

ORIGINAL

010823-WS

FLORIDA PUBLIC SERVICE COMMISSION

APPLICATION FOR A
STAFF ASSISTED RATE CASE

01 JUN -8 AM 10:45

ECONOMIC REGULATION

FILED SERVICE
RECEIVED
JUN 10 1988
P.O. BOX 1000
TALLAHASSEE, FL 32304

I. General Data

A. Name of utility CWS COMMUNITIES LP D/B/A PALM VALLEY
B. Address 3700 PALM VALLEY CIRCLE
OVIEDO, FL 32765

1. Telephone Nos. (407) 365-6651
2. County SEMINOLE Nearest city ORLANDO
3. General area served PALM VALLEY COMMUNITY AND
FOX RUN SUBDIVISION (NEXT TO UTILITY)

C. Authority:
1. Water Certificate No. 277-W Date received SEE EXHIBIT A
2. Sewer Certificate No. 223-S Date received _____
3. Date utility started operations: Water _____ Sewer _____

D. How system was acquired TRANSFER SEE ORDER #PSC-00-1675-PAA-WS
If utility was purchased, give date _____ Amount Paid _____

1. Name of Seller ALAFAYA PALM VALLEY ASSOC., LTD.
2. Was seller affiliated with present owners? _____
3. Did you purchase: Stock _____ or assets only _____

E. Type of legal entity: Corporation, Partnership or Sole
Proprietorship _____

F. Ownership & Officers:

	<u>Name</u>	<u>Title</u>	<u>Percent Ownership</u>
1.	<u>CWS COMMUNITIES TRUST</u>	_____	<u>100%</u>
2.	_____	_____	_____
3.	_____	_____	_____
4.	_____	_____	_____

II. Accounting Data

- A. Outside Accountant (CWS COMMUNITIES LP)
1. Name MICHELE DUNCAN
 2. Firm CWS COMMUNITIES
 3. Address 7777 MARKET CENTER AVE, EL PASO, TX 79912
 4. Telephone (915) 877-5958
- B. Individual to contact on accounting matters:
1. Name SAME AS ABOVE
 2. Telephone (____) _____
- C. Location of books and records COMMUNITY OFFICE IN FLORIDA
- D. Have you filed an Annual Report with the Commission? YES
Date last filed YEAR ENDING 12/31/00
- E. Has your latest semiannual regulatory assessment fee payment been made (January 30 or July 30 whichever is applicable)? YES
- F. Basic Rate Base Data (Most recent two years)
- | | | | |
|--------------------------------|---------------------------|-------------|-------------|
| 1. Water | <u>SEE FOLLOWING PAGE</u> | <u>2000</u> | <u>1999</u> |
| | <u>AND EXHIBIT C</u> | | |
| Cost of Plant In Service: | | \$ _____ | \$ _____ |
| Less Accumulated Depreciation: | | _____ | _____ |
| Less Contributed Plant: | | _____ | _____ |
| Net Owner's Investment: | | \$ _____ | \$ _____ |

SEE EXHIBIT C FOR BREAKDOWN:
 2. Sewer & WATER UTILITY

	2000 19	1999
Cost of Plant In Service:	\$ 1,666,706	\$ 1,666,706
Less Accumulated Depreciation:	<u>(599,807)</u>	<u>(553,832)</u>
Less Contributed Plant:	<u>66,397</u>	<u>70,253</u>
Net Owner's Investment:	\$ <u>1,133,296</u>	\$ <u>1,183,127</u>

G. Basic Income Statement (Most recent two years):

	2000 19	1999 19
1. Water		
Revenues (By Class):		
a. <u>RESIDENTIAL</u>	\$ 47,581	\$ 45,097
b. _____	_____	_____
c. _____	_____	_____
Total Operating Revenues:	\$ <u>47,581</u>	\$ <u>45,097</u>
Less Expenses:		
a. Salaries & Wages - Employees	\$ 14,989	\$ 15,723
b. Salaries & Wages - Officers, Directors, & Majority Stockholders	<u>0</u>	<u>0</u>
c. Employee Pensions & Benefits	<u>2,149</u>	<u>1,976</u>
d. Purchased Water	<u>6,776</u>	<u>2,387</u>
e. Purchased Power	<u>4,363</u>	<u>2,829</u>
f. Fuel for Power Production	<u>5,600</u>	<u>6,883</u>
g. Chemicals	_____	_____
h. Materials & Supplies	_____	_____
i. Contractual Services	_____	_____
j. Rents	_____	_____
k. Transportation Expenses	_____	_____
l. Insurance Expense	<u>472</u>	<u>4,308</u>
m. Regulatory Commission Expense	_____	_____
n. Bad Debt Expense	_____	_____
o. Miscellaneous Expense	<u>3,956</u>	<u>4,230</u>
p. Depreciation Expense	<u>12,521</u>	<u>12,520</u>
q. Property Taxes	<u>6,495</u>	<u>6,495</u>
CIAC AMORTIZATION EXPENSE	<u>(2,797)</u>	<u>(2,797)</u>
r. Other Taxes REGULATORY ASSESSMENT FEE	<u>2,483</u>	<u>2,483</u>
ACQUISITION ADJUSTMENT FBA	<u>1,735</u>	<u>1,735</u>
s. Income Taxes NON-UTILITY INCOME	<u>0</u>	<u>(11,940)</u>
Operating Income (Loss)	\$ <u>(14,559)</u>	\$ <u>(13,675)</u>

2. Sewer

2000
18

1999

Revenues (By Class):

a. <u>RESIDENTIAL</u>	\$ <u>21,575</u>	\$ <u>21,738</u>
b. _____	_____	_____
c. _____	_____	_____
Total Operating Revenues:	\$ <u>21,575</u>	\$ <u>21,738</u>

Less Expenses:

a. Salaries & Wages - Employees	\$ <u>9,321</u>	\$ <u>10,338</u>
b. Salaries & Wages - Officers, Directors, & Majority Stockholders	_____	_____
c. Employee Pensions & Benefits	<u>1,337</u>	<u>1,299</u>
d. Purchased Sewage Treatment	_____	_____
e. Sludge Removal Expense	<u>15,420</u>	<u>16,908</u>
f. Purchased Power	<u>11,123</u>	<u>17,637</u>
g. Fuel for Power Production	_____	_____
h. Chemicals	<u>3,301</u>	<u>4,586</u>
i. Materials & Supplies	<u>352</u>	<u>2,629</u>
j. Contractual Services	<u>56,730</u>	<u>51,226</u>
k. Rents	_____	_____
l. Transportation Expenses	_____	_____
m. Insurance Expense	<u>289</u>	<u>2,896</u>
n. Regulatory Commission Expense	_____	_____
o. Bad Debt Expense	_____	_____
p. Miscellaneous Expense	<u>5,136</u>	<u>3,129</u>
q. Depreciation Expense	<u>33,454</u>	<u>33,429</u>
r. Property Taxes	<u>4,241</u>	<u>4,241</u>
REGULATORY ASSESSMENT FEE	<u>978</u>	<u>978</u>
s. Other Expenses CIAC AMORTIZATION EXPENSE	<u>(9,751)</u>	<u>(9,751)</u>
ACQUISITION ADJUSTMENT FBA	<u>1,735</u>	<u>2,121</u>
t. Income Taxes NONUTILITY INCOME	_____	<u>(117,759)</u>
Operating Income (Loss)	\$ <u>(114,502)</u>	\$ <u>(119,878)</u>

H. Outstanding Debt:

	<u>Creditor</u>	<u>Date Borrowed</u>	<u>Balance Due</u>	<u>Interest Rate</u>	<u>Expiration Date</u>
1.	_____	_____	_____	_____	_____
2.	_____	_____	_____	_____	_____
3.	_____	_____	_____	_____	_____
4.	_____	_____	_____	_____	_____

I. Indicate Type of Tax Return Filed:

- Form 1120 - Corporation
- _____ Form 1120S - Subchapter S Corporation
- _____ Form 1065 - Partnership
- _____ Form 1040 - Schedule C - Individual (Proprietorship)

III. Engineering Data

A. Outside Engineering Consultant:

1. Name JULIAN R. COTO, P.E., D.EE.
2. Firm EXCEL ENGINEERING CONSULTANTS, INC.
3. Address 122 WILSHIRE BLVD., CASSELBERRY, FL 32707
4. Telephone (407) 260-2292

B. Individual to contact on engineering matters:

1. Name SANDRA SEYFFART
2. Telephone (407) 365-6651

C. Is the utility under citation by the Department of Environmental Regulation (DER) or county health department? If yes, explain.

CONSENT ORDER SEE ATTACHED AMENDMENT EXHIBIT

D. List any known service deficiencies and steps taken to remedy problems.

E. Name of plant operator(s) and DER operator certificate number(s) held.

ENVIRO SYSTEMS INTERNATIONAL, INC C9273

F. Is the utility serving customers outside of its certificated area?

NO If yes, explain.

G. Wastewater:

1. Gallons per day capacity of treatment facilities existing 126,000 under construction 150,000 proposed 150,000
2. Type and make of present treatment facilities EXTENDED AERATION WITH FILTRATION AND HIGH LEVEL DISINFECTION
3. Approximate average daily flow of treatment plant effluent 0.091 MGD
4. Approximate length of sewer mains:
Size (diameter) 8" Ø 3" Ø _____
Linear feet 31,500 4,800 _____
5. Number of manholes 86
6. Number of liftstations 5
7. How do you measure treatment plant effluent? FLOW METER
8. Is the treatment plant effluent chlorinated? YES If yes, what is the normal dosage rate? 8 ppd

9. Tap in fees - Sewer \$ _____
10. Service availability fees - Sewer \$ 1,835
11. Note DER Treatment Plant Certificate Number and date of expiration: Number FLA011085 Expiration Date JUNE 15, 2002
12. Total gallons treated during most recent twelve months 1.087 MG
13. Sewage treatment purchased during most recent twelve months N/A

H. Water

1. Gallons per day capacity of treatment facilities existing 675,000 under construction 900,000 proposed 900,000
2. Type of treatment AERATION, DISINFECTION, STORAGE AND PUMPING
3. Approximate average daily flow of treated water 0.230 MGD
4. Source of water supply FLORIDAN AQUIFER (GROUNDWATER)
5. Types of chemicals used and their normal dosage rates LIQUID HYPOCHLORITE 10 GPD
6. Number of wells in service 2 Total capacity in gallons per minute (gpm) 1,350 GPM
 Diameter/Depth 8" ϕ , 150' 10" ϕ , 182' _____
 Motor horsepower 25 25 _____
 Pump capacity (gpm) 820 820 _____
7. Reservoirs and/or hydropneumatic tanks:
 Description STORAGE STORAGE HYDRO-PNEUMATIC
 Capacity 75,000 GAL. 75,000 GAL. 5,000 GAL.
8. High service pumping:
 Motor horsepower 50 50 50 _____
 Pump capacity (gpm) 820 ~~820~~ 1250 820 _____
9. How do you measure treatment plant production? WATER METERS
10. Approximate feet of water mains:
 Size (diameter) 12" ϕ 8" ϕ 6" ϕ 4" ϕ 2" ϕ
 Linear feet 6,112' 5,580 20,780 5,200 4,850

11. Note any fire flow requirements and imposing government agency
1250 gpm @ 2 HOUR DURATION / SEMINOLE COUNTY
12. Number of fire hydrants in service 56
13. Do you have a meter change out program? YES, NO CHARGE TO CUSTOMER ^{EVERY 10 YEARS}
14. Meter installation or tap in fees - Water \$ —
15. Service availability fees - Water \$ 170.00
16. Has the existing treatment facility been approved by DER?
PWS NO: 3590988 / CONSTRUCTION PERMIT NO: WC59-0080877-00
17. Total gallons pumped during most recent twelve months 2.41 MG
18. Total gallons sold during most recent twelve months 2.88 MG
19. Gallons unaccounted for during most recent twelve months 0.12 MG
20. Gallons purchased during most recent twelve months NONE

IV. Rate Data

A. Individual to contact on tariff matters:

1. Name SANDRA SEYFFART
2. Telephone Number (407) 365-6651

B. Schedule of present rates (Attach additional sheet if more space is needed):


	<u>FOX RUN</u>	<u>P.V.</u>
1. Water:		
a. Residential Water *	<u>\$ 2.69 FIRST 2000 GAL.</u>	
b. General Service	<u>THEN</u>	<u>*\$.54 PER THOUSAND GALLON</u>
c. Special Contract	<u>\$.54 PER THOUS. GAL.</u>	
d. Other		
2. Sewer:		
a. Residential Sewer	<u>\$ 8.77 FLAT RATE</u>	
b. General Service		<u>\$.56 PER THOUSAND GALLON</u>
c. Special Contract		
d. Other		

C. Number of Customers (Most recent two years):

1. Water Metered	19 2000	19 99
a. Residential	55 (Fox Run)	55 (Fox Run)
b. General Service	<u>PALM VALLEY COM.</u>	<u>PALM VALLEY COM.</u>
c. Special Contract	_____	_____
d. Other - specify	_____	_____
2. Water Unmetered	19 2000	19 99
a. Residential	0	0
b. General Service	_____	_____
c. Special Contract	_____	_____
d. Other - specify	_____	_____
3. Sewer	19 2000	19 99
a. Residential	55 (Fox Run)	55 (Fox Run)
b. General Service	<u>PALM VALLEY COM.</u>	<u>PALM VALLEY COM.</u>
c. Special Contract	_____	_____
d. Other - specify	_____	_____

V Affirmation

I, WAYNE LORDE JR. the undersigned owner, officer, or partner of the above named public utility, doing business in the State of Florida and subject to the control and jurisdiction of the Florida Public Service Commission, certify that the statements set forth herein are true and correct to the best of my information, knowledge and belief.

Signed 
 Title V.P. Operations

Notice: Section 837.06, Florida Statutes, provides that any person who knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his duty shall be guilty of a misdemeanor of the second degree.

CWS COMMUNITIES LP d/b/a PALM VALLEY

WASTEWATER TARIFF

Territory Served

Certificate No. – 223-S

County – Seminole

Commission Order(s) Approving Territory Served –

<u>Order Number</u>	<u>Date Issued</u>	<u>Docket Number</u>	<u>Filing Type</u>
7518	11/22/76	750660-WS	Original
9626	11/05/80	790519-WS	Amendment
12714	11/30/83	830530-WS	Amendment
14480	06/18/85	850040-WS	Amendment
16360	07/16/86	860583-WS	Transfer
19149	04/15/88	880230-WS	Name Change
19149-A	09/14/88	880230-WS	Name Change
23094	06/20/90	900166-WS	Amendment
PSC-00-1675-PAA-WS	09/19/00	991984-WS	Transfer
PSC-00-2243-PAA-WS	11/27/00	001138-WS	Amendment

Stephen J. Sherwood
Issuing Officer

General Partner
Title

CWS COMMUNITIES LP d/b/a PALM VALLEY

WATER TARIFF

Territory Served

Certificate No. – 277-W

County – Seminole

Commission Order(s) Approving Territory Served –

<u>Order Number</u>	<u>Date Issued</u>	<u>Docket Number</u>	<u>Filing Type</u>
7518	11/22/76	750660-WS	Original
9626	11/05/80	790519-WS	Amendment
12714	11/30/83	830530-WS	Amendment
14480	06/18/85	850040-WS	Amendment
16360	07/16/86	860583-WS	Transfer
19149	04/15/88	880230-WS	Name Change
19149-A	09/14/88	880230-WS	Name Change
23094	06/20/90	900166-WS	Amendment
PSC-00-1675-PAA-WS	09/19/00	991984-WS	Transfer
PSC-00-2243-PAA-WS	11/27/00	001138-WS	Amendment

Stephen J. Sherwood
Issuing Officer

General Partner
Title

2. Respondent is a person within the meaning of Section 403.031(5), Florida Statutes.

3. Respondent is the owner and is responsible for the operation of the Palm Valley Mobile Home Park WWTF, a 0.126 MGD extended aeration wastewater treatment facility with chlorinated effluent discharged to an absorption field system consisting of a three-cell (A1, A2 & B) dripper system and no discharge to surface waters of the state ("Facility"). The Facility is located at 13781 Alafaya Trail, Seminole County, Oviedo, Florida, Latitude 28°37'10" North, Longitude 81°12'00" West.

4. Respondent operates the Facility under Department Wastewater Permit No. FLA011085-01 which expires on June 15, 2002.

5. As a result of deficiencies noted during an inspection by Department Personnel on May 7, 1993, Warning Letter OWL-DW-93-0013 was issued on July 9, 1993. A meeting was held on August 3, 1993 between the Department and the Respondent's predecessor during which all of the disputed issues were discussed. The Respondent's predecessor did not necessarily admit to any of the deficiencies. During the period between August 25, 1993 through March 7, 1994, representatives of the Respondent's predecessor reported to the Department numerous events where the percolation ponds overflowed to surrounding ground surfaces or to surface waters.

6. On September 15, 1994, the Respondent's predecessor paid the Department \$2,897.00 in settlement of the matters addressed in the Original Order. This amount includes \$2,397.00 in civil penalties for alleged violations of Section 403.161, Florida Statutes, and of the Department's rules and \$500.00 for costs and expenses incurred by the Department during the investigation of this matter and the preparation and tracking of the Original Order.

7. The Respondent's predecessor submitted a permit application to expand the facility's disposal system on May 7, 1997. The Department issued Wastewater Permit No. FLA011085-01 on July 15, 1997. On June 8, 1998, the Respondent's predecessor submitted Notification of Completion of Construction for Wastewater Facility ("Notification"). By Department letter dated July 30, 1998, the Department acknowledged receipt of the

Notification but could not approve it. There were numerous letters and telephone calls by Department staff attempting to resolve deficiencies in the As-Built Drawings submitted with the Notification.

8. On May 5, 1999, the Department issued Noncompliance Letter OCD-C-WW-99-0225 for failure to comply with the conditions in Paragraph 9a of the Original Order. On June 8, 1999, a meeting was held between the Department and the Respondent's predecessor to discuss the three-cell dripper system that was not constructed in accordance with the plans submitted with the permit application. The Respondent's predecessor stated that the mobile home park is being expanded and that the Facility will also need to be expanded. The Respondent's predecessor suggested that additional disposal capacity, to replace the deficient A2 cell, could be constructed during the expansion. Department staff cautioned the Respondent's predecessor that the deficient A2 cell should only be used when absolutely necessary.

9. In a letter dated June 21, 1999, the Respondent's predecessor provided a written response to the meeting reiterating the planned expansion and requesting that the Original Order be modified to include the expansion as corrective action to resolve the noncompliance issue.

10. Having reached a resolution of the matter the Department and the Respondent mutually agree and it is

ORDERED:

11. Respondent shall comply with the following corrective actions within the stated time periods:

On or before February 29, 2000, Respondent shall submit an application to the Department for a substantial modification of the current permit, along with the appropriate permit fee, to modify the plant's effluent disposal system. The modification shall address the repair of A2 cell or its elimination and the expansion of the disposal system to provide for a total permitted capacity of at least 0.126 MGD. The application shall be prepared and sealed by a professional engineer registered in the state of Florida. In the event the application is

incomplete, Respondent shall submit the requested information within 30 days of receipt of a request for additional information to complete the application, unless a written justification for an extension of time is submitted and approved by the Department within that time frame. Within 270 days from the issuance of the Wastewater permit modification, Respondent shall complete the construction of the disposal system as authorized by the Wastewater permit and submit to the Department a Notification of Completion of Construction for Wastewater Facility signed and sealed by the engineer of record. If Respondent does not repair the A2 cell, then, upon submittal of Notification of Completion of Construction for Wastewater Facility, the Respondent shall abandon the A2 cell of the three-cell dripper system that was not constructed in accordance with Wastewater Permit FLA011085-01. If the Respondent is unable or unwilling to construct a modification of the plant's disposal system as provided in this Paragraph, the Department reserves the right to seek other relief to require the Respondent to comply with its rules and permits.

12. Every calendar quarter after the effective date of this Consent Order, Respondent shall submit in writing to the Department a report containing information concerning the status and progress of projects being completed under this Consent Order, information as to compliance or noncompliance with the applicable requirements of this Consent Order including construction requirements and effluent limitations, and any reasons for noncompliance. Such reports shall also include a projection of the work to be performed pursuant to this Consent Order during the following 12 month period. The reports shall be submitted to the Department within thirty (30) days following the end of the quarter.

13. In the event of a sale or conveyance of the facility or of the property upon which the facility is located, if all of the requirements of this Consent Order have not been fully satisfied, Respondent shall, at least 30 days prior to the sale or conveyance of the property or facility, (1) notify the Department of such sale or conveyance, (2) provide the name and address of the purchaser, or operator, or person(s) in control of the facility, and (3) provide a copy of this Consent Order with all attachments to the new owner. The sale or conveyance of the facility, or the property upon which the facility is located shall not relieve

conveyance of the facility, or the property upon which the facility is located shall not relieve the Respondent of the obligations imposed in this Consent Order.

14. Within 30 days of the effective date of this Consent Order, Respondent shall pay the Department \$500.00 in settlement of the matters addressed in this Consent Order. This amount includes \$0.00 in civil penalties for alleged violations of Section 403.161, Florida Statutes, and of the Department's rules and \$500.00 for costs and expenses incurred by the Department during the investigation of this matter and the preparation and tracking of this Consent Order. Payment shall be made by cashier's check or money order. The instrument shall be made payable to the "Department of Environmental Protection" and shall include thereon the OGC number assigned to this Consent Order and the notation "Ecosystem Management and Restoration Trust Fund".

15. Respondent agrees to pay the Department stipulated penalties in the amount of \$ 100.00 per day for each and every day Respondent fails to timely comply with any of the requirements of Paragraphs 11, 12, 13 & 14 of this Consent Order. A separate stipulated penalty shall be assessed for each violation of this Consent Order. Within 30 days of written demand from the Department, Respondent shall make payment of the appropriate stipulated penalties to "The Department of Environmental Protection" by cashier's check or money order and shall include thereon the OGC number assigned to this Consent Order and the notation "Ecosystem Management and Restoration Trust Fund." Payment shall be sent to the Florida Department of Environmental Protection, Central District Office, 3319 Maguire Boulevard, Suite 232, Orlando, Florida 32803-3767. The Department may make demands for payment at any time after violations occur. Nothing in this Paragraph shall prevent the Department from filing suit to specifically enforce any terms of this Consent Order. Any penalties assessed under this Paragraph shall be in addition to the settlement sum agreed to in Paragraph 14 of this Consent Order. If the Department is required to file a lawsuit to recover stipulated penalties under this Paragraph, the Department will not be foreclosed from seeking civil penalties for violations of this Consent Order in an amount greater than the stipulated penalties due under this Paragraph.

16. If any event, including administrative or judicial challenges by third parties unrelated to the Respondent, occurs which causes delay or the reasonable likelihood of delay, in complying with the requirements of this Consent Order, Respondent shall have the burden of proving the delay was or will be caused by circumstances beyond the reasonable control of the Respondent and could not have been or cannot be overcome by Respondent's due diligence. Economic circumstances shall not be considered circumstances beyond the control of Respondent, nor shall the failure of a contractor, subcontractor, materialman or other agent (collectively referred to as "contractor") to whom responsibility for performance is delegated to meet contractually imposed deadlines be a cause beyond the control of Respondent, unless the cause of the contractor's late performance was also beyond the contractor's control. Upon occurrence of an event causing delay, or upon becoming aware of a potential for delay, Respondent shall notify the Department orally within 24 hours or by the next working day and shall, within seven calendar days of oral notification to the Department, notify the Department in writing of the anticipated length and cause of the delay, the measures taken or to be taken to prevent or minimize the delay and the timetable by which Respondent intends to implement these measures. If the parties can agree that the delay or anticipated delay has been or will be caused by circumstances beyond the reasonable control of Respondent, the time for performance hereunder shall be extended for a period equal to the agreed delay resulting from such circumstances. Such agreement shall adopt all reasonable measures necessary to avoid or minimize delay. Failure of Respondent to comply with the notice requirements of this Paragraph in a timely manner shall constitute a waiver of Respondent's right to request an extension of time for compliance with the requirements of this Consent Order.

17. Persons who are not parties to this Consent Order, but whose substantial interests are affected by this Consent Order, have a right, pursuant to Sections 120.569 and 120.57, Florida Statutes, to petition for an administrative hearing on it. The Petition must contain the information set forth below and must be filed (received) at the Department's Office of General Counsel, 3900 Commonwealth Boulevard, MS# 35, Tallahassee, Florida 32399-3000 within 21 days of receipt of this notice. A copy of the Petition must also be

mailed at the time of filing to the District Office named above at the address indicated. Failure to file a petition within the 21 days constitutes a waiver of any right such person has to an administrative hearing pursuant to Sections 120.569 and 120.57, Florida Statutes.

The petition shall contain the following information:

(a) The name, address, and telephone number of each petitioner; the Department's Consent Order identification number and the county in which the subject matter or activity is located; (b) A statement of how and when each petitioner received notice of the Consent Order; (c) A statement of how each petitioner's substantial interests are affected by the Consent Order; (d) A statement of the material facts disputed by petitioner, if any; (e) A statement of facts which petitioner contends warrant reversal or modification of the Consent Order; (f) A statement of which rules or statutes petitioner contends require reversal or modification of the Consent Order; (g) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Consent Order.

If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, the Department's final action may be different from the position taken by it in this Notice. Persons whose substantial interests will be affected by any decision of the Department with regard to the subject Consent Order have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within 21 days of receipt of this notice in the Office of General Counsel at the above address of the Department. Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Sections 120.569 and 120.57, Florida Statutes, and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 28-106.205, Florida Administrative Code.

A person whose substantial interests are affected by the Consent Order may file a timely petition for an administrative hearing under Sections 120.569 and 120.57, Florida Statutes, or may choose to pursue mediation as an alternative remedy under Section 120.573, Florida Statutes, before the deadline for filing a petition. The deadline for filing a petition is 21 days after the date of the Consent Order.

adversely affect the right to a hearing if mediation does not result in a settlement. The procedures for pursuing mediation are set forth below.

Mediation may only take place if the Department and all the parties to the proceeding agree that mediation is appropriate. A person may pursue mediation by reaching a mediation agreement with all parties to the proceeding (which include the Respondent, the Department, and any person who has filed a timely and sufficient petition for a hearing) and by showing how the substantial interests of each mediating party are affected by the Consent Order. The agreement must be filed in (received by) the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, MS #35, Tallahassee, Florida 32399-3000, within 10 days after the deadline as set forth above for the filing of a petition.

The agreement to mediate must include the following:

(a) The names, addresses, and telephone numbers of any persons who may attend the mediation;

(b) The name, address, and telephone number of the mediator selected by the parties, or a provision for selecting a mediator within a specified time;

(c) The agreed allocation of the costs and fees associated with the mediation;

(d) The agreement of the parties on the confidentiality of discussions and documents introduced during mediation;

(e) The date, time, and place of the first mediation session, or a deadline for holding the first session, if no mediator has yet been chosen;

(f) The name of each party's representative who shall have authority to settle or recommend settlement; and

(g) Either an explanation of how the substantial interests of each mediating party will be affected by the action or proposed action addressed in this notice of intent or a statement clearly identifying the petition for hearing that each party has already filed, and incorporating it by reference.

(h) The signatures of all parties or their authorized representatives.

As provided in Section 120.573, Florida Statutes, the timely agreement of all parties to

mediate will toll the time limitations imposed by Sections 120.569 and 120.57, Florida Statutes, for requesting and holding an administrative hearing. Unless otherwise agreed by the parties, the mediation must be concluded within sixty days of the execution of the agreement. If mediation results in settlement of the administrative dispute, the Department must enter a final order incorporating the agreement of the parties. Persons whose substantial interests will be affected by such a modified final decision of the Department have a right to petition for a hearing only in accordance with the requirements for such petitions set forth above, and must therefore file their petitions within 21 days of receipt of this notice. If mediation terminates without settlement of the dispute, the Department shall notify all parties in writing that the administrative hearing processes under Sections 120.569 and 120.57, Florida Statutes, remain available for disposition of the dispute, and the notice will specify the deadlines that then will apply for challenging the agency action and electing remedies under those two statutes.

18. Respondent shall allow all authorized representatives of the Department access to the property and facility at reasonable times for the purpose of determining compliance with the terms of this Consent Order and the rules and statutes of the Department.

19. All submittals and payments required by this Consent Order to be submitted to the Department shall be sent to the Florida Department of Environmental Protection, Central District Office, 3319 Maguire Boulevard, Suite 232, Orlando, Florida 32803-3767.

20. This Consent Order is a settlement of the Department's civil and administrative authority arising under Florida law to resolve the matters addressed herein. This Consent Order is not a settlement of any criminal liabilities which may arise under Florida law, nor is it a settlement of any violation which may be prosecuted criminally or civilly under federal law.

21. The Department hereby expressly reserves the right to initiate appropriate legal action to prevent or prohibit any violations of applicable statutes, or the rules promulgated thereunder that are not specifically addressed by the terms of this Consent Order.

22. The terms and conditions set forth in this Consent Order may be enforced in a court of competent jurisdiction pursuant to Sections 120.69 and 403.121, Florida Statutes.

Failure to comply with the terms of this Consent Order shall constitute a violation of Section 403.161(1)(b), Florida Statutes.

23. The Department, for and in consideration of the complete and timely performance by Respondent of the obligations agreed to in this Consent Order, hereby waives its right to seek judicial imposition of damages or civil penalties for alleged violations through the date of the filing of this Consent Order as addressed in this Consent Order.

24. Respondent is fully aware that a violation of the terms of this Consent Order may subject Respondent to judicial imposition of damages, civil penalties up to \$10,000.00 per day per violation, and criminal penalties.

25. Entry of this Consent Order does not relieve Respondent of the need to comply with applicable federal, state or local laws, regulations or ordinances.

26. No modifications of the terms of this Consent Order shall be effective until reduced to writing and executed by both Respondent and the Department.

27. Respondent acknowledges and waives its right to an administrative hearing pursuant to Sections 120.569 and 120.57, Florida Statutes, on the terms of this Consent Order. Respondent acknowledges its right to appeal the terms of this Consent Order pursuant to Section 120.68, Florida Statutes, and waives that right upon signing this Consent Order.

28. This Consent Order is a final order of the Department pursuant to Section 120.52(7), Florida Statutes, and it is final and effective on the date filed with the Clerk of the Department unless a Petition for Administrative Hearing is filed in accordance with Chapter 120, Florida Statutes. Upon the timely filing of a petition this Consent Order will not be effective until further order of the Department.

FOR THE RESPONDENT:

12/10/99
DATE

Joseph H. Sherwood III S.V.P. CWS Comm Tru
Joseph H. Sherwood
Senior Vice President
CWS COMMUNITIES TRUST
A General Partner of CWS COMMUNITIES LP,
a foreign Limited partnership

DONE AND ORDERED this _____ day of _____, 1999, in Orlando, Orange
County, Florida.

**STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION**

Vivian F. Garfein
Director of District Management
Central District
3319 Maguire Boulevard
Suite 232
Orlando, Florida 32803-3767

FILING AND ACKNOWLEDGMENT

FILED, on this date, pursuant
to §120.52, Florida Statutes,
with the designated Department
Clerk, receipt of which is hereby
acknowledged.

Clerk

Date

Copies furnished to:

Larry Morgan
Ilia Herrera

UTILITY NAME: ALAFAYA PALM VALLEY

YEAR OF REPORT
DECEMBER 31, 1999

GROSS UTILITY PLANT

Plant Accounts: (101 - 107) inclusive	Water	Wastewater	Plant other Than Reporting Systems	Total
Utility Plant in Service (101) _____	<u>\$288,298</u>	<u>\$1,250,543</u>	<u>\$0</u>	<u>\$1,538,841</u>
Construction Work in Progress (105) _____	_____	_____	<u>127,865</u>	<u>127,865</u>
Other (Specify) _____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Total Utility Plant _____	<u>\$288,298</u>	<u>\$1,250,543</u>	<u>\$127,865</u>	<u>\$1,666,706</u>

ACCUMULATED DEPRECIATION (A/D) AND CIAC AMORTIZATION OF UTILITY PLANT

Account 108	Water	Wastewater	A/D & CIAC AM Other Than Reporting Systems	Total
Balance First of Year _____	<u>\$196,156</u>	<u>\$311,727</u>	_____	<u>\$507,883</u>
Add Credits During Year:				
Accruals charged to depreciation account _____	<u>12,520</u>	<u>33,429</u>	_____	<u>45,949</u>
Salvage _____	_____	_____	_____	_____
Other Credits (specify) _____	_____	_____	_____	_____
Total Credits _____	<u>208,676</u>	<u>345,156</u>	<u>-</u>	<u>553,832</u>
Deduct Debits During Year:				
Book cost of plant retired _____	_____	_____	_____	_____
Cost of removal _____	_____	_____	_____	_____
Other debits (specify) _____	_____	_____	_____	_____
Total Debits _____	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
Balance End of Year _____	<u>\$208,676</u>	<u>\$345,156</u>	<u>\$0</u>	<u>\$553,832</u>

UTILITY NAME: ALAFAYA PALM VALLEY

YEAR OF REPORT
DECEMBER 31, 2000

GROSS UTILITY PLANT

Plant Accounts: (101 - 107) inclusive	Water	Wastewater	Plant other Than Reporting Systems	Total
Utility Plant in Service (101) _____	<u>\$288,298</u>	<u>\$1,250,543</u>	<u>\$0</u>	<u>\$1,538,841</u>
Construction Work in Progress (105) _____	_____	_____	<u>127,865</u>	<u>127,865</u>
Other (Specify) _____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Total Utility Plant _____	<u>\$288,298</u>	<u>\$1,250,543</u>	<u>\$127,865</u>	<u>\$1,666,706</u>

ACCUMULATED DEPRECIATION (A/D) AND CIAC AMORTIZATION OF UTILITY PLANT

Account 108	Water	Wastewater	A/D & CIAC AM Other Than Reporting Systems	Total
Balance First of Year _____	<u>\$208,676</u>	<u>\$345,156</u>	_____	<u>\$553,832</u>
<u>Add Credits During Year:</u>				
Accruals charged to depreciation account _____	<u>12,521</u>	<u>33,454</u>	_____	<u>45,975</u>
Salvage _____	_____	_____	_____	_____
Other Credits (specify) _____	_____	_____	_____	_____
<u>Total Credits</u> _____	<u>221,197</u>	<u>378,610</u>	<u>-</u>	<u>599,807</u>
<u>Deduct Debits During Year:</u>				
Book cost of plant retired _____	_____	_____	_____	_____
Cost of removal _____	_____	_____	_____	_____
Other debits (specify) _____	_____	_____	_____	_____
<u>Total Debits</u> _____	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
Balance End of Year _____	<u>\$221,197</u>	<u>\$378,610</u>	<u>\$0</u>	<u>\$599,807</u>