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August 22, 2003

Blanca S. Bayo, Director
Division of Commission Clerk and
Administrative Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Betty Easley Building, Room 110
Tallahassee, Florida 32399-0850

Via Hand Delivery

RECEIVED FPSC
63 AUG 22 PM 4:05
COMMISSION
CLERK

Re: Docket No. 030749-SU
Application for name change on Certificate No. 298-S in Lee County from
Chateau Communities, Inc. to Del Tura Phase I, LLC.

Dear Ms. Bayo:

Pursuant to my August 21, 2003 telephone conversation with Ms. Stephanie Clapp, the name of the utility in this docket should be changed to "Del Tura Phase I, LLC" instead of "Del Tura Phase I, L.L.C.," consistent with the Florida Secretary of State filings. The application filed with the commission on August 1, 2003 should be considered modified in this regard.

Please substitute as Attachment "F" to the application, the revised wastewater tariff reflecting the utility's name as "Del Tura Phase I, LLC." A copy of the wastewater tariff is attached hereto as Revised Attachment "F".

Additionally, please substitute as Attachment "E" to the application, the revised notice of utility name change reflecting the utility's name as "Del Tura Phase I, LLC." A copy of said Revised Attachment "E" is attached hereto.

AUS _____
CAF _____
CMF _____
COM _____
CTR _____
ECR _____
GCL _____
OPC _____
MMS _____
SEC _____
OTH _____

RECEIVED & FILED

FPSC-BUREAU OF RECORDS

TAL:44253:1

CARACAS ■ FT. LAUDERDALE ■ MIAMI ■ NAPLES ■ PORT ST. LUCIE ■ SARASOTA ■ ST. PETERSBURG ■ TALLAHASSEE ■ TAMPA ■ WEST PALM BEACH

DOCUMENT NUMBER-DATE

17851 AUG 22 8

FPSC-COMMISSION CLERK

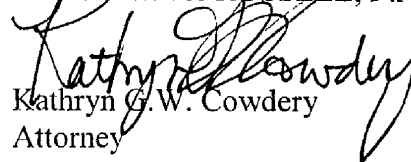
NONNYE

Letter to Blanca Bayo
August 22, 2003
Page 2

Thank you for your assistance in this matter. Please contact me if you have any questions.

Sincerely,

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


Kathryn G.W. Cowdery
Attorney

KGC/lm
Enclosures

cc: Stephanie Clapp (w/wastewater tariff only)

cc:w/encl.: Nancy Burke, Esq.

ORIGINAL

REVISED

Attachment E

**NOTICE OF UTILITY NAME CHANGE FROM CHATEAU
COMMUNITIES, INC., TO DEL TURA PHASE I, LLC**

Notice is hereby given that on _____, 2003, the Florida Public Service Commission approved the name change of Chateau Communities, Inc., to Del Tura Phase I, LLC. The name change occurred so that the name and certificate holder of the utility would be consistent with the name of the entity that owned the assets of the utility, and will have no effect on the rates, management or utility service provided.

If you have any questions, please direct them to Robert Munro, Utilities Director, Del Tura Phase I, LLC, 18621 North Tamiami Trail, Ft. Myers, Florida 32903, or at (407) 275-8009.

REVISED

Attachment F

WASTEWATER TARIFF

DEL TURA PHASE I, LLC

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FLORIDA PUBLIC SERVICE COMMISSION

DEL TURA PHASE I, LLC

ORIGINAL SHEET NO. 1.0

WASTEWATER TARIFF

DEL TURA PHASE I, LLC

18621 North Tamiami Trail
Ft. Myers, Florida 32903

Business Number (407) 275-8009
Emergency Number (800) 250-7532

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FLORIDA PUBLIC SERVICE COMMISSION

WASTEWATER TARIFF

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Rates and Charges Schedules	11.0
Rules and Regulations	6.0
Standard Forms	15.0
Technical Terms and Abbreviations	5.0
Territory Authority	3.0

DEL TURA PHASE I, LLC

ORIGINAL SHEET NO. 3.0

WASTEWATER TARIFF

TERRITORY AUTHORITY

CERTIFICATE NUMBER – 298-S

COUNTY – Lee County, Florida

COMMISSION ORDER(S) APPROVING TERRITORY SERVED

<u>Order No.</u>	<u>Date Issued</u>	<u>Docket No.</u>	<u>Filing Type</u>
10310	09/28/81	810322-SU	Original Certificate Application
19115	04/06/88	880017-SU	Amendment
20513	12/23/88	881338-SU	Amendment
PSC-96-0770-FOF-SU	06/17/96	950781-SU	Name Change

(Continued to Sheet No. 3.1)

WASTEWATER TARIFF

(Continued from Sheet No. 3.0)

DESCRIPTION OF TERRITORY SERVED

A parcel of land in Section 16, Township 43 South, Range 24 East, Lee County, Florida, more particularly described as follows:

Commence at the Northwest corner of Section 16, Township 43 South, Range 24 East, thence South 0°26'20" East along the West line of the Northwest one Quarter of said Section 16 for 68 feet to the point of beginning of the herein described parcel of land, thence continue South 0°26'20" East along said west line for 1,082.66 feet to the Southwest corner of the Northwest one Quarter of said Section 16; thence South 0°35'25" West along the West line of the Southwest One Quarter of said Section 16 for 822.49 feet; thence North 63°53'51" East for 4,265.08 feet to an intersection with the Southwesterly right of way line of SR. 45 (US 41 Tamiami Trail); thence North 26°07'10" West for 1,331.11 feet along said intersection with the Southerly line of Fountain View according to the plat thereof as recorded in Plat Book 34, Pages 165 through 172 of the Public Records of Lee County, Florida; thence along said Southerly line for the following described three (3) courses:

(1) South 63°52'50" West for 739.60 feet; (2) thence South 75°41'50" West for 889.91 feet; (3) thence North 14°18'10" West for 190.56 feet to an intersection with the Southerly line of Fountain View Unit 1-A according to the plat thereof as recorded in Plat Book 36 at Pages 50 through 51 of the aforementioned public records; thence along said Southerly line for the following described two (2) courses: (1) South 89°58'28" West for 301.37 feet; (2) thence South 75°41'50" West for 487.93 feet; thence South 14°18'16" East for 488.37 feet; thence South 75°41'50" West for 1,028.11 feet to the Point of Beginning. Being the same lands shown on the sketch of the Plat of Del Tura, Unit II, filed in Plat Book 45, Pages 59-107.

Also

A parcel of land lying in the North half of Section 16, Township 43 South, Range 24 East, Lee County, Florida more particularly described as follows:

Commencing at the North Quarter Corner of Section 16, thence South 89°49'58" West (basis of bearings being the Florida State Plane Coordinate system) along the north line of said Section 16, a distance of 2,155.39 feet to the Point of Beginning; thence continuing South 89°49'58" West, a distance of 338.42 feet; thence South 65°24'12" West, a distance of 312.69 feet to the West line of said Section 16, being 130.00 feet South of the Northwest corner of said Section 16; thence South 0°25'35" East a distance of 1,453.89 feet along said West line; thence North 75°41'23" East, a distance of 1,028.03 feet; thence North 14°18'37" West, a distance of 523.36 feet; thence North 17°11'09" West, a distance of 862.86 feet to the Point of Beginning.

(Continued to Sheet No. 3.2)

WASTEWATER TARIFF

(Continued from Sheet No. 3.1)

Also

A parcel of land in Section 16, Township 43 South, Range 24 East, Lee County, Florida, more particularly described as follows:

Begin at the Southwest corner of Section 16, Township 43 South, Range 24 East; thence North $0^{\circ}35'35''$ East along the West line of the Southwest One Quarter of said Section 16 for 1865.34 feet; thence North $63^{\circ}53'51''$ East for 4,265.34 feet to an intersection with westerly right of way line of SR. 45 (US 41); thence along said Westerly right of way line for the following described five (5) courses: (1) South $26^{\circ}07'10''$ east for 378.49 feet; (2) thence South $27^{\circ}33'06''$ East for 400.13 feet; (3) thence South $28^{\circ}58'55''$ East for 200.25; (4) thence South $31^{\circ}50'22''$ East for 201.00 feet; (5) thence South $28^{\circ}59'23''$ East for 101.51 feet to an intersection with the Northerly line of that certain parcel of land described in OR Book 1609, Page 1879 of the Public Records of Lee County, Florida; thence South $63^{\circ}52'50''$ West along said Northerly line for 476.42 feet; thence South $26^{\circ}07'10''$ East along the Westerly line of said parcel for 300.05 feet; thence North $63^{\circ}52'50''$ East along the Southerly line of said parcel for 491.30 feet to an intersection with the aforementioned Westerly right of way line of SR 45; thence South $26^{\circ}07'10''$ East along said Westerly right of way line for 66.00 feet; thence South $63^{\circ}52'50''$ West for 491.30 feet; thence South $26^{\circ}07'10''$ East for 2,258.88 feet to an intersection with the South line of the Southeast One Quarter of the aforementioned Section 16; thence North $89^{\circ}55'59''$ West along said South line for 2,123.22 feet to the Southeast corner of the Southwest One Quarter of said Section 16, thence South $89^{\circ}05'40''$ West along the South line of said Southwest One Quarter for 3,058.36 feet to the Point of Beginning, said parcel of land situate, lying and being in Lee County, Florida.

DEL TURA PHASE I, LLC

ORIGINAL SHEET NO. 4.0

WASTEWATER TARIFF

FOR FUTURE USE

WASTEWATER TARIFF

TECHNICAL TERMS AND ABBREVIATIONS

- 1.0 “BFC” - “BFC” is the abbreviation for “Base Facility Charge” which is the minimum amount the utility may charge to the Company’s customers and is separate from the amount billed for wastewater consumption on the utility’s bills to its customers.
- 2.0 “CERTIFICATE” - A document issued by the Commission authorizing the Company to provide wastewater service in a specific territory.
- 3.0 “COMMISSION” - “Commission” refers to the Florida Public Service Commission.
- 4.0 “COMMUNITIES SERVED” - The group of customers who receive wastewater service from the Company and who’s service location is within a specific area or locality that is uniquely separate from another.
- 5.0 “COMPANY” - Chateau Communities, Inc.
- 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 which are located on the customer’s side of the “Point of Collection” and used in connection with or forming a part of the installation necessary for disposing of sewage collected from the customer’s premises regardless of 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 facility used for conveying wastewater service through individual services or through other mains.
- 9.0 “POINT OF COLLECTION” - For wastewater systems, “point of collection” shall mean point at which the Company’s piping, fittings, and valves connection with the customer’s piping, fittings and valves.
- 10.0 “RATE” - Amount which the utility may charge for wastewater service which is applied to the customer’s water consumption.
- 11.0 “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.

(Continued to Sheet No. 5.1)

WASTEWATER TARIFF

(Continued from Sheet No. 5.0)

- 12.0 “SERVICE” - Service, as mentioned in this tariff and in agreement with customers, 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.
- 13.0 “SERVICE LINES” - The pipe between the Company’s mains and the point of delivery and shall include all of the pipe, fittings and valves necessary to make the connection to the customer’s premises excluding the meter.
- 14.0 “TERRITORY” - The geographical area described by metes and bounds 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.

WASTEWATER TARIFF

INDEX OF RULES AND REGULATIONS

	<u>Sheet Number:</u>	<u>Rule Number:</u>
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Adjustment of Bills	10.0	19.0
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	9.0	16.0
Evidence of Consumption	10.0	21.0
Extensions	7.0	6.0
Filing of Contracts	10.0	20.0
General Information	7.0	1.0
Inspection of Customer’s Installation	8.0	11.0
Limitation of Use	7.0	7.0
Policy Dispute	7.0	2.0

(Continued to Sheet No. 6.1)

WASTEWATER TARIFF

(Continued from Sheet No. 6.0)

	<u>Sheet Number:</u>	<u>Rule Number:</u>
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Refusal or Discontinuance of Service	7.0	5.0
Right-of-way or Easements	9.0	14.0
Termination of Service	9.0	17.0
Type and Maintenance	8.0	9.0
Unauthorized Connections – Wastewater	10.0	18.0

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.

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 prior to the initiation of service.

- 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.

- 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.

- 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 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, remetering, sale or disposition of service is discontinued and full payment is made to the Company for water service rendered by the Company (calculated on proper classification and rate schedules) and until reimbursement in full is made in full to the Company for all extra expenses incurred for clerical work, testing, and inspections.

(Continued to Sheet No. 8.0)

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.

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 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.

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.

WASTEWATER TARIFF

(Continued from Sheet No. 8.0)

- 12.0 PROTECTION OF COMPANY'S PROPERTY - The customer shall exercise reasonable diligence to protect the Company's property. If the customer is found to have tampered with any utility property or refuses to correct any problems reported by the utility, service may be discontinued in accordance with Rule 25-30.320, Florida Administrative Code. 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.
- 13.0 ACCESS TO PREMISES - In accordance with Rule 25-30.320(2)(f), Florida Administrative Code, the company shall provide the duly authorized agents of the Company access at all reasonable hours to its property. If reasonable access is not provided, service may be discontinued pursuant to the above rule.
- 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.

In accordance with Rule 25-30.335, Florida Administrative Code, the utility may not consider a customer delinquent in paying his or her bill until the twenty-first day after the utility has mailed or presented the bill for payment.

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.

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

- 16.0 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.
- 17.0 TERMINATION OF SERVICE - When a customer wishes to terminate service on any premises where wastewater service is supplied by the Company with wastewater service, the Company may require reasonable notice to the Company in accordance with Rule 25-30.325, Florida Administrative Code.

(Continued to Sheet No. 10.0)

WASTEWATER TARIFF

(Continued from Sheet No. 9.0)

- 18.0 UNAUTHORIZED CONNECTIONS - WASTEWATER - 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.
- 19.0 ADJUSTMENT OF BILLS - When a customer has been 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 billed to the customer as the case may be pursuant to Rules 25-30.340 and 25-30.350, Florida Administrative Code.
- 20.0 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.
- 21.0 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.

DEL TURA PHASE I, LLC

ORIGINALSHEET NO. 11.0

WASTEWATER TARIFF

INDEX OF RATES AND CHARGES SCHEDULES

	<u>Sheet Number</u>
General Service, GS	12.0
Miscellaneous Service Charges	14.0
Residential Service, RS	13.0

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 - Quarterly Flat Rate Billing – Billed in Arrears.

Clubhouse	\$652.87
Satellite Recreational Area 1	65.29
Satellite Recreational Area 2	65.29
Satellite Recreational Area 3	65.29
Sales/Administrative Offices	261.13
Construction Office	130.58

- 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 - For services rendered on or after August 17, 1996.

- TYPE OF FILING - Application of 1996 price index.

WASTEWATER TARIFF

RESIDENTIAL SERVICE

RATE 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 - Quarterly Flat Rate Billing - Billed in Arrears.
\$65.29
- 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 - For services rendered on or after August 17, 1996.

TYPE OF FILING - Application of 1996 price index.

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 would be levied for service initiation at a location where service did not exist previously.

NORMAL RECONNECTION - This charge would 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 would 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 would 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

	<u>Normal Hours</u>	<u>After Hours</u>
Initial Connection Fee	\$ <u>10.00</u>	\$ <u>15.00</u>
Normal Reconnection Fee	\$ <u>10.00</u>	\$ <u>15.00</u>
Violation Reconnection Fee	<u>Actual Cost (1)</u>	<u>Actual Cost (1)</u>
Premises Visit Fee (in lieu of disconnection)	\$ <u>5.00</u>	<u>n/a</u>

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

DEL TURA PHASE I, LLC

ORIGINAL SHEET NO. 15.0

WASTEWATER TARIFF

INDEX OF STANDARD FORMS

	<u>Sheet No.</u>
COPY OF CUSTOMER'S BILL	16.0