

ORIGINAL

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

RECEIVED-FPSC

00 SEP 12 PM 2: 00

RECORDS AND
REPORTING

215 SOUTH MONROE STREET
SUITE 815
TALLAHASSEE, FLORIDA 32301

(850) 681-9027
FAX: (850) 224-2032
KGC@RUDEN.COM

September 12, 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: Docket No. 980876-WS
Application for certificate to operate a water and wastewater utility in Marion
County by Ocala Springs Utilities Inc.

Dear Ms. Bayo:

Enclosed on behalf of Ocala Springs Utilities Inc. is an original and fifteen (15) copies of
a Response of Ocala Springs Utilities Inc., to Staff's First Data Request and Request for
Extension of Time to File Information Pursuant to Order Nos. PSC-98-1644-FOF-WS and PSC-
98-1374-PCO-WS.

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

APP _____
CAF _____
CMP _____
COM _____
CTR _____
ECR _____
LEG 2 _____
OPC _____
PAI _____
RGO Bayo _____
SEC _____
SER _____
OTH _____

Sincerely,

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

Kathryn G.W. Cowdery
Kathryn G.W. Cowdery
Attorney

KGC/ldv RECEIVED & FILED
Enclosures

FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

11302 SEP 12 8

TAL:32122:1

FORT LAUDERDALE ■ MIAMI ■ NAPLES ■ PORT ST. LUCIE ■ SARASOTA ■ ST. PETERSBURG ■ TALLAHASSEE ■ TAMPA ■ WEST PALM BEACH
FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for)	
certificates to operate a)	Docket No. 980876-WS
water and wastewater utility)	
in Marion County by Ocala)	Filed: September 12, 2000
<u>Springs Utilities Inc.</u>)	

RESPONSE OF OCALA SPRINGS UTILITIES INC., TO
STAFF'S FIRST DATA REQUEST

AND

REQUEST FOR EXTENSION OF TIME TO FILE INFORMATION PURSUANT TO
ORDER NOS. PSC-98-1644-FOF-WS AND PSC-98-1374-PCO-WS

Ocala Springs Utilities Inc. ("OSUI"), by and through its undersigned attorneys, hereby responds to Staff's First Data Request, dated August 10, 2000, and requests a 12 month extension of time in which to file with the Florida Public Service Commission the information required pursuant to Order Nos. PSC-98-1374-PCO and PSC-98-1644-FOF in the above-stated docket, and as grounds states:

1. OSUI is a wholly-owned subsidiary of Avatar Utilities Inc. ("AUI"), which is a wholly-owned subsidiary of Avatar Holdings Inc. ("AHI"). OSUI was established by AUI for the specific purpose of providing water and wastewater service to an undeveloped tract of acreage known as Ocala Springs, to be developed as an active adult community. The entire tract of 4,666 acres is owned by Avatar Properties Inc. ("API"), a

wholly-owned subsidiary of AHI. The history of master land use planning of Ocala Springs, and API's vested development rights, including binding letters of interpretation issued by the Florida Department of Community Affairs, are attached as Attachment 1, Exh. B, to OSUI's application for original certificate, filed with the PSC on July 13, 1998.

2. Pursuant to Order No. PSC-98-1374-PCO, issued October 12, 1998 in this docket, OSUI was granted a temporary variance from or temporary waiver of Rules 25-30.033(1)(h), (j), (k), (m), (o), (r), (t), (u), (v), (w)(2), (3), and (4), and 25-30.433(10). This temporary variance was granted on the basis that the development plans for Ocala Springs are predicated on the assurances and economic feasibility of water and wastewater service which can only be achieved through the creation of a utility entity and the construction of the required water and wastewater infrastructure to service the development. Order No. PSC-98-1374-PCO-WS stated that OSUI faced the technical hardship of needing the water and wastewater certificates in order to proceed with the development plans for Ocala Springs, and initial rates and charges for the utility cannot be established until the development plans are complete.

3. Pursuant to Order No. PSC-98-1644-FOF-WS, issued December 7, 1998 in this docket, OSUI was granted Certificate Nos. 604-W and 520-S. Order No. PSC-98-1644-FOF-WS ordered

that, pursuant to Order No. PSC-98-1374-PCO-WS, OSUI was required to submit a separate application, within this docket, by December 7, 2000, to establish initial rates and charges, and was required to submit detailed system maps and evidence of ownership of plant sites when it submits its applications for permits with the Water Management District and the Florida Department of Environmental Protection. At the time of filing its amended petition for temporary variance or temporary waiver, OSUI anticipated that application for consumptive use permit and application for wastewater system construction permits was scheduled to occur by July 1, 1999, and utility construction would commence by January 1, 2000. This docket was held open pending the completion of the filing requirements and the establishment of rates and charges.

4. Development of Ocala Springs is still predicated upon provision of water and wastewater utility service by OSUI. However, the Ocala Springs active adult community development planning process has been delayed in order for AHI to complete development of a similar active adult community in Polk County. There are no known regulatory or other impediments to the Ocala Springs development. In one year's time, AHI believes that it will know development plans for Ocala Springs, and therefore, the time schedule for utility filings as required by the orders issued in this docket.

WHEREFORE, OSUI respectfully requests that the Commission grant OSUI:

1. A 12 month extension of time in which to file the information required by Order Nos. PSC-98-1374-PCO-WS and PSC-98-1644-FOF-WS, as set forth therein, that is, until December 7, 2001, and

2. Any such other relief as is appropriate.

Respectfully submitted this 12th day of September 2000.


KATHRYN G.W. COWDERY
Fla. Bar No. 0363985
Ruden, McClosky, Smith,
Schuster & Russell, P.A.
215 S. Monroe St., Suite 815
Tallahassee, FL 32301
(850) 681-9027

Attorneys for Ocala Springs
Utilities Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Response of Ocala Springs Utilities Inc., to Staff's First Data Request and Request for Extension of Time to File Information Pursuant to Order Nos. PSC-98-1644-FOF-WS and PSC-98-1374-PCO-WS has been furnished this 12th day of September 2000, by regular U.S. Mail to Samantha Cibula, Division of Legal Services, Gunter Building, Room 370C, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.


KATHRYN G.W. COWDERY