

STATE OF FLORIDA

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TIMOTHY DEVLIN, DIRECTOR
DIVISION OF ECONOMIC REGULATION
(850) 413-6900

Public Service Commission

February 13, 2003

F. Marshall Deterding
Rose, Sundstrom & Bentley, LLP
2548 Blairstone Pines Drive
Tallahassee, Florida 32301

Re: Docket No. 021256-WU, Application for certificate to provide water service in Volusia and Brevard Counties by Farmton Water Resources, LLC.

Dear Mr. Deterding:

Staff has reviewed the above referenced application for Farmton Water Resources, LLC (Farmton or utility) and found it deficient with respect to the requirements of Section 367.045(1)(e), Florida Statutes, and Rule 25-30.030(8), Florida Administrative Code. Rule 25-30.030(8), Florida Administrative Code, requires that both "a copy of the notice(s) and the list of entities receiving the notice" accompany the affidavit of notice required by Section 367.045(1)(e), Florida Statutes.

1. **Notice to governments and utilities.** Exhibit I to the application contained the affidavit of notice to governments and utilities in Volusia, Seminole, and Brevard Counties pursuant to Rule 25-30.030(5), Florida Administrative Code. However, the affidavit was not accompanied by a copy of the notice given. Subsequent to the filing of the application, an affidavit of an amended notice to governments and utilities was filed on January 24, 2003. While that affidavit was accompanied by a copy of the amended notice, it was not accompanied by a list of entities in Volusia, Seminole, and Brevard Counties. Instead it was accompanied by a list of entities in Orange County which the affidavit indicated was not going to be noticed.

Please file a revised affidavit for Exhibit I which is accompanied by both a copy of the amended notice and a list of all entities receiving the amended notice.

2. **Notice to Customers.** Exhibit K to the application contained the affidavit of the notice to customers and property owners pursuant to Rule 25-30.030(6), Florida Administrative Code. Subsequent to the filing of the application, an affidavit of an amended notice to customers and property owners was filed on January 24, 2003. Neither affidavit was

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accompanied by a copy of the notice nor a list of the customers and property owners receiving the notice.

Please file a revised affidavit for Exhibit K which is accompanied by both a copy of the amended notice and a list of entities receiving the notice.

3. **Newspaper Publication.** Exhibit J to the application was to be a late-filed affidavit of the newspaper publication of the notice pursuant to Rule 25-30.030(7), Florida Administrative Code. While it is staff's understanding the notice was placed in separate newspapers for the respective counties, the Commission has not received the late-filed affidavits of the newspaper publications.

Please file the late-filed Exhibit J which includes affidavits from the newspapers in which the notice published.

In addition, the legal description and representation of the territory proposed to be served by Farmton in Exhibits A, F, G, and H of the application are inconsistent. These inconsistencies will need to be resolved in order for staff to complete its evaluation of the utility's application. Specifically, the legal description of the proposed territory and the territory map must match exactly with respect to any excluded areas and to any portions of sections not included.

Further, there are a number of errors and omissions in the utility's proposed tariff which will need to be corrected. Specifically, items in the model tariff that are not applicable for Farmton should be so noted, a sample bill must be included, the utility's proposed service availability charges and policy must be detailed on the respective tariff pages, and the indices should accurately reflect the contents and tariff page numbers.

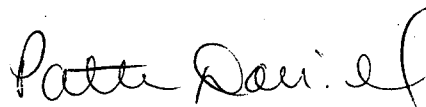
Please provide a response to the deficiencies as well as the territory description and tariff corrections by March 13, 2003. An original and seven copies of any information and one copy of any revised map should be filed directly with:

The Director, Division of the Commission Clerk and Administrative Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

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If you have any questions or need any clarification with regard to the information requested, please contact a member of my staff, Ms. Patricia Brady, at (850) 413-6686 or pbrady@psc.state.fl.us or Commission legal counsel, Ms. Jennifer Rodan, at (850) 413-6189 or jirodan@psc.state.fl.us.

Sincerely,

A handwritten signature in cursive script that reads "Patti Daniel".

Patti Daniel
Supervisor of Certification

PD:PB

cc: Division of Economic Regulation (Brady, Rieger, Kaproth)
Office of the General Counsel (Holley, Rodan)
Division of the Commission Clerk and Administrative Services (docket and security file)