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DIVISION OF WATER & WASTEWATER
DANIEL M. HOPPE, DIRECTOR
(850) 413-6900

Public Service Commission

October 28, 1999

Mr. Carl Rose
P.O. Box 343
Morriston, FL 32668

Re: Docket No. 991206-WS, Notice of abandonment of Springside at Manatee, Ltd. in Levy County by Mr. Kenneth Drummond.

Dear Mr. Rose:

Thank you for the copy of your letter to Mr. Drummond, the current water certificate holder, in which you inform Mr. Drummond you acquired Springside at Manatee, Ltd.'s (Springside's) water plant when you purchased the land under the water plant at a tax auction. The letter further requests compensation for use of the plant. Since Mr. Drummond has provided sufficient notice of the abandonment of Springside's water and wastewater facilities pursuant to Section 367.165, Florida Statutes, whether he can lawfully enter into a contract on behalf of the utility will depend on the actions taken by Levy County to have a receiver appointed to operate the facilities. Pursuant to Section 367.165(2), Florida Statutes, the County is required to petition the Circuit Court in and for Levy County to appoint a receiver, who shall operate the facilities from the date of abandonment until such time as the receiver disposes of the property.

As you are aware, my staff had earlier contacted the Florida Department of Environmental Protection, the Levy County Attorney, and Ms. Weber, possible receiver for Springside, to be sure they were aware you had acquired the land under Springside's water facilities. Staff had encouraged these entities to seek a means by which either a majority of the land could be returned to you for development and/or that you would be compensated in some manner for use of the land as a public utility. As far as my staff is aware, all the entities indicated a willingness to work with you.

It is my understanding you are now considering the option of requesting a certificate of authorization to become a regulated water utility. Again, this will depend on the actions taken by Levy County pursuant to Section 367.165(2), Florida Statutes. However, for your information, enclosed is a package for the transfer of a certificate of authorization along with a sample annual report form. The transfer package includes:

WFA _____
WPP _____
WAF _____
WCU _____
WTR _____
WAG _____
WLG _____
WMS _____
WPC _____
WPI _____
WSE _____
WAW _____
WTH _____

DOCUMENT NUMBER: DATE

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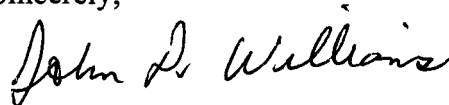
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Mr. Carl Rose
Page 2
October 28, 1999

1. Application for transfer of certificate pursuant to Section 367.071, Florida Statutes.
2. Chapter 367, Florida Statutes, contains the Commission's jurisdiction over private water and wastewater utilities in Florida. A copy of Section 367.071, which addresses applications for transfer of certificates is enclosed for your information.
3. Chapter 25-30, Florida Administrative Code, details the rules promulgated to carry out the jurisdiction of the Commission over private water and wastewater utilities. Copies of Rules 25-30.020, .025, .030, .032 and .037 regarding an application for transfer of certificate are enclosed for your information.
4. Sample publication / legal notice format in accordance with Commission Rule 25-30.030, Florida Administrative Code. A list of utilities and governmental / regulatory agencies that must be notified in accordance with Commission Rule 25-30.030, Florida Administrative Code needs to be requested prior to the time the application is made. You will need to note the expiration date on the list. If you have not performed the noticing by this date, you must request an updated list.
5. Model water tariff which contains all of the utility's rules, regulations, rates and charges. Pursuant to Rule 25-30.037, Florida Administrative Code, the transferee is required to file the appropriate tariff revisions reflecting the change in ownership.

If you have any further questions concerning the water facilities, please feel free to contact either myself or a member of my staff, Ms. Patricia Brady, at (850) 413-6900.

Sincerely,



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

JDW/plb

Attachment and Enclosures

cc: Mr. Gregory Beauchamp, Esquire
Mr. Kenneth Drummond
Ms. Mary Louise Weber
Division of Legal Services (Gervasi, Fudge)
Division of Records and Reporting