Commissioners: JULIA L. JOHNSON, CHAIRMAN J. TERRY DEASOL SUSAN F. CLARK JOE GARCIA E. LEON JACOBS, JR.



DIVISION OF WATER & WASTEWATER CHARLES H. HILL DIRECTOR (850) 413-6900

# Public Service Commission

August 5, 1998

Mr. Harry K. Kim Bella Vista Golf and Yacht Club, Inc. Highway 48, P.O. Box 66 Howey In The Hills, FL 34737

750000

Re: Application for Original Water Certificate for Bella Vista Golf and Yacht Club, Inc., in Lake County.

Dear Mr. Kim:

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CMU.

OPC -RCH -SEC -

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By Order No. PSC-93-0611-FOF-WU, issued April 21, 1993, in Docket No. 920348-WU, the Commission indicated the exempt status of Bella Vista Homeowners Association of Lake County, Inc. (HOA). The exemption, pursuant to Section 367.022(7), Florida Statutes, was based on representations made in the application that water service would be provided solely to members of the HOA. In addition, a warranty deed was provided with the application which was purported to show that ownership of the utility facilities, and the land upon which the facilities were located, had been transferred to the HOA.

In April of 1996, the Commission received an inquiry from the current President of the HOA regarding the warranty deed. Upon further review, it was determined that the document provided with the application was not in the name of the HOA. By letter dated March 4, 1997, Mr. K. J. Greenhaw, Director of Development/Construction, concurred with staff that a correct deed to the HOA had not been made in 1992 as was required as a condition of the exemption. Instead of issuing a proper deed, Mr. Greenhaw requested time to determine what action to take to resolve the situation. Since that request, considerable leeway has been given to resolve the situation so that a non-profit exemption may apply.

To be exempt from Commission regulation pursuant to Section 367.022(7), Florida Statutes, the utility must be a non-profit entity which provides service solely to members which own and control it. From review of all information provided to date, it appears that the utility does not qualify for this exemption. Section 367.031, Florida Statutes, requires each utility subject to the jurisdiction of the Commission to have a certificate of authorization from the Commission.

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PSC Website: www2.scrl.net/psc

Internet E-mail: contact@psc.state.fl.us

Mr. Harry K. Kim Page 2 August 5, 1998

Enclosed is the application package to apply for an original water certificate. Included in this package are the following items:

- Application for certificate pursuant to Section 367.045, Florida Statutes (F.S.) 1.
- A copy of Section 367.045, F.S., regarding applications for original certificates. Chapter 2 367, F.S., details the Commission's jurisdiction over private water and wastewater utilities in Florida.
- A copy of selected portions of Chapter 25-30, Florida Administrative Code (F.A.C.), 3. regarding applications for original certificates. Chapter 25-30, F.A.C., are the rules established to carry out the jurisdiction of the Commission over private water and wastewater utilities.
- Sample publication/legal notice format and a list of utilities and governmental/regulatory 4. agencies that must be notified in accordance with Commission Rule 25-30.030, F.A.C. Please note the expiration date on the list. If you have not performed the noticing by this date, you must request an updated list by contacting the undersigned.
- Instructions for preparing the territory description and map. 5.
- Sample tariff which will contain all of the utility's rules, regulations, rates and charges. 6.

The original and five copies of the application and supporting documentation, one copy of the maps and the original and three copies of the tariffs must be filed with:

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

The application should be completed and filed by September 30, 1998. If you have any tions concerning this material, please feel free to contact either myself or a member of my staff, Ms. Patricia Brady, at (850) 413-6686.

Sincerely,

Chief, Bureau of Policy Development

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and Industry Structure

Mr. Harry K. Kir v Page 3 August 5, 1998

JDW:plb Enclosure

cc: Mr. Conrad T. Coen

Bella Vista Homeowners Association of Lake County, Inc.

P.O. Box 224

Howey in the Hills, FL 34737

Mr. Timothy P. Hoban, Esquire Blanchard & Hoban 35 E. Pinehurst Blvd. Eustis, FL 32726

Division of Water and Wastewater (Brady) Division of Legal Services (Crosby) Division of Records and Reporting (2 copies)

# LIST OF WATER AND WASTEWATER UTILITIES IN LAKE COUNTY

# (VALID FOR 60 DAYS) 08/04/1998-10/02/1998

# UTILITY NAME

MANAGER

# LAKE COUNTY

BRENDENWOOD WATER SYSTEM (WUOZO)	PAUL E. DAY
P. O. BOX 350294	(352) 357-9466
GRAND ISLAND, FL 32735-0294	
CENTURY ESTATES UTILITIES, INC. (WU725)	JOSEPH LINARTAS
325 SOUTH ORLANDO AVENUE	(407) 644-2804
WINTER PARK, FL 32789-3660	
CRYSTAL RIVER UTILITIES, INC. (WU766)	RICHARD BOWLES
P. O. BOX 520247	(407) 260-2214
LONGWOOD, FL 32752-0247	
FLORIDA WATER SERVICES CORPORATION (WS227)	BRIAN P. ARMSTRONG
P. O. BOX 609520	(407) 880-0058
ORLANDO, FL 32860-9520	
HARBOR HILLS UTILITIES, L.P. (WU727)	R.S. HUTCHESON
6538 LAKE GRIFFIN ROAD	(352) 753-7000
LADY LAKE, FL 32159-2900	
J. SWIDERSKI UTILITIES, INC. (WS543)	JOE SWIDERSKI
9800 U.S. HIGHWAY 441, SUITE 102	(352) 326-8981
LEESBURG, FL 34788-3918	
LAKE GROVES UTILITIES, INC. (WS641)	JERRY SALSANO
P. O. BOX 915505	(407) 862-9688
LONGWOOD, FL 32791-5505	
LAKE UTILITY COMPANY (WS619)	EARL THIELE
25201 U.S. HIGHWAY 27	(352) 326-4170
LEESBURG, FL 34748-9099	
LAKE UTILITY SERVICES, INC. (WUSS3)	DON RASMUSSEN
200 WEATHERSFIELD AVENUE	(407) 869-1919
ALTAMONTE SPRINGS, FL 32714-4027	
LAKE YALE UTILITY COMPANY (LAKE YALE CORPORATION D/B/A) (W5700)	LEROY K. NEW
11643 MARTEL COURT	(352) 483-1377
LEESBURG, FL 34788-8103	
PENNBROOKE UTILITIES, INC. (WS677)	FRANK H. HAAS
146 HORIZON COURT	(941) 646-2904
LAKELAND, FL 33813-1742	

#### LIST OF WATER AND WASTEWATER UTILITIES IN LAKE COUNTY

#### (VALID FOR 60 DAYS) 08/04/1998-10/02/1998

#### UTILITY NAME

MANAGER

#### LAKE COUNTY (continued)

PINE HARBOUR WATER UTILITIES (WU635)
P. O. BOX 447
FRUITLAND PARK, FL 34731-0477

RAINTREE UTILITIES, INC. (WU663) 37731 STATE ROAD 19 UMATILLA. FL 32784-9618

ROUTE 19A NORTH JOINT VENTURE (WS577)
P. O. BOX 5252
LAKELAND, FL 33807-5252

SHANGRI-LA BY THE LAKE UTILITIES, INC. (WS728) 11654 LONG LAKE DRIVE SPARTA, MI 49345

SOUTHLAKE UTILITIES, INC. (WS638)
P. O. BOX 6209
TALLAHASSEE, FL 32314-6209

SUN COMMUNITIES FINANCE LIMITED PARTNERSHIP (WS755) 31700 MIDDLEBELT ROAD, SUITE 145 FARMINGTON HILLS, MI 48334

W.B.B. UTILITIES, INC. (WU639) 4116 BAIR AVENUE FRUITLAND PARK, FL 34731-9647 JIM C BRANHAM (352) 787-2944

DON MONN (904) 357-3767

RAYMOND MOATS (941) 647-1581

WILLIAM E. WERNER (616) 887-8888

ROBERT L. CHAPMAN, III (888) 876-3569

JOSE A. DIEZ-ARGUELLES (850) 224-9634

RICHARD E. BAIR (352) 787-4347

#### (VALID FOR 60 DAYS) 08/04/1998-10/02/1998

#### UTILITY NAME

MANAGER

#### GOVERNMENTAL AGENCIES

ADMINISTRATOR, CITY OF UMATILLA P. O. BOX 2286 UMATILLA, FL 32784-2286

CLERK, BOARD OF COUNTY COMMISSIONERS, LAKE COUNTY P. O. BOX 7800 TAYARES, FL 32778-7800

DEP CENTRAL DISTRICT 3319 MAGUIRE BLVD., SUITE 232 ORLANDO. FL 32803-3767

DEP SOUTHWEST DISTRICT 3804 COCONUT PALM DRIVE TAMPA, FL 33618-8318

EAST CENTRAL FLORIDA PLANNING COUNCIL 1011 WYMORE ROAD, SUITE 105 WINTER PARK, FL 32789

MAYOR, CITY OF CLERMONT P. O. BOX 120219 CLERMONT, FL 32712-0219

MAYOR, CITY OF EUSTIS P. O. DRAWER 68 EUSTIS, FL 32727-0068

MAYOR, CITY OF FRUITLAND PARK 506 WEST BERCKMAN STREET FRUITLAND PARK, FL 34731-3200

MAYOR, CITY OF GROVELAND 156 SOUTH LAKE AVENUE GROVELAND, FL 34736-2597

### (VALID FOR 60 DAYS) 08/04/1998-10/02/1998

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#### UTILITY NAME

MANAGER

MAYOR, CITY OF LEESBURG P. O. BOX 490630 LEESBURG, FL 32749-0630

MAYOR, CITY OF MASCOTTE P. O. BOX 56 MASCOTTE, FL 34753-0056

MAYOR, CITY OF MINNEOLA P. O. BOX 678 MINNEOLA, FL 34755-0678

MAYOR, CITY OF MOUNT DORA P. O. BOX 175 MOUNT DORA, FL 32756-0176

MAYOR, CITY OF TAVARES P. O. BOX 1068 TAVARES, FL 32778-1068

MAYOR, TOWN OF ASTATULA P. O. BOX 609 ASTATULA, FL 34705-0609

MAYOR, TOWN OF HOWEY-IN-THE-HILLS P. O. BOX 67 HOWEY-IN-THE-HILLS, FL 34737-0067

MAYOR, TOWN OF LADY LAKE 225 WEST GUAYA STREET LADY LAKE, FL 32159-3735

MAYOR, TOWN OF MONTVERDE P. O. BOX 560008 MONTVERDE, FL 34729-0008

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# (VALID FOR 60 DAYS) 08/04/1998-10/02/1998

#### UTILITY NAME

MANAGER

ST. JOHNS RIVER WTR MANAGEMENT DISTRICT P.O. BOX 1429 PALJTKA, FL 32178-1429

#### STATE OFFICIALS

. . .

STATE OF FLORIDA PUBLIC COUNSEL C/O THE HOUSE OF REPRESENTATIVES THE CAPITOL TALLAHASSEE, FL 32399-1300

DIVISION OF RECORDS AND REPORTING FLORIDA PUBLIC SERVICE COMMISSION 2540 SHUMARD DAK BOULEVARD TALLAHASSEE, FL 32399-0850