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June 17, 1999

by Federal Express

Ms. Blanca Bayo  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

Re: Docket No. 970657-WS; Application for certificates to operate a water and wastewater utility in Charlotte and DeSoto Counties by Lake Suzy Utilities, Inc.

Docket No. 980261-WS; Application for Amendment of Certificate Nos. 570-W and 496-S in Charlotte County by Florida Water Services Corporation.

Dear Ms. Bayo:

Enclosed for filing in the above-referenced consolidated dockets, please find an original and seven copies of Florida Water's Motion for Commission to Take Official Notice.

Please acknowledge filing of these items by date stamping the enclosed extra copy of this letter and returning it in the postage paid envelope provided.

If you have any questions, please contact me at (407) 598-4260.

Sincerely yours,

*Matthew J. Feil*  
Matthew J. Feil  
Staff Attorney

- AFA \_\_\_\_\_
- APP \_\_\_\_\_
- CAF \_\_\_\_\_
- CMU \_\_\_\_\_
- CTR \_\_\_\_\_
- EAG \_\_\_\_\_
- LEG   |   \_\_\_\_\_
- MAS \_\_\_\_\_
- OPC \_\_\_\_\_
- RRR \_\_\_\_\_
- SEC   |   \_\_\_\_\_
- WAW   |   \_\_\_\_\_
- OTH \_\_\_\_\_

Enclosures

RECEIVED & FILED  
*Len*  
FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER - DATE  
07402 JUN 18 99  
FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for	)	
Certificates to operate a water	)	DOCKET NO. 970657-WS
and wastewater utility in	)	
Charlotte and DeSoto Counties	)	
by Lake Suzy Utilities, Inc.	)	
_____	)	

and

In Re: Application for	)	
Amendment of Certificate Nos.	)	DOCKET NO. 980261-WS
570-W and 496-S in Charlotte	)	
County by Florida Water Services	)	
Corporation.	)	
_____	)	

**FLORIDA WATER SERVICES CORPORATION'S**  
**MOTION FOR COMMISSION TO TAKE OFFICIAL NOTICE**

FLORIDA WATER SERVICES CORPORATION ("Florida Water"), by and through its undersigned attorneys and pursuant to Rule 28-106.204, Florida Administrative Code, and Section 90.202(10), Florida Statutes, files this Motion for the Commission to take official notice of DeSoto County Ordinance Number 99-10 attached hereto and in support hereof states:

1. De Soto County Ordinance Number 1999-01, enacted on February 23, 1999, established the authority, process and procedures for the granting of water and sewer franchises within DeSoto County.
2. Florida Water applied for a public water and wastewater system franchise with DeSoto County.

DOCUMENT NUMBER-DATE  
07402 JUN 18 88  
FPSC-RECORDS/REPORTING

3. A public hearing was duly held by the Board of County Commissioners on June 8, 1999, in which Ordinance Number 1999-10 was enacted, granting Florida Water the franchise area therein described. A Copy of Ordinance Number 1999-10 is attached hereto and marked Exhibit A.
  
4. The franchise territory granted Florida Water by Ordinance Number 1999-10 includes all of the territory requested by Lake Suzy Utilities, Inc. in this docket, except for the Links Subdivision (located in Charlotte County).

Respectfully submitted,



MATTHEW J. FEIL, ESQ.

Florida Water Services Corporation  
P. O. Box 609520  
Orlando, FL 32860-9520  
(407) 880-0058

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was furnished by overnight delivery (\*) and U.S. Mail to the following this 17th day of June, 1999:

Lake Suzy Utilities, Inc.\*  
Dallas Shepard, President  
12408 S. W. Sheri Avenue  
Lake Suzy, FL 33821

Martin Friedman, Esq.  
Rose, Sundstrom, et al.  
2548 Blairstone Pines Dr.  
Tallahassee, FL 32302-1567

Charlotte County  
c/o County Attorney  
Attn: Ms. Martha Young Burton  
18500 Murdock Circle  
Port Charlotte, FL 33948

Florida Public Service Comm.  
Ms. Bobbie L. Reyes, Esq.  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

Charlotte County  
Board of County Commissioners  
Administration Center  
18500 Murdock Circle  
Port Charlotte, FL 33948

DeSoto County  
Board of County Commissioners  
Robert Koncar, Administrator  
261 E. Oak Street  
Arcadia, FL 34266

Ms. Charlotte L. Sopha  
Haus Development, Inc  
P.O. Box 3024  
Port Charlotte, FL 33949



MATTHEW J. FEIL, ESQ.

**ORDINANCE NUMBER 99 - 10**

AN ORDINANCE OF DESOTO COUNTY, FLORIDA, RELATING TO THE GRANTING OF A FRANCHISE FOR THE PROVISION OF WATER AND SEWER SERVICES AS SET FORTH IN ORDINANCE NUMBER 1999-01 TO THE FLORIDA WATER SERVICES CORPORATION. ESTABLISH SPECIFIC SERVICE AREAS AND DISTRICTS IN WHICH FLORIDA WATER WILL BE GIVEN THE AUTHORITY TO OPERATE WATER AND SEWER UTILITY SERVICES TO ALL CUSTOMERS IN THE SPECIFIED AREAS. TO PROVIDE LEGAL DESCRIPTIONS OF THE AREAS TO BE FRANCHISED TO FLORIDA WATER SERVICES CORPORATION AND PROVIDE FOR THE CONDITIONS UNDER WHICH SUCH SERVICES SHALL BE FURNISHED. ESTABLISH TERM OF THE FRANCHISE AND THE RESPONSIBILITY OF THE FRANCHISEE TO SERVE ALL CUSTOMERS IN THEIR DESIGNATED FRANCHISE AREA; SETTING FORTH A PROCEDURE FOR THE ESTABLISHMENT OF WATER & SEWER RATES; PROVIDING FOR ENFORCEMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

**WITNESSETH**

**WHEREAS**, pursuant to the provisions of DeSoto County Ordinance Number 1999-01, Florida Water Services Corporation hereinafter known as (FWSC) has applied for a public water and sewer system franchise agreement with DeSoto County hereinafter known as (County); and

**WHEREAS**, Ordinance Number 1999-01 enacted on February 23, 1999 established the authority, process and procedures for the granting of water and sewer franchises within DeSoto County; and

**WHEREAS**, the application of FWSC being considered in this Ordinance are governed by the applicable provisions of Ordinance Number 1999-01; and

**WHEREAS;** a public hearing was duly held by the Board of County Commissioners on June 8, 1999 in which Ordinance Number 11 was enacted which describes the proposed franchise area sought to be served by Florida Water Services Company; and

**WHEREAS;** public notice as to the official consideration of this Ordinance has been provided in accordance with applicable legal requirements.

**THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF DESOTO COUNTY, FLORIDA, that:**

**SECTION I. DEFINITIONS**

The definitions as set forth in Ordinance 1999-01 shall be applicable for purposes of Ordinance interpretation for this Ordinance.

**SECTION II. TERMS AND CONDITIONS**

- A. **Public Health Safety & Welfare:** Said water & sewer system will be operated in such a manner as to insure the protection of the health, safety and general welfare. In addition to the general meaning of this requirement, FWSC shall insure that it meets all Federal and State requirements for the operation of their systems, at all times.
  
- B. **Specific Service to be Geographically Defined:** The franchise granted herein is for the operation of a public water and sewerage system to be operated within the specified franchise areas within the County.

See Exhibit A for the legal description of the franchise area(s) which are applicable under the provisions of this Ordinance.

- C. **Provision of Service in Franchise Areas:** As provided for in Ordinance 199-01; FWSC will insure that water and sewerage disposal systems and facilities will be made available (in the area specified in Exhibit A) to include: installations, pipes, lines, extensions, mains and laterals for both systems so that one system will not be extended without the other system being extended at the same time, unless justification for such extension is accepted and approved by the Board;
- D. **Exclusive Franchise for Service of Franchised Areas:** The County herein grants the FWSC the exclusive right to provide water and sewerage services to the area specified in Exhibit A. This exclusive franchise means that the County will not authorize any other provider to provide service in these areas unless or until this Franchise Agreement with FWSC has been determined to be null and void and/or the FWSC has been found to be in violation of this Ordinance to extent that the County requires another provider to make service available in these areas.
- E. **Construction Standards:** The water and sewer system shall be constructed in accordance with all applicable Federal and State standards.

F. **Acquisition of the System by the County or Other Governmental Agency:**

The granting of this franchise to FWSC is not a prohibition to the acquisition of the System by the County or any other Governmental Agency, by lawful means.

G. **Consent of Entry:** FWSC consents to entry by the County agents and employees upon any property occupied by any public utility at any reasonable time and to set up and use thereon all necessary equipment to make investigations, inspections, examinations and tests, or to exercise any power under this Ordinance and Ordinance Number 1999-01, provided that the FWSC has the right to reasonable notice of and to be represented at the making of any investigations, inspections, examinations and tests.

H. **Franchise Agreement Amendments:** Amendments to this Ordinance may be made by mutual consent of both parties.

I. **Compliance with County Ordinances:** As set forth in Ordinance 1999-01; FWSC herein agrees that it will not provide hookups for water and sewer utilities unless the Customer provides evidence to FWSC that they have obtained all applicable building permits as required by DeSoto County.



**SECTION III. FINDINGS**

**Compliance with Requirements of Ordinance 1999-01** The County herein finds that FWSC has been all of the requirements set forth in Ordinance 1999-01 which include but are not limited to the findings set forth in Section 4. (C) Board Determinations (1) through (10).

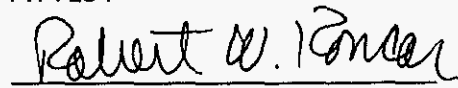
**PASSED THIS 8<sup>TH</sup> DAY OF JUNE, 1999**

Board of County Commissioners  
DeSoto County, Florida



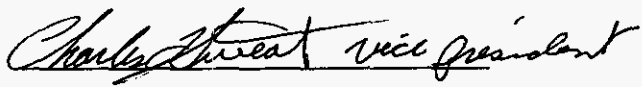
William R. Avant  
Chairman

ATTEST

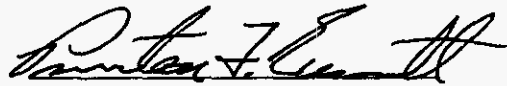


Robert W. Koncar  
County Administrator

Florida Water Services Corporation



APPROVED AS TO LEGAL FORM:



Preston T. Everett

Township 37 South, Range 25 East, DeSoto County, Florida.

Section 27, 28, 29

All of said Sections.

Section 30

The Northeast  $\frac{1}{4}$  of said Section 30 and the North  $\frac{1}{4}$  of the East  $\frac{1}{4}$  Southeast  $\frac{1}{4}$  of said Section 30.

Section 32

The East  $\frac{1}{2}$  of said Section 32 and the East  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of said Section 32 and the South  $\frac{1}{2}$  of the Northwest  $\frac{1}{4}$  of said Section 32 and the North  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of said Section 32 and the South  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of said Section 32 less and except:

The Northeast  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of said Section 32; and the East  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of said Section 32; and the East  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  less the West 25 feet of said Section 32; and the Northeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  less the West 25 feet of said Section 32; and the East 70 feet of the West 360 feet of the Southeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of said Section 32 less the right-of-way on North side of State Road 70.

Section 33, 34

All of said Sections.

Township 38 South, Range 25 East, DeSoto County, Florida.

Section 3, 4, 5

All of said Sections.

Section 6

The South  $\frac{1}{4}$  of said Section 6 less and except the Forest Pines subdivision as follows:

The East  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  and the Southeast  $\frac{1}{4}$  of said Section 6 less 12 acres East of Scott Road and less the 5 acre boundary to Brantly Road (PB 9 Pg 20).

Township 39 South, Range 23 East, DeSoto County, Florida.

Section 10

All of the South  $\frac{1}{2}$  of Section 10 less and except that part of Section 10 lying South and West of the Seaboard Coast Line railroad and North and West of the Seaboard Coast Line railroad.

Section 11

That part of the South  $\frac{1}{2}$  of Section 11 lying North and West of the Peace River.

Section 13

All of said Section.

Section 14

All of said Section 14 lying South and East of the Peace River.

Section 15

All of said Section 15 lying North and West of the Peace River less and except that portion lying North and West of the Seaboard Coast Line railroad.

Section 16

All of said Section 16 lying South and East of the Seaboard Coast Line railroad.

Section 17

All of said Section 17 lying South and East of the Seaboard Coast Line railroad.

Section 19

All of Section 19 lying South and East of the Seaboard Coast Line railroad.

Section 20

All of said Section 20 lying South and East of the Seaboard Coast Line railroad.

Section 21

All of said Section.

Section 22

All of said Section 22 lying South and West of the Peace River.

Sections 23, 24, 25

All of said Sections.

Section 26

All of said Section 26 East of the Peace River.

Section 29

All of said Section.

Section 30

All of said Section 30 lying South and East of the Seaboard Coast Line railroad.

Section 35

All of said Section 35 East of the Peace River.

Section 36

All of Said Section.

Township 39 South, Range 24 East, DeSoto County, Florida.

Sections 17, 18, 19, 20, 29, 30, 31, 32

All of said Sections.