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

# Public Service Commission

September 18, 1998

Mr. John Leonette  
Hunter Creek Utilities, LLC  
902 Whispering Pines  
Bloomingburg, NY 12721

Re: Docket No. 980731-WS, Application for certificate to provide water and wastewater service in Charlotte County by Hunter Creek Utilities, LLC.

Dear Mr. Leonette:

The Commission received your response to my June 24, 1998 deficiency letter on August 13, 1998. Your letter was responsive to most of the deficiencies, clarifications or corrections in my original letter. However, the following items still need to be addressed in order for the application to be complete.

### Deficiencies

1. Financial Ability. As you know, Rule 25-30.034(1)(d), Florida Administrative Code, requires a statement of financial ability to continue to provide utility service. In your response to my first letter of deficiency, you indicated that you are relying on the development company to loan the utility money to keep going. If this is the case, then please provide financial statements for the development company along with a letter of intent from the development company that indicates its willingness to support the utility until appropriate rates can be established by the Commission.

2. Land Ownership. As you are also aware, Rule 25-30.034(1)(e), Florida Administrative Code, requires that the utility either own, or have long-term lease to, the land upon which the utility treatment facilities are located. The original application contained a 99-year lease by the utility of the land and facilities from Rivers Edge, Inc. Also, the documents listed as Exhibits C and E in your original application show that Rivers Edge, Inc., bought 110 acres for \$1,550,000 from Ernest E. and Zola M. MacLachlan on December 14, 1990 and that warranty deed was conveyed to Rivers Edge, Inc. In my June 24, 1998 deficiency letter, copy of that warranty deed was requested.

- ACK \_\_\_\_\_
- AFA \_\_\_\_\_
- APP \_\_\_\_\_
- CAF \_\_\_\_\_
- CMU 2 \_\_\_\_\_
- CTR \_\_\_\_\_
- EAG \_\_\_\_\_
- LEG \_\_\_\_\_
- LIN \_\_\_\_\_
- OPC \_\_\_\_\_
- RCH \_\_\_\_\_
- SEC 1 \_\_\_\_\_
- WAS \_\_\_\_\_
- OTH \_\_\_\_\_

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DOCUMENT NUMBER AND DATE

10535 SEP 23 88

FPSC-RECORDS/REPORTING

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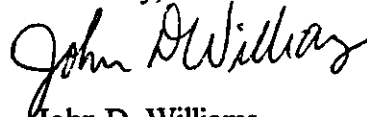
In response, a Mortgage Deed in the amount of \$80,000 from Rivers Edge, Inc., back to the MacLachlans was provided. This deed states that a prior mortgage is superior to the Mortgage Deed being provided. In order to satisfy Rule 25-30.034(1)(e), Florida Administrative Code, staff needs a copy of the warranty deed issued from the MacLachlans to Rivers Edge, Inc., on December 14, 1990.

The original and four copies of the response to the information requested in this letter should be filed with the Commission as soon as possible but no later than October 22, 1998. When filing the response, please be sure to reference the docket number and name and to direct the response to:

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

If you have any questions, or need any further assistance, please contact Ms. Patricia Brady, of my staff, at (850) 314-6686.

Sincerely,



John D. Williams  
Chief, Bureau of Policy Development  
and Industry Structure

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JDW:plb

cc: Division of Water and Wastewater (Hill, Lowe, Messer, Brady)  
Division of Legal Services (Ferguson)  
Division of Records and Reporting