

STATE OF FLORIDA

ORIGINAL

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

Public Service Commission

March 23, 1999

Mr. George DeVillers
Morningside Utilities, Inc.
1106 Monroe Avenue
St. Cloud, FL 34769

RE: Docket No. 990247-WU; Application by Morningside Utilities, Inc. for amendment of Water Certificate No. 595-W to add territory in Osceola County, Florida.

After reviewing the application in the above referenced docket, the staff needs the additional information listed below.

1. As required by Section 367.045(1)(a), Florida Statutes (F.S.), and Rule 25-30.030, Florida Administrative Code (FAC), the utility must provide notice of the application and provide affidavits that the notice was given. The notice must be given to the governmental entities and all utilities in the county, all cities located in the county, and to each of the customers in the proposed territory. The notice must be published in a newspaper of general circulation in the area proposed to be served. The affidavit for the notice to the utilities and the governmental entities, the customers and the newspaper has been filed. However, in accordance with Rule 25-30.030(5), FAC notice to the governmental entities and utilities on the notice list must be given within 7 days of filing its application. According to the affidavit for the notice to the utilities and the governmental entities, the notice was sent on February 17, 1999, and the application was docketed on March 3, 1999, 14 days prior to filing. Therefore, the utility needs to renotify the entities on the County List. New County Lists are attached (Attachment A). Please note that since the area is within 1 mile of Orange County the utility must notice also provide notice to Orange County, pursuant to Rule 25-30.030(2), FAC. Also, in accordance with Rule 25-30.030(7) FAC ... The (newspaper) publication shall be within 7 days of filing the application. The notice was published on February 20, 1999, the application was docketed on March 3, 1999, 11 days prior to filing. Therefore, the utility must renotify in the newspaper. Please refile the affidavits when the noticing is complete. If you have any questions about renoticing, please contact Ms. Stephanie Crossman at (850) 413-6179 or Ms. Alice Crosby at (850) 413-6222 in the Legal Division.

2. As required by Rule 25-30.036(3)(b), FAC, provide a statement showing the financial and technical ability of the utility to provide service. The application states Mr. Gary K. Turner operates the plant. Please provide a copy of his operators license. Also, a recent bank statement is reported

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to be attached for Mr. DeVillers. No bank statement was attached. Please resubmit. In addition, Mr. Gary K. Turner's financial ability is needed, since a transfer application to Mr. Turner is pending. Staff needs both financial statements. If the transfer does not go thru, Mr. DeVillers would be responsible for providing service.

3. As required by Rule 25-30.036(3)(n), FAC, provide a statement regarding the projected impact of the extension on the utility's monthly rates and service availability charges. The application contains the current charges. A statement is needed, such as, the current monthly rates and service availability charges are adequate and no changes in the utility and charges are needed, or the additional territory will require a rate case and/or service availability case.

4. As Required by Rule 25-30.036(3)(b), FAC, provide a statement regarding the need for service in the area requested. A partial statement was provided. Please indicate when service will be required (6 months, 1 year).

5. As Required by Rule 25-30.036(3)(i), FAC, provide one copy of the official county tax assessment map or other map showing Township, range, and section with a scale such as 1"=200' or 1"=400', with the proposed territory plotted thereon by use of metes and bounds. Although a map was provided, the territory was not plotted out. Please resubmit the territory map labeling all angles and distances.

6. We have typed the territory description (Attachment B) in preparation of the recommendation. The territory description refers to plat books, which is not in compliance with Rule 25-30.036(3)(e), and Rule 25-30.030(2)(b), FAC. We recommend removing the plat book reference, which appears to be unnecessary information from the description. It has been struck thru the territory description in Attachment B. Please resubmit the territory description. Please note that since the territory description has not been mapped, the description may be incorrect.

7. Exhibit I states that all materials and labor will be furnished by the developer. Please provide a copy of the developer agreement. In accordance with Rule 25-30.550(1), FAC a copy of each developer's agreement shall be filed with the Commission within 30 days of execution.

8. Also, the application was filed by Mr. DeVillers; however, Mr. Turner has applied for a transfer of certificate. Please have Mr. Turner sign and file an affidavit that he is in support of the amendment application, the information in the application is correct as filed/modified and he will provide service to this parcel, if approved by the Commission.

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9. Also, according to the telephone conversation that Mr. Turner had with Ms. Stephanie Crossman in our legal Division, the name of the new utility should be Morningside Utilities, Inc. The utility is planning to file an application for a name change with the Department of State. The name will be reflected in the final order of your pending transfer docket. As you are aware, the current official name of the utility is Morningside Utility Inc. Part of the documents in this amendment application reflect the proposed name of the utility Morningside Utilities, Inc., and some the current name. All documents must be in the same name to complete the amendment application. You have two options. First, change all the names to the current name Morningside Utility Inc., and correct the documents. The second option is to change the application to the proposed name, Morningside Utilities, Inc. and correct the documents. However, if the second option is chosen, we will have to wait until the transfer and name change is complete to move forward with the amendment application. Please advise which option the utility wants to pursue. Also, since Mr. DeVillers is the current owner, he will have to sign the current amendment application papers (where the new name is reflected), if you plan to use the official name of the utility Morningside Utility Inc.

Please file an original and twelve copies of the requested information no later than April 30, 1999 with the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399. Only one territory map is needed.

If you have any questions please call Mr. Richard Redemann at (850) 413-6999, or Ms. Stephanie Crossman at (850) 413-6179.

Sincerely,



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

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cc: Mr. Gary Turner
Division of Legal Services (Crossman, Crosby)
Division of Water and Wastewater (Hill, Lowe, Brady)
Division of Records and Reporting (Bayo, Security File)