

050323

**NOTICE OF APPLICATION OF NORTH FORT MYERS UTILITY, INC.
FOR AUTHORITY TO TRANSFER FACILITIES OF COOLIDGE-FT. MYERS REALTY
LIMITED PARTNERSHIP d/b/a HERON'S GLEN UTILITIES, AND CERTIFICATE NO. 456-
S, CANCELLATION OF CERTIFICATE NO. 456-S AND AMENDMENT OF CERTIFICATE
NO. 247-S, AND LIMITED PROCEEDING FOR AUTHORITY TO CHARGE THE
CUSTOMERS OF HERON'S GLEN UTILITIES ITS AUTHORIZED RATES, FEES AND
CHARGES**

Notice is hereby given on this 13th day of May, 2005, pursuant to Sections 367.071, 367.045 and 367.0822, Florida Statutes, of the application of North Fort Myers Utility, Inc. (**Applicant**), for authority to transfer the wastewater system providing wastewater service to the Heron's Glen Subdivision in Lee County, Florida, and Wastewater Certificate No. 456-S to the Applicant, North Fort Myers Utility, Inc., to cancel Certificate No. 456-S and to amend Certificate No. 247-S, and for a limited proceeding for authority to charge the customers of the Heron's Glen Subdivision the Applicant's current Commission-authorized rates, fees and charges.

The wastewater system in the Heron's Glen Subdivision to be transferred will serve between 2,000 and 4,000 customers in the area more particularly described in Exhibit "A" to this Notice.

Copies of the Application can be reviewed at the offices of the Applicant 5660 Bayshore Road, Suite 36, Fort Myers, Florida, during normal business hours. The Applicant's telephone number is (239) 543-1005.

PROPOSED RATES AND CHARGES

The Applicant proposes to charge the customers in the Heron's Glen Subdivision the following rates and charges upon interconnection with the Applicant's system:

**WASTEWATER
General Service**

<u>Class/Meter Size</u>	<u>Current Rates</u>	<u>Proposed Rates</u>
5/8" X 3/4"	\$14.91	\$11.15
1"	\$37.29	\$27.84
1 1/2 "	\$74.56	\$55.67
2"	\$119.30	\$89.07
3"	\$238.61	\$178.12
4"	\$372.85	\$278.30
6"	\$745.68	\$556.71
Gallonge Charge (per 1,000 gallons)	\$2.38	\$4.11

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

Residential Service

<u>Class/Meter Size</u>	<u>Current Rates</u>	<u>Proposed Rates</u>
All sizes	\$14.91	\$11.32
Gallonge Charge (per 1,000 gallons) (Maximum 10,000 gallons)	\$2.38	\$4.11

Customer Deposits

<u>Meter Size</u>	<u>Current Deposit Amount</u>	<u>Proposed Deposit Amount Residential and General Service</u>
5/8" X 3/4"	N/A	\$31.00
1"	N/A	N/A
1 1/2"	N/A	N/A
Over 2"	N/A	N/A

Miscellaneous Service charges and the reuse charge will remain the same for existing customers of Heron's Glen. For all new customers requesting service, the reuse rate will be the prevailing reuse rate for the Applicant.

Service Availability Fees and Charges

<u>Charge</u>	<u>Current</u>	<u>Proposed</u>
Plant/System Capacity Charge*	\$200.00 per ERC (200 GPD)	\$635.00 per ERC (275 GPD)
All Others	\$1.00 per gallon	\$2.31 per gallon

- **Plant Capacity Charge will be effective immediately for all new customers requesting service and does not apply to existing customers of Heron's Glen Utilities.**

HOW TO CONTACT THE COMMISSION

Any person who wishes to comment or provide information to Commission staff may do so either orally or in writing. Comments regarding the Applicant, the rates that the Applicant is requesting authorization to charge, or requests to be placed on the mailing list for this case, may be directed to this address:

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

with a courtesy copy to:

Martin S. Friedman, Esq.
Rose, Sundstrom & Bentley, LLP
600 S. North Lake Blvd., Ste. 160
Altamonte Springs, FL 32701

All correspondence should refer to "Docket No. 050323-SU, North Fort Myers Utility, Inc." Your letter will be placed in the correspondence file of this docket. You may also submit comments through the Public Service Commission's toll-free facsimile line at 1-800-511-0809. The Commission also has a web-site available at <http://floridapsc.com/consumers/complaint/index.cfm>.

Any objections to the Application must be made in writing and filed with the Director, Division of Commission Clerk and Administrative Services, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, with a copy to Martin S. Friedman, Esquire, Rose, Sundstrom & Bentley, LLP, 600 S. North Lake Boulevard, Suite 160, Altamonte Springs, Florida 32701, within 30 days from the date of this Notice. The objection must state the grounds for the objection with particularity.

If you wish to contact the Commission regarding complaints about service, you may call the Commission's Division of Consumer Affairs at the following toll-free number 1-800-342-3552.

This notice was prepared by the Applicant and approved by Commission staff for distribution by the Applicant to its proposed customers.

NORTH FORT MYERS UTILITY, INC.
P.O. Box 2547
Fort Myers, Florida 33902-2547

EXHIBIT "A"

Township 43 South, Range 24 East Sections 2, 3, 4, 5, & 10

A parcel of land in Sections 2, 3, 4, 5, & 10, Township 43 South, Range 24 East, Lee County, Florida, more particularly described as follows:

Commence at the NE corner of Section 3, Township 43 South, Range 24 East; thence N.89°57'30"W., along the north line of the NE 1/4 of said Section 3 for a distance of 355.01 feet to an intersection with the westerly right of way line of the former S.A.L. Railroad and the Point of Beginning of the herein described parcel of land; thence continue N.89°57'30"W., along said north line for a distance of 2,313.55 feet to the NE corner of the NW 1/4 of said Section 3; thence S.89°48'38"W., along the north line of said NW 1/4 for a distance of 2,667.53 feet to the NW corner of said Section 3; thence N.89°42'40"W., along the north line of Section 4, Township 43 South, Range 24 East, for a distance of 5,335.96 feet to the NW corner of said Section 4; thence S.89°33'20"W., along the north line of the NE 1/4 of Section 5, Township 43 South, Range 24 East, for a distance of 1,871.76 feet to an intersection with the northeasterly line of North Fort Myers Park according to the plat thereof as recorded in Plat Book 9, Page 113 of the public records of Lee County, Florida; thence S.26°03'40"E., along said northeasterly line for a distance of 318.66 feet to an intersection with the southeasterly line of Lot 3 of said plat of North Fort Myers Park; thence S.63°56'20"W., along said southeasterly line for a distance of 300.77 feet to an intersection with the northeasterly right of way line of Tamiami Trail (State Road 45, U.S. 41) being a point on the arc of a circular curve concave to the southwest, said point bearing N.63°13'24"E., from the radius point of said curve; thence southeasterly along the arc of said curve having for its elements a radius of 7,739.44 feet and a central angle of 0°42'56" for a distance of 96.66 feet to the point of tangency; thence S.26°03'40"E., along said northeasterly right of way line for a distance of 1,943.40 feet to an intersection with the southeasterly line of the northwesterly one half of lot 24 of the aforementioned plat of North Fort Myers Park; thence N.63°56'20"E., along said southeasterly line for a distance of 300.17 feet to an intersection with the aforementioned northeasterly line of North Fort Myers Park; thence N.26°03'40"W., along said northeasterly line for a distance of 4.46 feet to an intersection with the southerly line of that certain parcel of land described in Official Record Book 1032 at Page 707 of the aforementioned public records; thence N.89°48'47"E., along said southerly line for a distance of 3,357.09 feet to an intersection with the east line of that certain parcel of land described in Official Record Book 410 at Page 690 of the aforementioned public records; thence S.00°06'41"E., along said east line for a distance of 2,040.37 feet to an intersection with the south line of that certain parcel of land described in Deed Book 224 at Page 437 of the aforementioned public records; thence S.89°48'47"W., along said south line for a distance of 2,698.40 feet to an intersection with the aforementioned northeasterly right of way line of Tamiami Trail; thence S.26°03'40"E., along said northeasterly right of way line for a distance of 370.00 feet; thence N.89°48'47"E., for a distance of 3,845.26 feet; thence N.00°11'13"W., for a distance of 332.91 feet to an intersection with the aforementioned south line of that certain parcel of land described in Deed Book 224 at Page 437 of the aforementioned public records; thence N.59°48'47"E., along said south line for a distance of 4,368.87 feet to an intersection with the northerly extension of the west line of that certain parcel of land described in Official Record Book 388 at Page 80 of the aforementioned public records; thence S.00°02'36"W., along said northerly extension and along the west line of said parcel for a distance of 2,553.91 feet; thence S.89°56'45"E., along the south line of said parcel for a distance of 1,711.91 feet; thence N.00°02'36"E., along the east line of said parcel for a distance of 16.72 feet to an intersection with the south line of that certain parcel of land described in Official Record Book

1516 at Page 1802 of the aforementioned public records; thence S.89°56'45"E., along said south line for a distance of 441.17 feet; thence N.00°02'36"E., along the east line of said parcel for a distance of 2,546.26 feet to an intersection with the aforementioned south line of that certain parcel of land described in Deed Book 224 at Page 437 of the aforementioned public records; thence N.89°48'47"E., along said south line for a distance of 775.85 feet to an intersection with the aforementioned westerly right of way line of the former S.A.L. Railroad; thence N.11°11'01"W., along said westerly right of way line for a distance of 4,190.51 feet to the Point of Beginning.

Township 43 South, Range 24 East

Section 4 A tract or parcel of land lying in Section 4, Township 43 South, Range 24 East, Lee County, Florida, which tract or parcel is described as follows:

From the SE corner of Lot 45 of Unit No. 1, North Fort Myers Park according to a plat thereof recorded in Plat Book 9 at Page 113 public records of Lee County, Florida, run S.89°59'E., along the south line of the lands conveyed by Deed recorded in Deed Book 224 at Page 437 of said public records and along the south line of Section No. 1, Unit No. 1, Lakeville, according to a plat thereof recorded in Plat Book 10, Page 48 of said public records and Section No. 1, Unit No. 2, Lakeville, according to a plat thereof recorded in Deed Book 298 at Pages 303 to 306, inclusive, of said public records for a distance of 1,940 feet to the SE corner of said Section No. 1, Unit No. 2 and the Point of Beginning of the lands herein described:

From said Point of Beginning continue S.89°59'E. along the south line of the lands conveyed by said Deed recorded in Deed Book 224 at Page 437, for a distance of 425 feet to a concrete monument at the SW corner of the lands described in and conveyed by Deed recorded in Deed Book 300, Page 633, of said public records; thence run N.00°01'E., along the west line of said lands for a distance of 2,040 feet to a point in the centerline of a roadway easement 80 feet wide which point is marked by a concrete monument; thence run N.89°59'W., along said centerline for a distance of 500 feet to a point on a prolongation of the east line of said Section No. 1, Unit No. 2, Lakeville, which point is 40 feet north of the NE corner of said Section No. 1, Unit No. 2; thence run south along said prolongation and along the easterly boundary of said Section No. 1, Unit No. 2, S.00°01'W., for a distance of 335 feet, thence run S.89°59'E., for a distance of 60 feet, thence run S.00°01'W., for a distance of 600 feet to a point of curvature; thence run southeasterly along the arc of a curve of radius 236.25 feet for a distance of 131.72 feet, thence run S.89°59'E., for a distance of 39.71 feet, thence run S.00°01'W., for a distance of 125 feet, thence run N.89°59'W., for a distance of 35.48 feet, thence run S.00°01'W., for a distance of 650 feet, thence run N.89°59'W., for a distance of 25 feet, and thence run S.00°01'W., for a distance of 205 feet to the SE corner of said Section No. 1, Unit No. 2, Lakeville, and the Point of Beginning.

Subject to roadway easements over and along the north 40 feet and over and along the north 80 feet of the south 855 feet being an extension of Lakeville Drive as shown on said plat of Section No. 1, Unit No. 2, Lakeville. Also granting an easement for roadway purposes over and along a strip of land 40 feet in width north of and adjacent to the northern boundary of the above described lands and an easement for roadway purposes 80 feet in width extending from the westerly boundary of the above described lands westerly along the northern boundaries of said Section No. 1, Unit No. 2, and Section No. 1, Unit No. 1 of Lakeville and through Lot 24 of said Unit No. 1, Fort Myers Park to the Tamiami Trail (State Road No. 45).