

STATE OF FLORIDA

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Commissioners:
JULIA L. JOHNSON, CHAIRMAN
J. TERRY DEASON
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JOE GARCIA



DIVISION OF LEGAL SERVICES
NOREEN S. DAVIS
DIRECTOR
(850) 413-6199

Public Service Commission

July 30, 1997

Mr. Joe Adams
Becker & Poliakoff
13515 Bell Tower Drive, Suite 101
Ft. Myers, FL 33907

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Dear Mr. Adams:

Please find enclosed a copy of the letter sent to FCWS regarding FCWS's tariff language concerning remetering drafted by Ms. Jennie Lingo, the staff analyst assigned to this matter.

As I indicated to you in our telephone conversation today, Ms. Lingo and I are still working with FCWS to clarify the language in their tariff relating to the remetering issue. Hopefully, we will have this resolved in the very near future.

In the meantime, if you have any questions or if I may be of further assistance to you, please feel free to contact me at (850) 413-6216.

Sincerely,

Bobbie L. Reyes
Senior Attorney

cc: Division of Water and Wastewater (Lingo)
Division of Records and Reporting

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State of Florida

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

Public Service Commission

June 30, 1997

Mr. Robert Dick
Florida Cities Water Company
7401 College Parkway
Ft. Myers, FL 33907

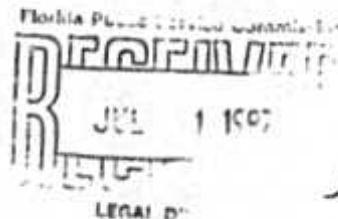
Re: Florida Cities Water Company's (FCWC) Remetering Policy

Dear Mr. Dick:

As we discussed in our telephone conversation on June 19, 1997, the language in FCWC's tariff that prohibits remetering (submetering) cannot be enforced. That is, resellers are allowed under the provisions of Chapter 367, Florida Statutes either in the form of a regulated utility or an exempt entity. Therefore, FCWC may not prohibit remetering if a condo association or other entity requests remetering of the individual units behind a master meter. (Please see the enclosed copy of a letter that was written to FCWC from the Public Service Commission in April 1995 regarding remetering.)

Further, based on my review of FCWC's tariff, it appears that the language contained in the Rules and Regulations section 7.0 entitled "Limitation of Use" (on First Revised Sheet No. 10.0) is outdated and must be revised. To assist FCWC in revising this portion of its tariff, I have also enclosed a copy of the page from the Division of Water and Wastewater's current model tariff which contains the Rules and Regulations provisions for "Limitation of Use." Although remetering is permitted, anyone or any entity that resells water and/or wastewater service at a rate or charge which exceeds the actual purchase price thereof must apply to the Florida Public Service Commission for a certificate.

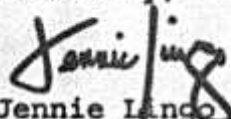
In order to expedite the resolution of this matter, please submit three copies of the revised tariff sheet to this office by



Mr. Robert Dick
Page 2
June 24, 1997

July 16, 1997. If you should have additional questions, please do not hesitate to contact me at (904) 413-6964.

Sincerely,



Jennie Lingo
Economic Analyst
Bureau of Policy Development
and Industry Structure

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Enclosures: Page from model tariff re: "Limitation of Use"
DWAU letter to FCWC 4/11/95

cc w/Encls: Division of Water and Wastewater (Hill, Chase,
Rendell)
Division of Legal Services (Reyes)

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) 488-8482

Public Service Commission

April 11, 1995

Mr. Larry Griggs, Division Manager
Florida Cities Water Company
Lee County Division
P.O. Box 6459, Miracle Mile
Ft. Myers, Florida 33911-6459

RE: Florida Cities Water Company Tariff

Dear Mr. Griggs:

As we discussed in January, 1995, the current water tariff First Revised Sheet No. 10.0 regarding remetering is not enforceable as written. Section 367.022(8), Florida Statutes specifically allows water and wastewater resellers. The statute supersedes your tariff. Therefore, we cannot enforce this part of the tariff as it is currently written. Since anyone that resells water and/or wastewater needs a exemption or a certificate, you may want to state in your tariff that no one can resell water and/or wastewater unless an exemption by the Florida Public Service Commission is granted and prior approval is received by the utility. Mr. Troy Rendell, Rates and Charges Supervisor, and I agree that we do not want to encourage neighbors serving neighbors. I believe that adding this or similar language in the tariff will correct the problem in the tariff and would not encourage misuse. Please send us your concerns about remetering in writing along with a revised tariff.

Please file an original and three copies of the requested information with the Mr. Troy Rendell, Supervisor, Division of Water and Wastewater, 101 East Gaines Street, Tallahassee, FL 32399.

*Troy let me know
when you get this in*

Thx PPD

NAME OF COMPANY _____

WATER TARIFF

RULES AND REGULATIONS

- 1.0 GENERAL INFORMATION - These Rules and Regulations are a part of the rate schedules and applications and contracts of the Company and, in the absence of specific written agreement to the contrary, apply without modifications or change to each and every customer to whom the Company renders water service.

The Company shall provide water service to all customers requiring such service within its certificated territory pursuant to Chapter 25-30, Florida Administrative Code and Chapter 367, Florida Statutes.

- 2.0 POLICY DISPUTE - Any dispute between the Company and the customer or prospective customer regarding the meaning or application of any provision of this tariff shall upon written request by either party be resolved by the Florida Public Service Commission.
- 3.0 APPLICATION - In accordance with Rule 25-30.310, Florida Administrative Code, a signed application is required prior to the initiation of service.
- 4.0 APPLICATIONS BY AGENTS - Applications for water service requested by firms, partnerships, associations, corporations, and others shall be rendered only by duly authorized parties or agents.
- 5.0 REFUSAL OR DISCONTINUANCE OF SERVICE - The Company may refuse or discontinue water service rendered under application made by any member or agent of a household, organization, or business in accordance with Rule 25-30.320, Florida Administrative Code.
- 6.0 EXTENSIONS - Extensions will be made to the Company's facilities in compliance with Commission Rules and Orders and the Company's tariff.
- 7.0 LIMITATION OF USE - Water service purchased from the Company shall be used by the customer only for the purposes specified in the application for water service and the customer shall not sell or otherwise dispose of such water service supplied by the company.

In no case shall a customer, except with the written consent of the company, extend his lines across a street, alley, lane, court, property line, avenue; or other way in order to furnish water service to the adjacent property through one meter even though such adjacent property may be owned by him. In case of such unauthorized extension, sale, or disposition of service, the customer's water service will be subject to discontinuance until such unauthorized extension, remetering, sale or disposition of service is discontinued and full payment is made to the Company for water service rendered by the Company (calculated on proper classification and rate schedules) and until reimbursement in full is made in full to the Company for all extra expenses incurred for clerical work, testing, and inspections.

ISSUING OFFICER

TITLE