidence in any enforcement case arising under the Florida Statutes or department rules, except where such use is prescribed by Section 403.73 and 403.111, Florida Statutes.

10. The permittee agrees to comply with changes in department rules and Florida Statutes after a reasonable time for compliance, provided, however, the permittee does not waive any other rights granted by Florida Statutes or department rules.

11. This permit is transferable only upon department approval in accordance with Florida Administrative Code Rules 17-4.12 and 17-30.30, as applicable. The permittee shall be liable for any non-compliance of the permitted activity until the transfer is approved by the department.

12. This permit is required to be kept at the work site of the permitted activity during the entire period of construction or operation.

13. This permit also constitutes:
- () Determination of Best Available Control Technology (BACT)
 - () Determination of Prevention of Significant Deterioration (PSD)
 - () Certification of Compliance with State Water Quality Standards (Section 401, FL 92-500)
 - () Compliance with New Source Performance Standards

14. The permittee shall comply with the following monitoring and record keeping requirements:

a. Upon request, the permittee shall furnish all records and plans required under department rules. The retention period for all records will be extended automatically, unless otherwise stipulated by the department, during the course of any unresolved enforcement action.

PERMITTEE:
Mr. A. Marcanthony
RIDGEMAN PLAZA

SMS ID NO.: 42P10392
ISSUED DATE: 11-15-67

14. (con't):

b. The permittee shall retain at the facility or other location designated by this permit records of all monitoring information (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation), copies of all reports required by this permit, and records of all data used to complete the application for this permit. The time period of retention shall be at least three years from the date of the sample, measurement, report or application unless otherwise specified by department rule.


c. Records of monitoring information shall include:

- the date, exact place, and time of sampling or measurement;
- the person responsible for performing the sampling or measurements;
- the date(s) analyses were performed;
- the person responsible for performing the analyses;
- the analytical techniques or methods used; and
- the results of such analyses.

15. When requested by the Department, the permittee shall within a reasonable time furnish any information required by law which is needed to determine compliance with the permit. If the permittee becomes aware that relevant facts were not submitted or were incorrect in the permit application or in any report to the department, such facts or information shall be submitted or corrected promptly.

Issued this 2nd day of
June, 1967

STATE OF FLORIDA DEPARTMENT OF
ENVIRONMENTAL REGULATION


Richard D. Garrity, Ph.D.
District Manager



Florida Department of Environmental Regulation

Southwest District • 4520 Oak Fair Boulevard • Tampa, Florida 33610-7347 • 813-623-5561

Bob Martinez, Governor

Dale Twachtman, Secretary

John Shannon, Assistant Secretary
Dr. Richard Gentry, Deputy Assistant Secretary

NOTICE OF PERMIT

April 3, 1990

Mr. A. Marcanthony, President
Mr. Land, Inc.
4456 S.E. Federal Highway
Stuart, Florida 34997

Re: ~~Trugeth~~ Park Water Distribution System

Dear Mr. Marcanthony:

Enclosed is Permit Number WC42-174682 to construct a water distribution system, issued pursuant to Section(s) 403.087(1), Florida Statutes.

A person whose substantial interests are affected by this permit may petition for an administrative proceeding (hearing) in accordance with Section 120.57, Florida Statutes. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department at 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, within 14 days of receipt of this Permit. Petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. Failure to file a petition within this time period shall constitute a waiver of any right such person may have to request an administrative determination (hearing) under Section 120.57, Florida Statutes.

The Petition shall contain the following information;

- (a) The name, address, and telephone number of each petitioner, the applicant's name and address, the Department Permit File Number and the county in which the project is proposed;
- (b) A statement of how and when each petitioner received notice of the Department's action or proposed action;
- (c) A statement of how each petitioner's substantial interests are affected by the Department's action or proposed action;
- (d) A statement of the material facts disputed by Petitioner, if any;
- (e) A statement of facts which petitioner contends warrant reversal or modification of the Department's action or proposed action;
- (f) A statement of which rules or statutes petitioner contends require reversal or modification of the Department's action or proposed action; and

EXHIBIT "E"

PERMITTEE: Mr. A. Marcanthony, President
PERMIT NO.: WC42-174682

(g) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Department's action or proposed action.

If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, the Department's final action may be different from the position taken by it in this permit. Persons whose substantial interests will be affected by any decision of the Department with regard to the application have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within 14 days of receipt of this notice in the Office of General Counsel at the above address of the Department. Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Section 120.57, F.S., and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 28-5.207, F.A.C.


This permit is final and effective on the date filed with the Clerk of the Department unless a petition is filed in accordance with the above paragraphs or unless a request for extension of time in which to file a petition is filed within the time specified for filing a petition and conforms to Rule 17-103.070, F.A.C. Upon timely filing of a petition or a request for an extension of time this permit will not be effective until further Order of the Department.

When the Order (Permit) is final, any party to the Order has the right to seek judicial review of the Order pursuant to Section 120.68, Florida Statutes, by the filing of a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate procedure, with the Clerk of the Department in the Office of General Counsel, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400; and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The Notice of Appeal must be filed within 30 days from the date the Final Order is filed with the Clerk of the Department.

PERMITTEE: Mr. A. Marcanthony, President
PERMIT NO.: WC42-174682

Executed in Tampa, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION


JoAnn H. Herron
Permitting Engineer

JHH/dmp

cc: Marion CPHU
Sheikh M. Hasan, Ph.D., PE, PLS

CERTIFICATE OF SERVICE

This is to certify that this NOTICE OF PERMIT and all copies were mailed before the close of business on April 3, 1990 to the listed persons.

FILING AND ACKNOWLEDGEMENT
FILED, on this date, pursuant
to §120.52(10), Florida
Statutes, with the designated
Department Clerk, receipt of
which is hereby acknowledged.

Veronika Pelham 4/3/90



Florida Department of Environmental Regulation

Southwest District • 4520 Oak Fair Boulevard • Tampa, Florida 33610-7347 • 813-623-5561

Bob Martinez, Governor

Dale Trochimann, Secretary

John Shearer, Assistant Secretary
Dr. Richard Gentry, Deputy Assistant Secretary

PERMITTEE

Mr. Land, Inc.
4456 S.E. Federal Highway
Stuart, Florida 34997

Attn: Mr. A. Marcanthony,
President

Permit/Certification

ID. Number:

Permit Number WC42-174682

Date of Issue: 4/3/90

Expiration Date: 4/3/91

County: Marion

Lat/Long: 29°06'30"N/
82°13'00"W

Sect/Town/Rge:

Project: Pidgeon Park Water
Distribution System

This permit is issued under the provisions of Chapter 403, Florida Statutes, and Florida Administrative Code Rule(s) 17-555. The above named permittee is hereby authorized to perform the work or operate the facility shown on the application and approved drawing(s), plans, and other documents, attached hereto or on file with department and made a part hereof and specifically described as follows:

Construction of a water distribution system according to the plans and specifications prepared by Planning and Resources, Inc. The new system is to serve 94 residential lots.

Location: 6200 S.W. SR 200

PERMITTEE:
Mr. A. Marcanthony, President
Pidgeon Park Water Distribution
System

Permit No. WC42-174682

Specific Conditions

1. The system may be placed in service once a letter of clearance from this Department is received (Chapter 17-555.345, F.A.C.).
2. A letter of clearance may be issued by this Department once the expansion of water system serving the project has been permitted, constructed and cleared and upon receipt of the following items:
 - a. 'Request for a Letter of Release to Place Water Supply System into Service', DER Form 17-555.910(9), F.A.C.;
 - b. Copy of satisfactory pressure test of the water distribution system; and
 - c. Copies of satisfactory bacteriological analysis of the water taken from representative points within the distribution system on two consecutive days.
3. Permitted construction or alteration of public drinking water systems must be supervised during construction by a professional engineer registered in the State of Florida.
4. If historical or archaeological artifacts, such as Indian canoes, are discovered at any time within the project site the permittee shall immediately notify the district office and the Bureau of Historic Preservation, Division of Archives, History and Records Management, R.A. Gray Building, Tallahassee, Florida 32301, Telephone number (904) 487-2073.
5. The permittee shall operate and maintain this facility in accordance with Chapter 17-555.350, F.A.C.
6. The permittee shall be aware of and operate under the attached "General Conditions". General conditions are binding upon the permittee and enforceable pursuant to Chapter 403, Florida Statutes.

STATE OF FLORIDA DEPARTMENT OF
ENVIRONMENTAL REGULATION



Richard D. Garrity, Ph.D.
Deputy Assistant Secretary

EXISTING CERTIFICATED AREA OF WINDSTREAM UTILITIES

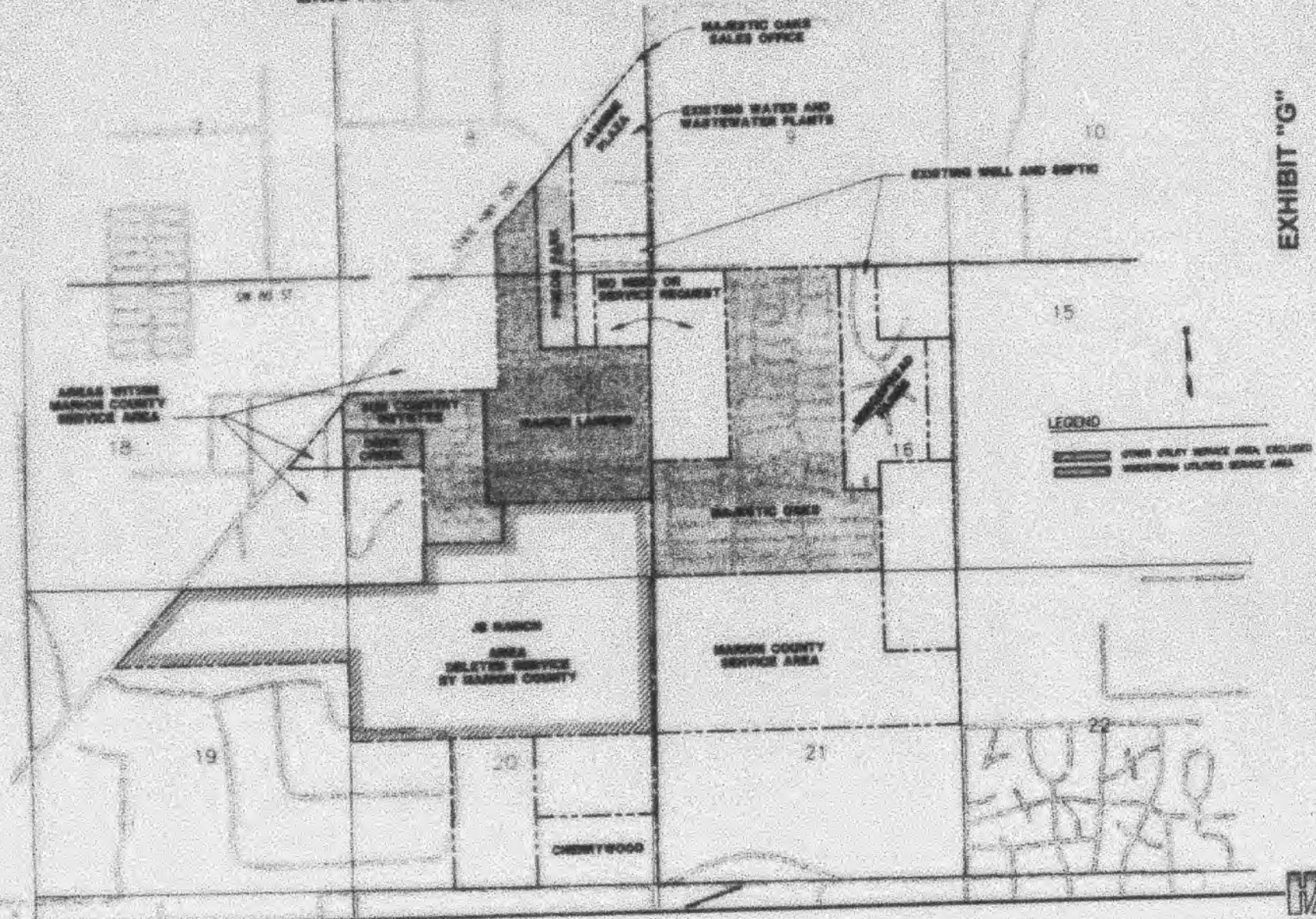


EXHIBIT "G"