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

Public Service Commission

January 10, 2005

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 COMMISSION  
 CLERK

Mr. Robert Hillman  
 North Peninsula Utilities Corporation  
 115 E. Granada Blvd, #12  
 Ormond Beach, FL 32176

**Re: Docket No. 041301-SU; Application for amendment of Certificate No. 249-S to add territory in Volusia County by North Peninsula Utilities Corporation**

Dear Mr. Hillman:

The following deficiencies are noted in your recent amendment filing:

1. A description of the territory to be served must be in a format using Section, Township, and Range (see Rule 25-30.036(3)(e), Florida Administrative Code). Keep in mind that the description must begin at a point that refers to a location at or from a section corner, rather than a lot in that section. The master maps we have on file do not show lots.
2. One copy of a detailed system map showing proposed lines ( see Rule 25-30.036(3)(f), Florida Administrative Code).
3. The applicant's current certificate to be amended (see Rule 25-30.036(3)(p), Florida Administrative Code).
4. According to records on file in this agency, the last time rate base was set was in Docket No. 891016-SU in Order No. 22345. This was the Order transferring Shore Utility Corporation to North Peninsula (see Rule 25-30.036(3)(q), Florida Administrative Code).
5. An affidavit that the utility has a tariff and annual report on file with the Commission (see Rule 25-30.036(3)(r), Florida Administrative Code). The application on page 3 under Part VIII states that item A is this affidavit, but the affidavit is not attached.
6. As a result of the change needed in the territory description listed in Item 1 above another tariff sheet no. 3.7 will need to be submitted.

CMP \_\_\_\_\_  
 COM \_\_\_\_\_  
 CTR \_\_\_\_\_  
 ECR \_\_\_\_\_  
 GCL \_\_\_\_\_  
 OPC \_\_\_\_\_  
 MMS \_\_\_\_\_  
 RCA \_\_\_\_\_  
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 OTH \_\_\_\_\_

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Mr. Robert Hillman

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A copy of the provisions of the Florida Administrative Code referenced above is enclosed.

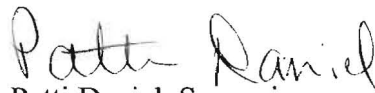
Although the application states on page two in Part IV A. that the utility has the financial ability to provide service, it would be beneficial for the company to provide additional data to support this statement. A suggestion would be to state that the utility has annual reports on file with the Commission, and that the utility has been reviewed for overearnings in 2003.

Mr. Walden has reviewed the utility's service availability policy on pages 31-44 in its tariff on file at the Commission. Does the utility expect that the development in the area requested will comply with the current policy? Is there a developer agreement that has been signed? If there is an agreement, please provide a copy to the staff.

Enclosed is the list of utilities and other entities that require noticing pursuant to Section 25-30.030, Florida Administrative Code. Noticing instructions are also enclosed. Once notice is provided, interested persons have thirty days in which to protest the application. While staff can begin its analysis and review of the amendment application, staff cannot complete its review until notice is given and thirty-five days elapse, which allows five days for mailing of a protest, should one be filed.

Please provide the above data by January 21<sup>st</sup>, to allow review prior to the preparation of the recommendation for the Commission's consideration and vote. If you have any questions, please contact Tom Walden at 850-413-6950.

Sincerely yours,



Patti Daniel, Supervisor

Bureau of Certification and Tariffs

PD/TJW  
enclosure

cc: Division of Records and Reporting  
Martha Brown, Staff Counsel

041301.tjw.doc

(12) the numbers and dates of any permits issued for the systems by the Department of Environmental Protection; and

(13) a schedule showing the number of customers currently served, by class and meter size, as well as the number of customers projected to be served when the requested service territory is fully occupied.

**Specific Authority:** 350.127 (2), 367.121, 367.1213, F.S.

**Law Implemented:** 367.1213, 367.171, F.S.

**History:** Amended 7/21/65, 1/7/69, 2/3/70, 3/6/71, 9/12/74, 3/26/81, Formerly 25-10.02, 25-10.002, Amended 11/9/86, Amended 1/27/91, 11/30/93.

**25-30.036 Application for Amendment to Certificate of Authorization to Extend or Delete Service.**

(1) This rule applies to any certificated water or wastewater utility that proposes to extend its service territory into an area in which there is no existing water or wastewater system or proposes to delete a portion of its service territory.

(2) A request for service territory expansion and amendment of an existing certificate or issuance of a new certificate shall be considered approved under the following conditions if no protest is timely filed to the notice of application:

(a) the utility has provided a written statement of an officer of the utility that the proposed new territory includes a maximum of 25 equivalent residential connections within such territory at the time the territory is at buildout; and

(b) the utility has provided the written statement of an officer of the utility that, upon investigation, to the best of his or her knowledge:

1. there is no other utility in the area of the proposed territory that is willing and capable of providing reasonably adequate service to the new territory; and

2. the person(s) or business(es) requesting water or wastewater service have demonstrated to the utility that service is necessary because (1) a private well has been contaminated or gone dry, (2) a septic tank has failed; or (3) service is otherwise not available.

(c) the utility has filed a completed application in accordance with section (2) of this rule within 45 days of the completion of the notice requirements.

(3) Each utility proposing to extend its service area (except applications filed pursuant to section (2) above, which shall file only (a), (d), (e), (i), (m), (o), (p), (q), and (r) listed below) shall provide the following:

(a) the utility's complete name and address;

(b) a statement showing the financial and technical ability of the utility to provide service and the need for service in the area requested.

(c) a statement that to the best of the applicant's knowledge the provision of service will be consistent with the water and wastewater sections of the local comprehensive plan at the time the application is filed, as approved by the Department of Community Affairs, or, if not, a statement demonstrating why granting the amendment would be in the public interest.

(d) evidence that the utility owns the land upon which the utility treatment facilities that will serve the proposed territory are located or a copy of an agreement, such as a 99-year lease, which provides for the continued use of the land. The Commission may consider a written easement or other cost-effective alternative;

(e) a description of the territory proposed to be served, using township, range and section references as specified in Rule 25-30.030(2);

(f) one copy of a detailed system map showing the proposed lines, treatment

**CHAPTER 25-30.030, F.A.C.  
NOTICE OF APPLICATION**

- (1) When a utility applies for a certificate of authorization, an extension or deletion of its service area, or a sale, assignment or transfer of its certificate of authorization, facilities or any portion thereof or majority organizational control, it shall provide notice of its application in the manner and to the entities described in this section.
  
- (2) Before providing notice in accordance with this section, a utility shall obtain from the Commission a list of the names and addresses of the municipalities, the county or counties, the regional planning council, the Office of Public Counsel, the Commission's Director of the Commission Clerk & Administrative Services Division, the appropriate regional office of the Department of Environmental Protection, the appropriate water management district, and privately-owned water and wastewater utilities that hold a certificate granted by the Public Service Commission and that are located within the county in which the utility or the territory proposed to be served is located. In addition, if any portion of the proposed territory is within one mile of a county boundary, the utility shall obtain from the Commission a list of the names and addresses of the privately-owned utilities located in the bordering counties and holding a certificate granted by the Commission. The utility's request for the list shall include a complete legal description of the territory to be requested in the application that includes:
  - (a) a reference to township(s), range(s), land section(s) and county; and
  - (b) a complete and accurate description of the territory served or proposed to be served in one of the following formats. The description may reference interstates, state roads, and major bodies of water. The description shall not rely on references to government lots, local streets, recorded plats or lots, tracts, or other recorded instruments.
    1. Sections: If the territory includes complete sections, the description shall only include the township, range, and section reference. If the territory includes partial sections, the description shall either identify the subsections included or excluded.
    2. Metes and bounds: A point of beginning which is referenced from either a section corner or a subsection corner, such as a quarter corner. The perimeter shall be described by traversing the proposed territory and closing at the point of beginning. The description shall include all bearings and distances necessary to provide a continuous description.
  
- (3) The notice shall be appropriately styled:
  - (a) Notice of Application for an Initial Certificate of Authorization for Water, Wastewater, or Water and Wastewater Certificate;

- (b) Notice of Application for an Extension of Service Area;
  - (c) Notice of Application for Deletion of Service Area;
  - (d) Notice of Application for a Transfer of Water, Wastewater, or Water and Wastewater Certificate(s); or
  - (e) Notice of Application for a Transfer of Majority Organizational Control.
- (4) The notice shall include the following:
- (a) the date the notice is given;
  - (b) the name and address of the applicant;
  - (c) a description, using township, range and section references, of the territory proposed to be either served, added, deleted, or transferred; and
  - (d) a statement that any objections to the application must be filed with the Director, Division of the Commission Clerk & Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, no later than 30 days after the last date that the notice was mailed or published, whichever is later.
- (5) Within 7 days of filing its application, the utility shall provide a copy of the notice by regular mail to:
- (a) the governing body of the county in which the utility system or the territory proposed to be served is located;
  - (b) the governing body of any municipality contained on the list obtained pursuant to (2) above;
  - (c) the regional planning council designated by the Clean Water Act, 33 U.S.C. 1288(2);
  - (d) all water or wastewater utilities contained on the list(s) obtained pursuant to (2) above;
  - (e) the office of Public Counsel;
  - (f) the Commission's Director, Division of the Commission Clerk & Administrative Services;
  - (g) the appropriate regional office of the Department of Environmental Protection; and
  - (h) the appropriate Water Management District.

- (6) No sooner than 21 days before the application is filed and no later than 7 days after the application is filed, the utility shall also provide a copy of the Notice, by regular mail or personal service, to each customer, of the system to be certificated, transferred, acquired, or deleted.
- (7) The Notice shall be published once in a newspaper of general circulation in the territory proposed to be served, added, deleted, or transferred. The publication shall be within 7 days of filing the application.
- (8) A copy of the notice(s) and list of the entities receiving notice pursuant to this rule shall accompany the affidavit required by sections 367.045(1) (e) and (2) (f), Florida Statutes. The affidavit shall be filed no later than 15 days after filing the application.
- (9) This rule does not apply to applications for grandfather certificates filed under section 367.171, Florida Statutes, or to applications for transfers to governmental authorities filed under Section 367.071, Florida Statutes, or to name changes.

**Specific Authority:** 367.121(1), F.S.

**Law Implemented:** 367.031, 367.045, 367.071, F.S.

**History:** New 4/5/81, formerly 25-10.061, Transferred from 25-10.0061 and Amended 11/9/86, Amended 1/27/91, Amended 11/30/93.

**LIST OF WATER AND WASTEWATER UTILITIES IN VOLUSIA COUNTY  
(VALID FOR 60 DAYS)  
01/07/2005 - 03/07/2005**

UTILITY NAME

MANAGER

VOLUSIA COUNTY

FARMTON WATER RESOURCES LLC (WU859)  
1625 MAYTOWN ROAD  
OSTEEN, FL 32764

F. MARSHALL DETERDING  
(850) 877-6555

NORTH PENINSULA UTILITIES CORPORATION (SU615)  
P. O. BOX 2803  
ORMOND BEACH, FL 32175-2803

ROBERT HILLMAN  
(386) 676-0836

PLANTATION BAY UTILITY CO. (WS479)  
100 PLANTATION BAY DRIVE  
ORMOND BEACH, FL 32174

DOUG ROSS  
(386) 437-9185

TYMBER CREEK UTILITIES (WS246)  
1951 WEST GRANADA BLVD.  
ORMOND BEACH, FL 32174-6740

STEVE P. SHIRAH  
(386) 677-5702

**LIST OF WATER AND WASTEWATER UTILITIES IN VOLUSIA COUNTY  
(VALID FOR 60 DAYS)  
01/07/2005 - 03/07/2005**

UTILITY NAME

MANAGER

GOVERNMENTAL AGENCIES

COUNTY MANAGER/CLERK, VOLUSIA COUNTY  
123 WEST INDIANA AVENUE  
DELAND, FL 32720-4612

DEP CENTRAL DISTRICT  
3319 MAGUIRE BLVD., SUITE 232  
ORLANDO, FL 32803-3767

EAST CENTRAL FLORIDA PLANNING COUNCIL  
631 NORTH WYMORE ROAD, SUITE 100  
MAITLAND, FL 32751

MAYOR, CITY OF DAYTONA BEACH  
P. O. BOX 2451  
DAYTONA BEACH, FL 32115-2451

MAYOR, CITY OF DAYTONA BEACH SHORES  
3050 SOUTH ATLANTIC AVENUE  
DAYTONA BEACH SHORES, FL 32118-6159

MAYOR, CITY OF DELAND  
% CITY HALL  
120 SOUTH FLORIDA AVENUE  
DELAND, FL 32720-5422

MAYOR, CITY OF DELTONA  
DELTONA MUNICIPAL COMPLEX  
2345 PROVIDENCE BLVD.  
DELTONA, FL 32725-1806

MAYOR, CITY OF EDGEWATER  
P. O. BOX 100  
EDGEWATER, FL 32132-0100

MAYOR, CITY OF HOLLY HILL  
1065 RIDGEWOOD AVENUE  
HOLLY HILL, FL 32117-2898

MAYOR, CITY OF LAKE HELEN  
P. O. BOX 39  
LAKE HELEN, FL 32744-0039

MAYOR, CITY OF NEW SMYRNA BEACH  
210 SAMS AVENUE  
NEW SMYRNA BEACH, FL 32168-7040



**LIST OF WATER AND WASTEWATER UTILITIES IN VOLUSIA COUNTY  
(VALID FOR 60 DAYS)  
01/07/2005 - 03/07/2005**

UTILITY NAME

MANAGER

GOVERNMENTAL AGENCIES

MAYOR, CITY OF OAK HILL  
234 SOUTH U.S. HIGHWAY 1  
OAK HILL, FL 32759-9647

MAYOR, CITY OF ORMOND BEACH  
P. O. BOX 277  
ORMOND BEACH, FL 32175-0277

MAYOR, CITY OF PORT ORANGE  
1000 CITY CENTER CIRCLE  
PORT ORANGE, FL 32119-9619

MAYOR, CITY OF SOUTH DAYTONA  
P. O. BOX 214960  
SOUTH DAYTONA, FL 32121

MAYOR, TOWN OF ORANGE CITY  
205 EAST GRAVES AVENUE  
ORANGE CITY, FL 32763-5213

MAYOR, TOWN OF PIERSON  
106 NORTH CENTER STREET  
PIERSON, FL 32180-2219

MAYOR, TOWN OF PONCE INLET  
4680 SOUTH PENINSULA DRIVE  
PONCE INLET, FL 32019

ST. JOHNS RIVER WTR MANAGEMENT DISTRICT  
P.O. BOX 1429  
PALATKA, FL 32178-1429

**LIST OF WATER AND WASTEWATER UTILITIES IN VOLUSIA COUNTY  
(VALID FOR 60 DAYS)  
01/07/2005 - 03/07/2005**

UTILITY NAME

STATE OFFICIALS

MANAGER

STATE OF FLORIDA PUBLIC COUNSEL  
C/O THE HOUSE OF REPRESENTATIVES  
THE CAPITOL  
TALLAHASSEE, FL 32399-1300

DIVISION OF THE COMMISSION CLERK AND ADMINISTRATIVE SERVICES  
FLORIDA PUBLIC SERVICE COMMISSION  
2540 SHUMARD OAK BOULEVARD  
TALLAHASSEE, FL 32399-0850

**SAMPLE PUBLICATION / LEGAL NOTICE FOR  
APPLICATION FOR AMENDMENT OF CERTIFICATE  
(EXTENSION OR DELETION)**

**(Section 367.045, Florida Statutes)**

**LEGAL NOTICE**

Notice is hereby given on (date) \_\_\_\_\_, pursuant to Section 367.045, Florida Statutes, of the application of (name of utility) \_\_\_\_\_ to amend its Water Certificate No. \_\_\_\_\_ and/or Wastewater Certificate No. \_\_\_\_\_ to \_\_\_\_\_ (add or delete) territory in (County) \_\_\_\_\_, Florida as follows:

(Insert a brief description of the area proposed to be served. Use the Survey of Public Lands method (township, range, section, and quarter section) if possible, or a metes and bounds description, and also the subdivision or project name. The description should NOT refer to land grants or plat books, but may use geographic boundaries (i.e., road right-of-ways, railroads, rivers, creeks, etc.). The object is to make the description as brief, but as accurate as possible.)

Any objection to the said application must be made in writing and filed with the Director, Division of the Commission Clerk & Administrative Services, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within thirty (30) days from the date of this notice. At the same time, a copy of said objection should be mailed to the applicant whose address is set forth below. The objection must state the grounds for the objection with particularity.

(Utility name and address)