

REQUEST TO ESTABLISH DOCKET
(PLEASE TYPE)

Date 8/24/00

Docket No. 001819-114

1. Division Name/Staff Name Division Of Regulatory Oversight

2. OPR C. Johnson

3. OCR J. Brubaker

4. Suggested Docket Title Notice of filing tariff ~~Sheet No. 17~~ ^{Sheet No. 12} ← only suggestion
to implement a change to paragraph 17.0

5. Suggested Docket Mailing List (attach separate sheet if necessary) Request for approval of revisions to water tariff in Lee County by MHC - DeAnza Financing Limited Partnership dba Buccaneer Water Service.

- A. Provide NAMES ONLY for regulated companies or ACRONYMS ONLY regulated industries, as shown in Rule 25-22.104, F.A.C.
- B. Provide COMPLETE name and address for all others. (Match representatives to clients.)

1. Parties and their representatives (if any)

Ruden, McClosky, Smith, Schuster & Russell P.A.

Kathryn Cowdery
215 South Monroe St.
Suite 815
Tallahassee, FL 32301

Martin Friedman
Rose, Sundstrom & Bentley, LLP
2548 Blainstone Pines Drive
Tallahassee, FL 32301

2. Interested Persons and their representatives (if any)

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

6. Check one:

- Documentation is attached.
- Documentation will be provided with the recommendation.

**RUDEN
MCCLOSKEY
SMITH
SCHUSTER &
RUSSELL, P.A.
ATTORNEYS AT LAW**

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TALLAHASSEE, FLORIDA 32301

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August 11, 2000

Blanca S. Bayo, Director
Division of Records & Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Betty Easley Building, Room 110
Tallahassee, FL 32399-0850

Via Hand Delivery

Re: Buccaneer Water Service - Revised Water Tariffs Sheets

Dear Ms. Bayo:

Enclosed for filing and approval, on behalf of MHC-DeAnza Financing Limited Partnership d/b/a Buccaneer Water Service, are an original and three copies of the following tariff sheets:

Water

1. First Revised Sheet No. 6.0;
2. First Revised Sheet No. 6.1;
3. First Revised Sheet No. 11.0;
4. First Revised Sheet No. 12.0;
5. Original Sheet No. 12.1; and
6. First Revised Sheet No. 13.0.

RECEIVED
AUG 15 2000
Florida Public Service Commission
Division of Regulatory Oversight

This tariff is being filed in order to effectuate the provisions of the Final Wastewater Settlement Agreement ("Agreement") approved by the Public Service Commission ("PSC") on August 1, 2000, in PSC Docket No. 981781, Application for Amendment of Certificate No. 247-S to Extend Service Area by the Transfer of Buccaneer Estates in Lee County to North Fort Myers Utility, Inc. This tariff filing is not itself a part of that docket, however.

The Agreement approved by the PSC in Docket No. 981781 was itself, pursuant to paragraph 8 therein, contingent upon the execution of a separate settlement agreement ("Confidential Settlement Agreement") relating to certain litigation between the Homeowners and the Owner (as defined in the Agreement). The attached First Revised Sheet 11.0, Rule No.

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Letter to Blanca S. Bayo
August 11, 2000
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17.0, reflects the agreement made by the Buccaneer Estates Homeowners Association in the Confidential Settlement Agreement.

Please acknowledge receipt of the foregoing by stamping the enclosed extra copy of this letter and returning same to my attention. Thank you for your assistance.

Please contact me if you have any questions.

Sincerely,

RUDEN, McCLOSKEY, SMITH,
SCHUSTER & RUSSELL, P.A.

Leslie A. Veal, for

Kathryn G.W. Cowdery
Attorney

KGC/ldv
Enclosures

cc: Jennifer Brubaker, PSC Division of Legal Services (via hand delivery)

WATER TARIFF

INDEX OF RULES AND REGULATIONS

	<u>Sheet Number</u>	<u>Rule Number</u>
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Adjustment of Bills	13.0	23.0
Adjustment of Bills for Meter Error	13.0	24.0
All Water Through Meter	13.0	22.0
Applications by Agents	8.0	4.0
Billing Periods	11.0	15.0
Buccaneer Estates Mobile Home Park - Payment of Wastewater Billings to Park Owner	11.0	17.0
Change of Customer's Installation	10.0	10.0
Change of Occupancy	12.0	19.0
Continuity of Service	9.0	8.0
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Filing of Contracts	14.0	26.0
General Information	7.0	2.0
Held for Future Use	15.0	N/A
Inspection of Customer's Installation	10.0	11.0
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Meters	13.0	21.0
Meter Accuracy Requirements	13.0	25.0
Policy Dispute	7.0	1.0

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Donald Barton
 General Manager

WATER TARIFF

(continued from Sheet No. 6.0)

	<u>Sheet Number</u>	<u>Rule Number</u>
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Right of Way or Easement	11.0	14.0
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Type and Maintenance	9.0	9.0
Unauthorized Connections - Water	12.1	20.0
Withholding Service	8.0	5.0

Donald Barton
General Manager

WATER TARIFF

(Continued from Sheet No. 10.0)

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 water service.

15.0 BILLING PERIODS - Bills for water service will be rendered monthly as stated in the rate schedule and shall become due when rendered and be considered as received by the customer when delivered or mailed to the water service address or some other place mutually agreed upon. Non-receipt of bills by the customer shall not release or diminish the obligation of the customer with respect to payment thereof.

16.0 DELINQUENT BILLS - Bills are due when rendered. However, the Company shall not consider the customer delinquent in paying any bill until the twenty-first (21) day after the Company has mailed or presented the bill to the customer for payment. Water service may then be discontinued only after the Company has mailed or presented within five (5) working days written notice to the customer in accordance with Rule 25-30.320, Florida Administrative Code. Water 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 water service to the consumer for that customer's failure to pay the bills on time.

Partial payment of a bill for water service rendered will not be accepted by the Company, except by the Company's agreement thereof or by direct order from the Commission.

17.0 BUCCANEER ESTATES MOBILE HOME PARK - PAYMENT OF WASTEWATER BILLINGS TO PARK OWNER - The Company may discontinue water service to any customer within Buccaneer Estates Mobile Home Park who fails to pay when due said customer's pro rata share of the monthly waste-

(Continued to Sheet No. 12.0)

Donald Barton
General Manager

WATER TARIFF

(Continued from Sheet No. 11.0)

water services billing submitted to the owner of Buccaneer Estates Mobile Home Park, or said owner's designee, for wastewater services provided to Buccaneer Estates Mobile Home Park. The Company shall not consider a customer delinquent in paying said wastewater billing until the twenty first day after said billing has been mailed or presented to the customer for payment.

Water service may be discontinued due to delinquency in payment of customer's wastewater billing only after the customer has been given at least 5 working days' written notice. Such notice shall be separate and apart from any bill for water service. Water service shall be restored only after all past due wastewater billings have been paid by the customer to the park owner or its designee, and the Company has received payment for all reconnect charges.

18.0 TAX CLAUSE - 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 utility's bills to its customers in such Municipality or County.

19.0 CHANGE OF OCCUPANCY - When change of occupancy takes place on any premises supplied by the Company with water service, written notice thereof shall be given at the office of the Company not less than three (3) days prior to the date of change by the outgoing customer. The outgoing customer shall be held responsible for all water service used on such premises until such written notice is so received by the Company and the Company has had reasonable time to discontinue the water service. However, if such written notice has not been received, the application of a succeeding occupant for water service will automatically terminate the prior account. The customer's deposit may be transferred from one service location to another, if both locations are supplied by the Company; the customer's deposit may not be transferred from one name to another.

(Continued to Sheet No. 12.1)

Donald Barton
General Manager

WATER TARIFF

(Continued from Sheet No. 12.0)

Notwithstanding the above, the Company will accept telephone orders, for the convenience of its customers, to discontinue or transfer water service from one service address to another and will use all reasonable diligence in the execution thereof. However, oral orders or advice shall not be deemed binding or be considered formal notification to the Company.

- 20.0 UNAUTHORIZED CONNECTIONS - WATER - Connections to the Company's water system for any purpose whatsoever are to be made only by employees of the Company. Any unauthorized connections to the customer's water service shall be subject to immediate discontinuance without notice. Water service shall not be restored until such unauthorized connections have been removed and until settlement is made in full to the Company for all water service estimated by the Company to have been used by reason of such unauthorized connection.

(Continued to Sheet No. 13.0)

Donald Barton
General Manager

WATER TARIFF

(Continued from Sheet No. 12.1)

- 21.0 METERS - All water meters shall be furnished by and remain the property of the Company and shall be accessible and subject to its control. The customer shall provide meter space to the Company at a suitable and readily accessible location within the premises to be served and also provide adequate and proper space for the installation of the meter and other similar devices.
- 22.0 ALL WATER THROUGH METER - That portion of the customer's installation for water service shall be so arranged to ensure that all water service shall pass through the meter. No temporary pipes, nipples or spaces are permitted and under no circumstances are connections allowed which may permit water to by-pass the meter or metering equipment.
- 23.0 ADJUSTMENT OF BILLS - When a customer has been overcharged or undercharged as a result of incorrect application of the rate schedule, incorrect reading of the meter, incorrect connection of the meter, or other similar reasons, the amount may be credited or billed to the customer as the case may be pursuant to Rule 25-30.350, Florida Administrative Code.
- 24.0 ADJUSTMENT OF BILLS FOR METER ERROR - When meter tests are made by the Commission or by the Company, the accuracy of registration of the meter and its performance shall conform with Rule 25-30.262, Florida Administrative Code, and any adjustment of a bill due to a meter found to be in error as a result of any meter test performed whether for unauthorized use or for a meter found to be fast, slow, non-registering, or partially registering, shall conform with Rule 25-30.340, Florida Administrative Code.
- 25.0 METER ACCURACY REQUIREMENTS - All meters used for measuring the quantity of water delivered to a customer shall be in good mechanical condition and shall be adequate in size and design for the type of service which they measure. Before being installed for the rendering of water service to a customer, every water meter, whether new, repaired, or removed from service for any cause, shall be adjusted to register within prescribed accuracy limits as set forth in Rule 25-30.262, Florida Administrative Code.

(Continued to Sheet No. 14)

Donald Barton
General Manager