

State of Florida



Public Service Commission

-M-E-M-O-R-A-N-D-U-M-

DATE: November 10, 1999
TO: Division of Records and Reporting
FROM: Patricia Brady, Division of Water and Wastewater *PB*
RE: Docket No. 991056-SU, Application for transfer of Certificate No. 456-S from Del Vera Limited Partnership to Coolidge - Fort Myers Realty Limited Partnership d/b/a Herons Glen Utilities in Lee County.

Attached for inclusion in the docket file is a copy of a November 2, 1999 letter from F. Marshall Deterding, Esquire, to Ms. Pat Brady, Commission staff, responding to staff's October 20, 1999 request for further information. The original copy of the tariff revisions is being retained in the Division of Water and Wastewater.

Attachment

cc: Jason Fudge (without attachment)

AFA
APP
CAF
CMU
CTR
EAG
LEG
MAS
OPC
PAI
SEC
WAW
OTH

DOCUMENT NUMBER-DATE

14034 NOV 15 99

FPSC-RECORDS/REPORTING

LAW OFFICES
ROSE, SUNDSTROM & BENTLEY, LLP

2548 BLAIRSTONE PINES DRIVE
TALLAHASSEE, FLORIDA 32301

(850) 877-6555

CHRIS H. BENTLEY, P.A.
F. MARSHALL DETERDING
CAROL L. DUTRA
MARTIN S. FRIEDMAN, P.A.
JOHN R. JENKINS, P.A.
STEVEN T. MINDLIN, P.A.
DAREN L. SHIPPY
WILLIAM E. SUNDSTROM, P.A.
DIANE D. TREMOR, P.A.
JOHN L. WHARTON

MAILING ADDRESS
POST OFFICE BOX 1567
TALLAHASSEE, FLORIDA 32302-1567

TELECOPIER (850) 656-4029

November 2, 1999

ROBERT M. C. ROSE
OF COUNSEL

VIA HAND DELIVERY

Ms. Pat Brady
Division of Water and Wastewater
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

RECEIVED

NOV 3 - 1999

Florida Public Service Commission
Division of Water and Wastewater

Re: Coolidge-Ft. Myers Realty, LP d/b/a Heron's Glen Utilities
Application for Transfer of Wastewater Certificate
Our File No. 34073.01

Dear Pat:

I have outlined below my attempts at responding to your memo dated October 20, 1999 that we received on the 21st. Hopefully, this will give you all the information you need to avoid delaying further action on this case and moving forward with a Staff Recommendation without the benefit of a further audit investigation which would be wholly unproductive as noted below:

1. Tariffs - We have made the corrections to Tariff Sheet No. 23.0 to add a reference to the Table of Daily Flows (Tariff Sheet No. 25). I am attaching hereto a new Tariff Sheet No. 14.0 which is an effluent reuse rate. We have also attached revised Tariff Sheet No. 11.0 and all other tariff pages as previously filed reflecting the correct name.
2. Treated Effluent Tariff Schedule - See Item 1. above.
3. Treated Effluent Customer -
 - a. The only current reuse customer is the Herons Glen Recreation District, a District formed this year which owns all the amenities (including the Golf Course), in what used to be known as the Del Vera Development, now known as Herons Glen.

- b. Current name, see subparagraph a. above.
 - c. The golf course is currently receiving treated effluent.
 - d. As noted in subparagraph a. above, the golf course is owned by an unrelated homeowner created recreation district which is a quasi-governmental entity.
 - e. The Recreation District is the only treated effluent customer presently.
 - f. The Utility has not been charging for treated effluent because the previous owner had not been charging for that service and had not informed the Utility upon transfer of the facilities through bankruptcy sale on the courthouse steps that there was such a requirement and no tariff sheet was in effect.
4. Utility Name - The exact correct name of the Utility is Coolidge-Ft. Myers Realty, LP, d/b/a Heron's Glen Utilities. Corporate counsel is currently in the process of cleaning up the old corporate records and fictitious name filings to ensure that only that name is utilized for the Utility and that it is configured in exactly that manner.
5. Information on Ownership and Control -
- a. The general partner of Coolidge-Ft. Myers Realty, LP, is Coolidge-Valencia Realty Corp.
 - b. (1) Heron's Glen is a portion of what was originally developed as Del Vera Golf and Country Club. However, Phase II of the Del Vera Golf and Country Club is what is now known as Nantucket Village. That portion of the service area has yet to be developed. The Utility will service both the Nantucket Village and Heron's Glen developments, both of which are in its certificated service territory.
 - (2) Nantucket Village is a second phase of the former Del Vera Golf and Country Club Subdivision. Del Vera Utilities was simply retained as a fictitious name as part of the acquisition of the Utility on the courthouse steps by the current owners. However, there is no separate utility and both subdivisions will be served by what is now to be known as Heron's Glen Utilities.
 - (3) See above.

6. Purchase Price -The value that was placed on the Utility's facilities at auction was based upon the book value historical costs within the Annual Report dated 12/31/96. This was done based upon the acquiring entity's recognition that the utility system's value is relatively stable, whereas real estate values that were also acquired during this same transaction are much more fluid and fluctuate with market supply and demand. Therefore, the book value at the time of the acquisition in the beginning of 1997 was the value placed on the utility assets at that time.

7. Financing -The related entity, Coolidge-Valencia Equities, LP, acquired the former Del Vera Golf and Country Club through a bankruptcy purchased on the courthouse steps after acquiring a package of non-performing loans from the bank. The debt on what is now known as Heron's Glen was only one of several such loans acquired, and the new owners were trying to salvage the good ones and write off the bad ones. The note was bought at the time and held by the related entity and a note back from the Utility to the related party. The related party paid off the bank debt when acquiring all of the assets of the former development, including the Utility.

8. Books and Records - There is no source documentation currently available from the current owners. Because this property was acquired in a bankruptcy and a foreclosure of nonperforming bank notes, the former owners were not cooperative or helpful in transferring facilities. While the Court Order specifically required that the former owner turn over "all records necessary for transfer," this does not include source documentation necessary for an audit of rate base, or even the general ledgers and other books of the Utility Company. Specifically, what the Court Order is referring to is documents exhibiting transfer of ownership. Again, the bankrupt entity that formerly owned the Utility system was not at all cooperative, and the new owners who acquired the property on the courthouse steps were not aware of the need to seek out this information at the time, even if it were available.

The former owner is no longer in existence and the current owners do not know where to search for those source documents if they were even retained by anyone, which is highly unlikely. It is the current owners intent to do an engineering study to make up for the fact that the prior owners failed to retain or provide source documentation to support the original cost rate base for the Utility system. Based upon all of the facts discussed above, at this time, there is nothing that can be audited to support original cost rate base.

As for the retention of accounting personnel, these are simply the clerical personnel that were retained by the current owners. These individuals have nothing to do with

Ms. Pat Brady
November 2, 1999
Page 4

custody of the books and records, much less the source documentation and as such, they had no ability to acquire those records from the prior owner. Again, the prior owner was not at all cooperative in transfer of the system.

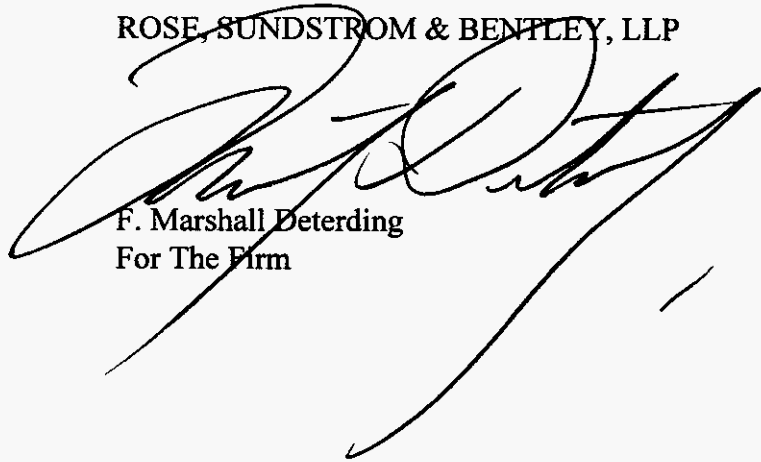
I trust that the above information fully responds to your inquiry. I believe that you will see from a review of this that there is nothing that the auditors can review in order to establish rate base at this time. That is the reason why we specifically requested that you not do so. The Utility will have to perform an original cost study in order to support its rate base at a future date.

If you have any questions in this regard, please let me know. Otherwise, if you still wish to send an auditor in, it will be only for the purposes of contact to discuss what records are available. Once the auditors recognize that there are no books and records, other than the most recent ones, based upon carrying the prior book values from the Annual Report forward, they will see that there is nothing to audit at this time.

Please let me know if you have any further questions.

Sincerely,

ROSE, SUNDSTROM & BENTLEY, LLP



F. Marshall Deterding
For The Firm

FMD/tmg

Enclosures

cc: Jason Fudge, Esquire
Bill Kouwenhoven

herons\brady.ltr

WASTEWATER TARIFF

COOLIDGE-FT. MYERS REALTY, LP
D/B/A HERON'S GLEN UTILITIES
NAME OF COMPANY

FILED WITH
FLORIDA PUBLIC SERVICE COMMISSION

WASTEWATER TARIFF

COOLIDGE-FT. MYERS REALTY, LP
D/B/A HERON'S GLEN UTILITIES
NAME OF COMPANY

2250 Avenida Del Vera

North Fort Myers, Florida 33917
(ADDRESS OF COMPANY)

(941) 543-6200 ext. 528
(Business & Emergency Telephone Numbers)

FILED WITH
FLORIDA PUBLIC SERVICE COMMISSION

DOUGLAS CORDELLO
ISSUING OFFICER

C.F.O.
TITLE

NAME OF COMPANY: COOLIDGE-FT. MYERS REALTY, LP
D/B/A HERON'S GLEN UTILITIES

WASTEWATER TARIFF

TABLE OF CONTENTS

	Sheet Number
Description of Territory Served	3.1-3.2
Held For Future Use	4.0
Index of	
Rates and Charges Schedules	11.0
Rules and Regulations	6.0
Service Availability Policy	23.0
Standard Forms	18.0
Technical Terms and Abbreviations	5.0
Territory Authority	3.0

DOUGLAS CORDELLO
ISSUING OFFICER

C.F.O.
TITLE

NAME OF COMPANY: COOLIDGE-FT. MYERS REALTY, LP
D/B/A HERON'S GLEN UTILITIES

WASTEWATER TARIFF

TERRITORY AUTHORITY

CERTIFICATE NUMBER - 456 - S

COUNTY - Lee

COMMISSION ORDER(S) APPROVING TERRITORY SERVED -

<u>Order Number</u>	<u>Date Issued</u>	<u>Docket Number</u>	<u>Filing Type</u>
22157	11/06/89	890975-SU	Original Certificate
24805	07/11/91	910448-SU	Name Change

(Continued to Sheet No. 3.1)

DOUGLAS CORDELLO
ISSUING OFFICER

C.F.O.
TITLE

NAME OF COMPANY: COOLIDGE-FT. MYERS REALTY, LP
D/B/A HERON'S GLEN UTILITIES

WASTEWATER TARIFF

(Continued from Sheet No. 3.0)

DESCRIPTION OF TERRITORY SERVED

A parcel of land in Sections 2, 3, 4, 5, & 10, Township 43 South, Range 24 East, Lee County, Florida, more particularly described as follows:

Commence at the northeast corner of Section 3, Township 43 South, Range 24 East; thence N89°57'30" W along the North line of the northeast one quarter of said Section 3 for 355.01 feet to an intersection with the westerly right of way line of the former S.A.L. Railroad and the point of beginning of the herein described parcel of land; thence continue N89°57'30"W along said North line for 2313.55 feet to the northeast corner of the northwest one quarter of said Section 3; thence S89°48'38"W along the North line of said northwest one quarter for 2667.53 feet to the northwest corner of said Section 3; thence N89°42'40"W along the North line of Section 4, Township 43 South, Range 24 East for 5335.96 feet to the northwest corner of said Section 4; thence S89°33'20"W along the North line of the northeast one quarter of Section 5, Township 43 South, Range 24 East for 1671.76 feet to an intersection with the northeasterly line of North Fort Myers Park according to the plat thereof as recorded in Plat Book 9, Page 113 of the Public Records of Lee County, Florida; thence S26°03'40"E along said northeasterly line for 318.64 feet to an intersection with the southeasterly line of lot 3 of said plat of North Fort Myers Park; thence S63°56'20"W along said southeasterly line for 300.77 feet to an intersection with the northeasterly right of way line of Tamiami Trail (S.R. 45, U.S. 41) being a point on the arc of a circular curve concave to the southwest, said point bearing N63°13'24"E from the radius point of said curve; thence southeasterly along the arc of said curve having for its elements a radius of 7739.44 feet and a central angle of 0°42'56" for 96.66 feet to the point of tangency; thence S26°03'40"E along said northeasterly right of way line for 1943.40 feet to an intersection with the southeasterly line of the northwesterly one half of lot 24 of the aforementioned plat of North Fort Myers Park; thence N63°56'20"E along said southeasterly line for 300.17 feet to an intersection with the aforementioned northeasterly line of North Fort Myers Park; thence N26°03'40"W along said northeasterly line for 4.46 feet to an intersection with the southerly line of that certain parcel of land described in Official Record Book 1032 at Page 707 of the aforementioned Public Records; thence N89°48'47"E along said southerly line for 3357.09 feet to an intersection with the East line of that certain parcel of land described in Official Record Book 410 at Page 690 of the aforementioned Public Records; thence S0°06'41"E along said East line for 2040.37 feet to an intersection with the South line of that certain parcel of land described in Deed Book 224 at Page 437 of the aforementioned Public Records; thence S89°48'47"W along said South line for 2698.40 feet to an intersection with the aforementioned northeasterly right of way line of Tamiami Trail; thence S26°03'40"E along said northeasterly right of way line for 370.00 feet; thence N89°48'47"E for 3845.26 feet; thence N0°11'13" W for 332.91 feet to an intersection with the aforementioned South line of that certain parcel of land described in Deed Book 224 at Page 437 of the aforementioned Public Records; thence N69°48'47"E along said south line for 4368.87 feet to an intersection with the northerly extension of the West line of that certain parcel of land described in Official Record Book 368 at Page 80 of the aforementioned Public Records; thence S0°02'36"W along said northerly extension and along the West line of said parcel for 2553.91

(Continued to Sheet No. 3.2)

DOUGLAS CORDELLO
ISSUING OFFICER

C.F.O.
TITLE

NAME OF COMPANY: COOLIDGE-FT. MYERS REALTY, LP
D/B/A HERON'S GLEN UTILITIES

WASTEWATER TARIFF

(Continued from Sheet No. 3.1)

DESCRIPTION OF TERRITORY SERVED, CONTINUED

feet; thence S89°56'45"E along the South line of said parcel for 1711.91 feet; thence N0°02'36"E along the East line of said parcel for 16.72 feet to an intersection with the South line of that certain parcel of land described in Official Record Book 1516 at page 1802 of the aforementioned Public Records; thence S89°56'45"E along said south line for 441.17 feet; thence N0°02'36"E along the East line of said parcel for 2546.26 feet to an intersection with the aforementioned South line of that certain parcel of land described in Deed Book 224 at Page 437 of the aforementioned Public Records; thence N89°48'47"E along said South line for 775.65 feet to an intersection with the aforementioned westerly right of way line of the former S.A.L. Railroad; thence N11°11'01"W along said westerly right of way line for 4190.51 feet to the point of beginning. A tract or parcel of land lying in Section 4, Township 43 South, Range 24 East, Lee County, Florida, which tract or parcel is described as follows:

From the southeast corner of Lot 45 of Unit No. 1, North Fort Myers Park according to a plat thereof recorded in Plat Book 9 at page 113 Public Records of Lee County, Florida, run S 89°59'E along the South line of the lands conveyed by Deed recorded in Deed Book 224 at Page 437 of said Public Records and along the South line of Section No. 1, Unit No. 1, Lakeville, according to a plat thereof recorded in Plat Book 10, page 48 of said Public Records and Section No. 1, Unit No. 2, Lakeville according to a plat thereof recorded in Deed Book 298 at Pages 303 to 306, inclusive of said Public Records for 1,940 feet to the southeast corner of said Section No. 1, Unit No. 2 and the point of beginning of the lands herein described:

From said point of beginning continue S89°59'E along the South line of the lands conveyed by said Deed recorded in Deed Book 224 at Page 437, for 425 feet to a concrete monument at the southwest corner of the lands described in and conveyed by Deed recorded in Deed Book 300, Page 633, of said Public Records; thence run N0°01'E along the West line of said lands for 2040 feet to a point in the centerline of a roadway easement 80 feet wide which point is marked by a concrete monument; thence run N89°59'W along said centerline for 500 feet to a point on a prolongation of the East line of said Section No. 1, Unit No. 2, Lakeville which point is 40 feet North of the northeast corner of said Section No. 1, Unit No. 2; thence run South along said prolongation and along the easterly boundary of said Section No. 1, Unit No. 2, S0°01'W for 335 feet, S89°59'E for 60 feet, S0°01'W for 600 feet to a point of curvature; thence run southeasterly along the arc of a curve of radius 236.25 feet for 131.72 feet, thence run S89°59'E for 39.71 feet, S0°01'W for 125 feet, N89°59'W for 35.48 feet, S0°01'W for 650 feet, N89°59'W for 25 feet and S0°01'W for 205 feet to the southeast corner of said Section No. 1, Unit No. 2, Lakeville and the point of beginning. Subject to roadway easements over and along the North 40 feet and over and along the North 80 feet of the South 655 feet being an extension of Lakeville Drive as shown on said plat of Section No. 1, Unit No. 2, Lakeville. Also granting an easement for roadway purposes over and along a strip of land 40 feet in width north of and adjacent to the northern boundary of the above described lands and an easement for roadway purposes 80 feet in width extending from the westerly boundary of the above described lands westerly along the northern boundaries of said Section No. 1, Unit No. 2, and Section No. 1, Unit No. 1 of Lakeville and through lot 24 of said Unit No. 1, Fort Myers Park to the Tamiami Trail (State Road No. 45).

DOUGLAS CORDELLO
ISSUING OFFICER

C.F.O.
TITLE

NAME OF COMPANY: COOLIDGE-FT. MYERS REALTY, LP
D/B/A HERON'S GLEN UTILITIES

WASTEWATER TARIFF

HELD FOR FUTURE USE

DOUGLAS CORDELLO
ISSUING OFFICER

C.F.O.
TITLE

NAME OF COMPANY: COOLIDGE-FT. MYERS REALTY, LP
D/B/A HERON'S GLEN UTILITIES

WASTEWATER TARIFF

TECHNICAL TERMS AND ABBREVIATIONS

- 1.0 "BFC" - The abbreviation for "Base Facility Charge" which is the minimum amount the Company may charge its Customers and is separate from the amount the Company bills its Customers for wastewater consumption.
- 2.0 "CERTIFICATE" - A document issued by the Commission authorizing the Company to provide wastewater service in a specific territory.
- 3.0 "COMMISSION" - The shortened name for the Florida Public Service Commission.
- 4.0 "COMMUNITIES SERVED" - The group of Customers who receive wastewater service from the Company and whose service location is within a specific area or locality that is uniquely separate from another.
- 5.0 "COMPANY" - The shortened name for the full name of the utility which is Coolidge-Ft. Myers Realty, LP d/b/a Heron's Glen Utilities.
- 6.0 "CUSTOMER" - Any person, firm or corporation who has entered into an agreement to receive wastewater service from the Company and who is liable for the payment of that wastewater service.
- 7.0 "CUSTOMER'S INSTALLATION" - All pipes, shut-offs, valves, fixtures and appliances or apparatus of every kind and nature used in connection with or forming a part of the installation for disposing of wastewater located on the Customer's side of the Service Connection whether such installation is owned by the Customer or used by the Customer under lease or other agreement.
- 8.0 "MAIN" - A pipe, conduit, or other facility used to convey wastewater service from individual service lines or through other mains.
- 9.0 "RATE" - Amount which the Company may charge for wastewater service which is applied to the Customer's water consumption.
- 10.0 "RATE SCHEDULE" - The rate(s) or charge(s) for a particular classification of service plus the several provisions necessary for billing, including all special terms and conditions under which service shall be furnished at such rate or charge.
- 11.0 "SERVICE" - As mentioned in this tariff and in agreement with Customers, "Service" shall be construed to include, in addition to all wastewater service required by the Customer, the readiness and ability on the part of the Company to furnish wastewater service to the Customer. Service shall conform to the standards set forth in Section 367.111 of the Florida Statutes.

(Continued to Sheet No. 5.1)

DOUGLAS CORDELLO
ISSUING OFFICER

C.F.O.
TITLE

NAME OF COMPANY: COOLIDGE-FT. MYERS REALTY, LP
D/B/A HERON'S GLEN UTILITIES

WASTEWATER TARIFF

(Continued from Sheet No. 5.0)

- 12.0 "SERVICE CONNECTION" - The point where the Company's pipes or meters are connected with the pipes of the Customer.

- 13.0 "SERVICE LINES" - The pipes between the Company's Mains and the Service Connection and which includes all of the pipes, fittings and valves necessary to make the connection to the Customer's premises.

- 14.0 "TERRITORY" - The geographical area described, if necessary, by metes and bounds but, in all cases, with township, range and section in a Certificate, which may be within or without the boundaries of an incorporated municipality and may include areas in more than one county.

DOUGLAS CORDELLO
ISSUING OFFICER

C.F.O.
TITLE

NAME OF COMPANY: COOLIDGE-FT. MYERS REALTY, LP
D/B/A HERON'S GLEN UTILITIES

WASTEWATER TARIFF

INDEX OF RULES AND REGULATIONS

	<u>Sheet Number:</u>	<u>Rule Number:</u>
Access to Premises	9.0	12.0
Adjustment of Bills	10.0	20.0
Application	7.0	3.0
Applications by Agents	7.0	4.0
Change of Customer's Installation	8.0	10.0
Continuity of Service	8.0	8.0
Customer Billing	9.0	15.0
Delinquent Bills	10.0	17.0
Evidence of Consumption	10.0	22.0
Extensions	7.0	6.0
Filing of Contracts	10.0	21.0
General Information	7.0	1.0
Inspection of Customer's Installation	8.0	11.0
Limitation of Use	8.0	9.0
Payment of Water and Wastewater Service Bills Concurrently	9.0	16.0
Policy Dispute	7.0	2.0
Protection of Company's Property	9.0	13.0
Refusal or Discontinuance of Service	7.0	5.0

(Continued to Sheet No. 6.1)

DOUGLAS CORDELLO
ISSUING OFFICER

C.F.O.
TITLE

NAME OF COMPANY: COOLIDGE-FT. MYERS REALTY, LP
D/B/A HERON'S GLEN UTILITIES

WASTEWATER TARIFF

(Continued from Sheet No. 6.0)

	<u>Sheet</u> <u>Number:</u>	<u>Rule</u> <u>Number:</u>
Right-of-way or Easements	9.0	14.0
Termination of Service	10.0	18.0
Type and Maintenance	7.0	7.0
Unauthorized Connections - Wastewater	10.0	19.0

DOUGLAS CORDELLO
ISSUING OFFICER

C.F.O.
TITLE

NAME OF COMPANY: COOLIDGE-FT. MYERS REALTY, LP
D/B/A HERON'S GLEN UTILITIES

WASTEWATER TARIFF

RULES AND REGULATIONS

- 1.0 GENERAL INFORMATION - These Rules and Regulations are a part of the rate schedules and applications and contracts of the Company and, in the absence of specific written agreement to the contrary, apply without modifications or change to each and every Customer to whom the Company renders wastewater service. In the event that a portion of these Rules and Regulations are declared unconstitutional or void for any reason by any court of competent jurisdiction, such decision shall in no way affect the validity of the remaining portions of the Rules and Regulations for wastewater service unless such court order or decision shall so direct.
- The Company shall provide wastewater service to all Customers requiring such service within its Certificated territory pursuant to Chapter 25-30, Florida Administrative Code and Chapter 367, Florida Statutes.
- 2.0 POLICY DISPUTE - Any dispute between the Company and the Customer or prospective Customer regarding the meaning or application of any provision of this tariff shall upon written request by either party be resolved by the Florida Public Service Commission.
- 3.0 APPLICATION - In accordance with Rule 25-30.310, Florida Administrative Code, a signed application is required and payment of the initial connection fee accepted by the Company prior to the initiation of service. The applicant shall furnish to the Company the correct name and street address or lot and block number at which wastewater service is to be rendered.
- 4.0 APPLICATIONS BY AGENTS - Applications for wastewater service requested by firms, partnerships, associations, corporations, and others shall be rendered only by duly authorized parties or agents. When wastewater service is rendered under agreement(s) entered into between the Company and an agent of the principal, the use of such wastewater service by the principal shall constitute full and complete ratification by the principal of the agreement(s) entered into between agent and the Company and under which such wastewater service is rendered.
- 5.0 REFUSAL OR DISCONTINUANCE OF SERVICE - The Company may refuse or discontinue wastewater service rendered under application made by any member or agent of a household, organization, or business in accordance with Rule 25-30.320, Florida Administrative Code, unless all prior indebtedness to the Company of such household, organization or business for wastewater service has been settled in full in accordance with Rule 25-30.320, F.A.C.
- 6.0 EXTENSIONS - Extensions will be made to the Company's facilities in compliance with Commission Rules and Orders and the Company's tariff.
- 7.0 TYPE AND MAINTENANCE - In accordance with Rule 25-30.545, Florida Administrative Code, the Customer's pipes, apparatus and equipment shall be selected, installed, used and maintained in accordance with standard practice and shall conform with the Rules and Regulations of the Company and shall comply with all laws and governmental regulations applicable to same. The Company shall not be responsible for the maintenance and operation of the Customer's pipes and facilities. The Customer expressly agrees not to utilize any appliance or device which is not properly constructed, controlled and protected or which may adversely affect the wastewater service. The Company reserves the right to discontinue or withhold wastewater service to such apparatus or device.

(Continued on Sheet No. 8.0)

DOUGLAS CORDELLO
ISSUING OFFICER

C.F.O.
TITLE

NAME OF COMPANY: COOLIDGE-FT. MYERS REALTY, LP
D/B/A HERON'S GLEN UTILITIES

WASTEWATER TARIFF

(Continued from Sheet No. 7.0)

- 8.0 CONTINUITY OF SERVICE - In accordance with Rule 25-30.250, Florida Administrative Code, the Company will at all times use reasonable diligence to provide continuous wastewater service and, having used reasonable diligence, shall not be liable to the Customer for failure or interruption of continuous wastewater service. The Company shall not be liable for any act or omission caused directly or indirectly by strikes, labor troubles, accidents, litigations, breakdowns, shutdowns for emergency repairs or adjustments, acts of sabotage, enemies of the U.S.A., wars, U.S.A., State, Municipal or other governmental interference, acts of God or other causes beyond its control.

If at any time the Company shall interrupt or discontinue its service, all Customers affected by said interruption or discontinuance shall be given not less than 24 hours written notice.

- 9.0 LIMITATION OF USE - Wastewater service purchased from the Company shall be used by the Customer only for the purposes specified in the application for wastewater service. Wastewater service shall be rendered to the Customer for the Customer's own use and shall be collected directly into the Company's main wastewater lines.

In no case shall a Customer, except with the written consent of the Company, extend his lines across a street, alley, lane, court, property line, avenue, or other way in order to furnish wastewater service to the adjacent property even though such adjacent property may be owned by him. In case of such unauthorized extension, sale, or disposition of service, the Customer's wastewater service will be subject to discontinuance until such unauthorized extension, sale or disposition of service is discontinued and full payment is made to the Company for wastewater service rendered by the Company (calculated on proper classification and rate schedules) and until reimbursement is made in full to the Company for all extra expenses incurred for clerical work, testing, and inspections.

- 10.0 CHANGE OF CUSTOMER'S INSTALLATION - No changes or increases in the Customer's installation, which will materially affect the proper operation of the pipes, mains, or stations of the Company, shall be made without written consent of the Company. The Customer shall be liable for any change resulting from a violation of this Rule.

- 11.0 INSPECTION OF CUSTOMER'S INSTALLATION - All Customer's wastewater service installations or changes shall be inspected upon completion by a competent authority to ensure that the Customer's piping, equipment, and devices have been installed in accordance with accepted standard practice and local laws and governmental regulations. Where municipal or other governmental inspection is required by local rules and ordinances, the Company cannot render wastewater service until such inspection has been made and a formal notice of approval from the inspecting authority has been received by the Company.

Notwithstanding the above, the Company reserves the right to inspect the Customer's installation prior to rendering wastewater service, and from time to time thereafter, but assumes no responsibility whatsoever for any portion thereof.

(Continued on Sheet No. 9.0)

DOUGLAS CORDELLO
ISSUING OFFICER

C.F.O.
TITLE

NAME OF COMPANY: COOLIDGE-FT. MYERS REALTY, LP
D/B/A HERON'S GLEN UTILITIES

WASTEWATER TARIFF

(Continued from Sheet No. 8.0)

- 12.0 ACCESS TO PREMISES - The duly authorized agents of the Company shall have access at all reasonable hours to the premises of the customer for the purpose of installing, maintaining, inspecting or removing Company's property or for performance under or termination of the Company's agreement with the customer and under such performance shall not be liable for trespass.
- 13.0 PROTECTION OF COMPANY'S PROPERTY - The Customer shall exercise reasonable diligence to protect the Company's property and shall knowingly permit no one but the Company's agents or persons authorized by law to have access to the Company's pipes and apparatus. If the Customer is found to have tampered with any Company property or refuses to correct any problems reported by the Company, service may be discontinued in accordance with Rule 25-30.320, F.A.C. In the event of any loss or damage to property of the Company caused by or arising out of carelessness, neglect, or misuse by the Customer, the cost of making good such loss or repairing such damage shall be paid by the Customer.
- 14.0 RIGHT-OF-WAY OR EASEMENTS - The Customer shall grant or cause to be granted to the Company, and without cost to the Company, all rights, easements, permits, and privileges which are necessary for the rendering of wastewater service.
- 15.0 CUSTOMER BILLING - Bills for wastewater service will be rendered - Quarterly - as stated in the rate schedule. Bills for wastewater service will be rendered quarterly as stated in the rate schedule and shall become due when rendered and be considered as received by customer when delivered or mailed to the service address or some other place mutually agreed upon. Non-receipt of bills by customer shall not release or diminish the obligation of the customer with respect to payment thereof.

In accordance with Rule 25-30.335, F.A.C., the Company may not consider a Customer delinquent in paying his or her bill until the 21st day after the Company has mailed or presented the bill for payment. Wastewater service may then be discontinued only after the Company has mailed or presented the bill to the customer for payment. Wastewater service may then be discontinued only after the Company has mailed or presented a 5 day written notice to the customer in accordance with Rule 25-30.320, F.A.C. Wastewater service shall be restored only after the Company has received payment for all past-due bills and reconnect charges from the customer. There shall be no liability of any kind against the Company for the discontinuance of wastewater service to a customer for that customer's failure to pay the bills on time. Partial payment of a bill for wastewater service rendered will not be accepted by the Company, except by the Company's agreement thereof or by direct order of the Commission.

A municipal or county franchise tax levied upon a water or wastewater public utility shall not be incorporated into the rate for water or wastewater service but shall be shown as a separate item on the Company's bills to its Customers in such municipality or county.

If a utility utilizes the base facility and usage charge rate structure and does not have a Commission authorized vacation rate, the Company shall bill the Customer the base facility charge regardless of whether there is any usage.

- 16.0 PAYMENT OF WATER AND WASTEWATER SERVICE BILLS CONCURRENTLY - In accordance with Rule 25-30.320(2)(g), F.A.C., when both water and wastewater service are provided by the Company, payment of any wastewater service bill rendered by the Company to a Customer shall not be accepted by the Company without the simultaneous or concurrent payment of any water service bill rendered by the Company.

(Continued on Sheet No. 10.0)

DOUGLAS CORDELLO
ISSUING OFFICER

C.F.O.
TITLE

NAME OF COMPANY: COOLIDGE-FT. MYERS REALTY, LP
D/B/A HERON'S GLEN UTILITIES

WASTEWATER TARIFF

(Continued from Sheet No. 9.0)

- 17.0 DELINQUENT BILLS - When it has been determined that a Customer is delinquent in paying any bill, wastewater service may be discontinued after the Company has mailed or presented a written notice to the Customer in accordance with Rule 25-30.320, Florida Administrative Code.
- 18.0 TERMINATION OF SERVICE - When a Customer wishes to terminate service on any premises where wastewater service is supplied by the Company, the Company may require reasonable notice to the Company in accordance with Rule 25-30.325, Florida Administrative Code.
- 19.0 UNAUTHORIZED CONNECTIONS - WASTEWATER - Connections to the Company's wastewater system for any purpose whatsoever are to be made only by employees of the Company. Any unauthorized connections to the Customer's wastewater service shall be subject to immediate discontinuance without notice, in accordance with Rule 25-30.320, Florida Administrative Code. Wastewater service shall not be restored until such unauthorized connections have been removed and until settlement is made in full to the Company for all wastewater service estimated by the Company to have been used by reason of such unauthorized connection.
- 20.0 ADJUSTMENT OF BILLS - When a Customer has been overcharged or undercharged as a result of incorrect application of the rate schedule or, if wastewater service is measured by water consumption and a meter error is determined, the amount may be credited or billed to the Customer as the case may be, pursuant to Rules 25-30.340 and 25-30.350, Florida Administrative Code.
- 21.0 FILING OF CONTRACTS - Whenever a Developer Agreement or Contract, Guaranteed Revenue Contract, or Special Contract or Agreement is entered into by the Company for the sale of its product or services in a manner not specifically covered by its Rules and Regulations or approved Rate Schedules, a copy of such contracts or agreements shall be filed with the Commission prior to its execution in accordance with Rule 25-9.034 and Rule 25-30.550, Florida Administrative Code. If such contracts or agreements are approved by the Commission, a conformed copy shall be placed on file with the Commission within 30 days of execution.
- 22.0 EVIDENCE OF CONSUMPTION - The initiation or continuation or resumption of water service to the Customer's premises shall constitute the initiation or continuation or resumption of wastewater service to the Customer's premises regardless of occupancy.

DOUGLAS CORDELLO
ISSUING OFFICER

C.F.O.
TITLE

NAME OF COMPANY: COOLIDGE-FT. MYERS REALTY, LP
D/B/A HERON'S GLEN UTILITIES

WASTEWATER TARIFF

INDEX OF RATES AND CHARGES SCHEDULES

	<u>Sheet Number</u>
Customer Deposits	15.0
General Service, GS	12.0
Miscellaneous Service Charges	16.0
Reclaimed Water Service	14.0
Residential Service, RS	13.0
Service Availability Fees and Charges	17.0

DOUGLAS CORDELLO
ISSUING OFFICER

C.F.O.
TITLE

NAME OF COMPANY: COOLIDGE-FT. MYERS REALTY, LP
D/B/A HERON'S GLEN UTILITIES

WASTEWATER TARIFF

GENERAL SERVICE

RATE SCHEDULE GS

- AVAILABILITY - Available throughout the area served by the Company.
- APPLICABILITY - For wastewater service to all Customers for which no other schedule applies.
- LIMITATIONS - Subject to all of the Rules and Regulations of this tariff and General Rules and Regulations of the Commission.
- BILLING PERIOD - Quarterly
- RATE -

<u>Meter Size</u>	<u>Base Facility Charge</u>
5/8" x 3/4"	\$ 14.30
1"	35.75
1 1/2"	71.49
2"	114.38
3"	228.78
4"	357.47
6"	714.94
8"	1,143.91

GALLONAGE CHARGE \$ 2.29 per 1,000 gallons

MINIMUM CHARGE - Base Facility Charge

TERMS OF PAYMENT - Bills are due and payable when rendered. In accordance with Rule 25-30.320, Florida Administrative Code, if a Customer is delinquent in paying the bill for wastewater service, service may then be discontinued.

EFFECTIVE DATE - _____, 1999

TYPE OF FILING - Transfer of Certificate

DOUGLAS CORDELLO
ISSUING OFFICER

C.F.O. _____
TITLE

NAME OF COMPANY: COOLIDGE-FT. MYERS REALTY, LP
D/B/A HERON'S GLEN UTILITIES

WASTEWATER TARIFF

RESIDENTIAL SERVICERATE SCHEDULE RS

AVAILABILITY - Available throughout the area served by the Company.

APPLICABILITY - For wastewater service for all purposes in private residences and individually metered apartment units.

LIMITATIONS - Subject to all of the Rules and Regulations of this Tariff and General Rules and Regulations of the Commission.

BILLING PERIOD - Quarterly

RATE -

<u>Meter Size</u>	<u>Base Facility Charge</u>
All Meter Sizes	\$ 14.30

GALLONAGE CHARGE \$ 2.29 per 1,000 gallons
(Maximum 10,000 gallons)

MINIMUM CHARGE - \$14.30 per month

TERMS OF PAYMENT - Bills are due and payable when rendered. In accordance with Rule 25-30.320, Florida Administrative Code, if a Customer is delinquent in paying the bill for wastewater service, service may then be discontinued.

EFFECTIVE DATE - _____, 1999

TYPE OF FILING - Transfer of Certificate

DOUGLAS CORDELLO
ISSUING OFFICER

C.F.O.
TITLE

NAME OF COMPANY: COOLIDGE-FT. MYERS REALTY, LP
D/B/A HERON'S GLEN UTILITIES

WASTEWATER TARIFF

RECLAIMED WATER SERVICE

RATE SCHEDULE

- AVAILABILITY - Available by special contract to areas within the certificated service territory of Service Company.
- APPLICABILITY - To the extent of its capacity and wastewater flows, the Utility shall provide irrigation quality water using treated wastewater effluent.
- LIMITATIONS - Subject to all of the Rules and Regulations of this Tariff and General Rules and Regulations of the Commission.

Gallonge Charge
(Per 1,000 gallons)

\$0.05

EFFECTIVE DATE - _____, 1999

TYPE OF FILING - Name Change

DOUGLAS CORDELLO
ISSUING OFFICER

C.F.O.
TITLE

NAME OF COMPANY: COOLIDGE-FT. MYERS REALTY, LP
D/B/A HERON'S GLEN UTILITIES

WASTEWATER TARIFF

CUSTOMER DEPOSITS

ESTABLISHMENT OF CREDIT - Before rendering wastewater service, the Company may require an Applicant for service to satisfactorily establish credit, but such establishment of credit shall not relieve the Customer from complying with the Company's rules for prompt payment. Credit will be deemed so established if the Customer complies with the requirements of Rule 25-30.311, Florida Administrative Code.

AMOUNT OF DEPOSIT - The amount of initial deposit shall be the following according to meter size:

	<u>Residential</u>	<u>General Service</u>
5/8" x 3/4"	<u>N/A</u>	<u>N/A</u>
1"	<u>N/A</u>	<u>N/A</u>
1 1/2"	<u>N/A</u>	<u>N/A</u>
Over 2"	<u>N/A</u>	<u>N/A</u>

ADDITIONAL DEPOSIT - Under Rule 25-30.311(7), Florida Administrative Code, the Company may require a new deposit, where previously waived or returned, or an additional deposit in order to secure payment of current bills provided.

INTEREST ON DEPOSIT - The Company shall pay interest on Customer deposits pursuant to Rule 25-30.311(4) and (4a). The Company will pay or credit accrued interest to the Customers account during the month of N/A each year.

REFUND OF DEPOSIT - After a residential Customer has established a satisfactory payment record and has had continuous service for a period of 23 months, the Company shall refund the Customer's deposit provided the Customer has met the requirements of Rule 25-30.311(5), Florida Administrative Code. The Company may hold the deposit of a non-residential Customer after a continuous service period of 23 months and shall pay interest on the non-residential Customer's deposit pursuant to Rule 25-30.311(4) and (5), Florida Administrative Code.

Nothing in this rule shall prohibit the Company from refunding a Customer's deposit in less than 23 months.

EFFECTIVE DATE - _____, 1999

TYPE OF FILING - Transfer of Certificate

DOUGLAS CORDELLO
 ISSUING OFFICER

C.F.O.
 TITLE

NAME OF COMPANY: COOLIDGE-FT. MYERS REALTY, LP
D/B/A HERON'S GLEN UTILITIES

WASTEWATER TARIFF

MISCELLANEOUS SERVICE CHARGES

The Company may charge the following miscellaneous service charges in accordance with the terms state herein. If both water and wastewater services are provided, only a single charge is appropriate unless circumstances beyond the control of the Company requires multiple actions.

INITIAL CONNECTION - This charge may be levied for service initiation at a location where service did not exist previously.

NORMAL RECONNECTION - This charge may be levied for transfer of service to a new Customer account at a previously served location or reconnection of service subsequent to a Customer requested disconnection.

VIOLATION RECONNECTION - This charge may be levied prior to reconnection of an existing Customer after disconnection of service for cause according to Rule 25-30.320(2), Florida Administrative Code, including a delinquency in bill payment.

PREMISES VISIT CHARGE (IN LIEU OF DISCONNECTION) - This charge may be levied when a service representative visits a premises for the purpose of discontinuing service for nonpayment of a due and collectible bill and does not discontinue service because the Customer pays the service representative or otherwise makes satisfactory arrangements to pay the bill.

Schedule of Miscellaneous Service Charges

Initial Connection Fee	\$ <u>15.00</u>
Normal Reconnection Fee	\$ <u>15.00</u>
Violation Reconnection Fee	\$ <u>Actual Cost (1)</u>
Premises Visit Fee (in lieu of disconnection)	\$ <u>10.00</u>

(1) Actual Cost is equal to the total cost incurred for services.

EFFECTIVE DATE - _____, 1999

TYPE OF FILING - Transfer of Certificate

DOUGLAS CORDELLO
ISSUING OFFICER

C.F.O.
TITLE

NAME OF COMPANY: COOLIDGE-FT. MYERS REALTY, LP
D/B/A HERON'S GLEN UTILITIES

WASTEWATER TARIFF

SERVICE AVAILABILITY FEES AND CHARGES

<u>DESCRIPTION</u>	<u>REFER TO SERVICE AVAILABILITY POLICY</u> <u>AMOUNT</u>	<u>SHEET NO./RULE NO.</u>
<u>Customer Connection (Tap-in) Charge</u>		
5/8" x 3/4" metered service	\$	
1" metered service	\$	
1 1/2" metered service	\$	
2" metered service	\$	
Over 2" metered service	\$ ¹	
<u>Guaranteed Revenue Charge</u>		
With Prepayment of Service Availability Charges:		
Residential-per ERC/month ()GPD	\$	
All others-per gallon/month	\$	
Without Prepayment of Service Availability Charges:		
Residential-per ERC/month ()GPD	\$	
All others-per gallon/month	\$	
<u>Inspection Fee</u>	\$ ¹	
<u>Main Extension Charge</u>		
Residential-per ERC ()GPD	\$	
All others-per gallon	\$	
or		
Residential-per lot ()foot frontage	\$	
All others-per front foot	\$	
<u>Plan Review Charge</u>	\$ ¹	
<u>Plant Capacity Charge</u>		
Residential-per ERC (200 GPD)	\$	200.00
All others-per gallon	\$	1.00
<u>System Capacity Charge</u>		
Residential-per ERC ()GPD	\$	
All others-per gallon	\$	

¹Actual Cost is equal to the total cost incurred for services rendered.

EFFECTIVE DATE - _____, 1999

TYPE OF FILING - Transfer of Certificate

DOUGLAS CORDELLO
ISSUING OFFICER

C.F.O.
TITLE

NAME OF COMPANY: COOLIDGE-FT. MYERS REALTY, LP
D/B/A HERON'S GLEN UTILITIES

WASTEWATER TARIFF

INDEX OF STANDARD FORMS

Sheet No.

APPLICATION FOR WASTEWATER SERVICE	20.0 - 21.0
COPY OF CUSTOMER'S BILL	22.0
HELD FOR FUTURE USE	19.0

DOUGLAS CORDELLO
ISSUING OFFICER

C.F.O.
TITLE

NAME OF COMPANY: COOLIDGE-FT. MYERS REALTY, LP
D/B/A HERON'S GLEN UTILITIES

WASTEWATER TARIFF

HELD FOR FUTURE USE

DOUGLAS CORDELLO
ISSUING OFFICER

C.F.O.
TITLE

NAME OF COMPANY: COOLIDGE-FT. MYERS REALTY, LP
D/B/A HERON'S GLEN UTILITIES

WASTEWATER TARIFF

APPLICATION FOR WASTEWATER SERVICE

COOLIDGE-FT. MYERS REALTY, LP
D/B/A HERON'S GLEN UTILITIES

WASTEWATER SERVICE USERS AGREEMENT

This Agreement is made and entered into this ____ day _____, 19____, between Coolidge Ft. Myers Realty, LP d/b/a Heron's Glen Utilities, hereinafter referred to as the "Utility Company", and: _____, hereinafter referred to as "Customer", with the address of:

_____, as the property to be served.

WHEREAS, the customer desires wastewater service from the Utility Company and to enter into a wastewater service users agreement as required by the Utility Company.

NOW THEREFORE, in consideration of the mutual covenants, promises and agreements contained herein, it is mutually agreed by and between the parties hereto as follows:

1. The Utility Company shall furnish, subject to limitations herein provided for such wastewater service in connection with the occupancy of the property listed herein.
2. The Customer shall furnish and install, at his own expense, a wastewater service line which shall begin at his property and extend to the dwelling and other portion of his premises.
3. The Customer shall pay for such wastewater service at such rates, time and place as determined by the Utility Company and as approved by the State of Florida Public Service Commission.
4. The Utility Company shall have final jurisdiction relative to the location of any wastewater service line connection and shall have the authority to inspect and approve the Customer's wastewater service line to insure that the Customer's piping, equipment, and devices have been installed in accordance with accepted standard practice.

(Continued to Sheet No. 21.0)

DOUGLAS CORDELLO
ISSUING OFFICER

C.F.O.
TITLE

NAME OF COMPANY: COOLIDGE-FT. MYERS REALTY, LP
D/B/A HERON'S GLEN UTILITIES

WASTEWATER TARIFF

COPY OF CUSTOMER'S BILL

COOLIDGE-FT. MYERS REALTY, LP
D/B/A HERON'S GLEN UTILITIES
2250 AVENIDA DEL VERA
N. FORT MYERS, FL 33917

REMIT PAYMENT TO:

Coolidge-Ft. Myers Realty, LP
d/b/a Heron's Glen Utilities
2250 Avenida Del Vera
N. Fort Myers, FL 33917

Customer Account No.:
Invoice #

FIRST QUARTER 1999 UTILITY SERVICE

CONSUMPTION:

SEWER CHARGES \$

DUE AND PAYABLE UPON RECEIPT

1 1/2% PER MONTH (18% PER ANNUM) SERVICE CHARGE ON PAST DUE ACCOUNTS

FEES & SCHEDULES

Sewer Charge per 1,000 gallons of water consumption: \$

Base Facility Charge per month: \$

Billing Period - Quarterly: \$ ____ x 3 = \$

Payment Terms: Past Due after 20 days
Service can be discontinued after (5) days written notice
\$15.00 Normal reconnection fee

ENCLOSE THIS PORTION WITH YOUR PAYMENT DUE AND PAYABLE UPON RECEIPT

LOT# LAST NAME AMOUNT DUE \$

Please indicate any address changes below: INVOICE #

Effective Date: _____

DOUGLAS CORDELLO
ISSUING OFFICER

C.F.O.
TITLE

NAME OF COMPANY: COOLIDGE-FT. MYERS REALTY, LP
D/B/A HERON'S GLEN UTILITIES

WASTEWATER TARIFF

INDEX OF SERVICE AVAILABILITY POLICY

Sheet Number

Schedule of Fees and Charges	Go to Sheet No. 17.0
Service Availability Policy	24.0
Table of Daily Flows	25.0

DOUGLAS CORDELLO
ISSUING OFFICER

C.F.O.
TITLE

NAME OF COMPANY:
WASTEWATER TARIFF

SERVICE AVAILABILITY POLICY

The Company will provide service to any customer within its certificated territory requesting same upon application or execution of a developer agreement and payment of the required system capacity charges, and compliance with such other requirements as may be appropriate under the provisions of the Company's tariff and the rules and statutes of the Florida Public Service Commission.

The developer will be required as a prerequisite to service to construct and donate to the Company all on-site facilities, including on-site sewer lines. Such installations shall comply with the requirements imposed by the Company.

DOUGLAS CORDELLO
ISSUING OFFICER

C.F.O.
TITLE

NAME OF COMPANY: COOLIDGE-FT. MYERS REALTY, LP
D/B/A HERON'S GLEN UTILITIES

WASTEWATER TARIFF

TABLE OF DAILY FLOWS

<u>Types of Building Usages</u>	<u>Estimated Daily Flows of Water</u>
Apartments	200 gpd [1]
Bars and Cocktail Lounges	5 gpcd [2]
Boarding Schools (Students and Staff)	75 gpcd
Bowling Alleys (toilet wastes only, per lane).	100 gpd
Country Clubs, per member	25 gpcd
Day Schools (Students and Staff)	10 gpcd
Drive-in Theaters (per car space)	5 gpd
Factories, with showers	30 gpcd
Factories, no showers	10 gpd/100 sq. ft.
Hospitals, with laundry	250 gpd/bed
Hospitals, no laundry	200 gpd/bed
Hotels and Motels	200 gpd/room & unit
Laundromat	225 gpd/washing machine
Mobile Home Parks	200 gpd/trailer
Movie Theaters, Auditoriums, Churches (per seat)	3 gpd
Nursing Homes	150 gpd/100 sq. ft.
Office Buildings	10 gpd/100 sq. ft.
Public Institutions (other than listed herein)	75 gpcd
Restaurants (per seat)	50 gpcd
Single Family Residential	200 gpd
Townhouse Residence	200 gpd
Stadiums, Frontons, Ball Parks, etc. (per seat)	3 gpd
Stores, without kitchen wastes	5 gpd/100 sq. ft.
Speculative Buildings	10 gpd/100 sq. ft.
Warehouses	30 gpd plus 10 gpd/1000 sq. ft.

[1] gpd - gallons per day

[2] gpcd - gallons per capita per day

DOUGLAS CORDELLO
ISSUING OFFICER

C.F.O.
TITLE