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REPLY TO CENTRAL FLORIDA OFFICE

MARTIN S. FRIEDMAN, P.A.  
VALERIE L. LORD  
BRIAN J. STREET

February 27, 2006

HAND DELIVERY

RECEIVED-FPSC  
06 FEB 27 AM 11:43  
COMMISSION  
CLERK

Ms. Blanca Bayo  
Commission Clerk and Administrative Services Director  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399

Re: Docket No. 060166-WS; Application of Gold Coast Utility Corp., for Amendment  
of Water and Wastewater Certificates in Polk County  
Our File No.: 40057.07

Dear Ms. Bayo:

Enclosed for filing are the original and twelve (12) copies of Gold Coast Utility Corp's  
Application for Amendment of Certificates of Authorization in Polk County, Florida. Also  
enclosed is our firm's check in the amount of \$2,000.00 representing the appropriate filing  
fee.

Should you have any questions regarding this filing, please do not hesitate to give me  
a call.

Very truly yours,

RECEIVED & FILED  
*msf*  
FPSC-BUREAU OF RECORDS

*Martin S. Friedman*  
MARTIN S. FRIEDMAN  
For the Firm

Initials of person who forwarded check:

*msf*

MSF/mp  
Enclosures

cc: Mr. Keith Burge (w/enclosure)

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Application of  
GOLD COAST UTILITY CORP., for  
Amendment of Water and Wastewater  
Certificates in Polk County, Florida

---

Docket No.: 060166-WS

APPLICATION FOR AMENDMENT OF  
CERTIFICATES OF AUTHORIZATION

GOLD COAST UTILITY CORP. ("Applicant"), by and through its undersigned attorneys, and pursuant to Section 367.045(2), Florida Statutes, and Rule 25-30.036, Florida Administrative Code, files this Application for Amendment of Water Certificate No. 590-W and Wastewater Certificate No. 508-S to extend its service area to include certain land in Polk County, Florida, as described in this Application ("New Service Area"), and in support thereof states:

1. The exact name of the Applicant and the address of its principal business offices are:

GOLD COAST UTILITY CORP.  
2340 N. E. Dixie Highway  
Jensen Beach, FL 34957

2. The name and address of the person authorized to receive notices and communications in respect to this application is:

Martin S. Friedman, Esquire  
Rose, Sundstrom & Bentley, LLP  
2180 W. State Road 434, Suite 2118  
Longwood, FL 32779  
PHONE: (407)830-6331  
FAX: (407)830-8522 fax  
[mfriedman@rsbattorneys.com](mailto:mfriedman@rsbattorneys.com)

3. The purpose of this Application is to extend the Applicant's certificated water

DOCUMENT NUMBER - DATE

01670 FEB 27 8

FPSC-COMMISSION CLERK

and wastewater service areas to include the New Service Area described below.

4. As required by Rule 25-30.036, the Applicant provides the following information:

(a) The Applicant's complete name and address are as set out above.

(b) The Applicant is an established utility and has both the financial and technical ability to render reasonably sufficient, adequate and efficient service. With respect to the Applicant's technical ability, the plants and systems are operated by personnel with appropriate licenses. There are no outstanding Consent Orders or Notices of Violation from DEP. Its regulatory accountants are Cronin, Jackson, Nixon & Wilson, CPAs, and its attorneys are the law firm of Rose, Sundstrom & Bentley, LLP.

(c) To the best of the Applicant's knowledge, the provision by the Applicant of water and wastewater service to the New Service Area is consistent with the water and wastewater sections of the Polk County Comprehensive Plan at the time this Application is filed, as approved by the Department of Community Affairs. This Application is being filed at the request of the owner of the New Service Area.

(d) Documentary evidence of the Applicant's ownership of the properties on which its plants are constructed is attached as Exhibit "A".

(e) A description of the New Service Area that the Applicant proposes to serve, using township, range and section references, is attached as Exhibit "B".

(f) There are currently no detailed water and wastewater system maps showing the lines, treatment facilities and the territory proposed. A detailed development plan has not yet been developed.

(g) The Applicant may need to expand its wastewater treatment plant to serve the New Service Area depending upon the speed within which development proceeds within the existing service area. The method of effluent disposal will remain the same. Effluent is disposed of via a limited access reuse system that irrigates vacant land.

(h) Not applicable. Please refer to (g) above.

(i) A map of the Applicant's certificated water and wastewater service area, and the New Service Area, showing township, range and section, is attached as Exhibit "C".

(j) Applicant has permitted wastewater treatment and disposal capacity of 250,000 gallons per day and is averaging 176,000 gallons per day. The water system is permitted for 153,000 gallons per day and is currently averaging 112,000 gallons per day.

(k) The numbers and dates of permits issued by the Department of Environmental Protection are as shown on Exhibit "D".

(l) The proposed method of financing the construction will be service availability charges and financial institutions. There will not be any impact on the Applicant's capital structure.

(m) In the New service Area, the Applicant will serve both residential and commercial customers. Residential customers are expected to consist of conventionally built single-family detached and attached homes. Commercial development within the New Service Area will be developed along State Road 60. The primary types of commercial customers anticipated to be served include offices, retail stores and restaurants. The amendment of the Applicant's water and wastewater certificates for the purposes described in this Application will not interrupt, curtail or otherwise affect the provision of water and

wastewater service to the Applicant's existing customers.

(n) The amendment of the Applicant's certificated water and wastewater service areas for the purposes described in this Application will not have any impact on the Applicant's rates or service availability charges.

(o) Attached as Exhibit "E" to this Application are the original and two copies of the revised water and wastewater tariff sheets reflecting the addition of the New Service Area. Copies of the revised tariff sheets are attached to each copy of the Application.

(p) The original certificates were filed with the Commission in the Transfer Proceeding in Docket No.: 050902-WS.

(q) Current rates for the Applicant were established by the Commission in Docket No. PSC 98-1258-WS pursuant to Order No. PSC-99-1742-PAA-WS.

(r) In response to Section 367.045(2)(c), Florida Statutes, attached hereto as Exhibit "F" is an Affidavit that the Applicant has on file with the Commission a tariff and current annual report.

8. The approval of this Application is in the public interest because there is a need to provide water and wastewater service to the New Service Area to meet anticipated demand. It is in the public interest for the Applicant's water and wastewater certificates to be amended for this purpose.

9. Attached to this Application as Exhibit "G" is an Affidavit that notice of the Application was given in accordance with Section 367.045(1)(a), Florida Statutes, and Rule 25-30.030, Florida Administrative Code, by regular mail to the following:

(1) the governing body of the municipality, county or counties in which

- the system or territory proposed to be served is located;
- (2) the privately owned water utility that holds a certificate granted by the Public Service Commission and that is located within the county in which the utility or the territory proposed to be served is located;
  - (3) if any portion of the proposed territory is within one mile of a county boundary, the utility shall notice the privately owned utilities located in the bordering counties and holding a certificate granted by the Commission;
  - (4) the regional planning council;
  - (5) the Office of Public Counsel;
  - (6) the Public Service Commission's Director of Records and Reporting;
  - (7) the appropriate regional office of the Department of Environmental Protection; and
  - (8) the appropriate water management district;

Copies of the Notice and a list of entities noticed shall accompany the affidavit.

10. Attached as Late filed Exhibit "H" is an Affidavit that notice of the Application was given in accordance with Rule 25-30.030, Florida Administrative Code, by regular mail or personal delivery to each property owner in the New Service Areas.

11. Attached as Late Filed Exhibit "I" is an Affidavit that notice of the Application was published once a week in a newspaper of general circulation in the territory in accordance with Rule 25-30.030, Florida Administrative Code.

12. The New Service Area will serve an estimated 1,100 water ERCs and 1,100

wastewater ERCs. Therefore the appropriate filing fee is \$2,000 (\$1,000 for water and \$1,000 for wastewater).

Respectfully submitted on this 26 day of  
February, 2006, by:

ROSE, SUNDSTROM & BENTLEY, LLP  
2180 W. State Road 434  
Suite 2118  
Longwood, FL 32779  
Telephone: (407) 830-6331  
Facsimile: (407) 830-8522


BY:   
MARTIN S. FRIEDMAN  
For the Firm

EXHIBIT "A"

EVIDENCE OF LAND OWNERSHIP



INSTR # 2005300608  
BK 06529 PGS 0323-0325 PG(5)3  
RECORDED 12/08/2005 02:07:53 PM  
RICHARD M WEISS, CLERK OF COURT  
POLK COUNTY  
DEED DOC 0.70  
RECORDING FEES 27.00  
RECORDED BY S Wiggins

THIS DOCUMENT PREPARED BY:  
Martin S. Friedman, Esquire  
ROSE, SUNDBROM & BENTLEY, LLP  
2180 W. State Road 434, Suite 2118  
Longwood, FL 32779

213029-000000-013020  
223029-000000-011030  
153029-000000-022020  
Parcel ID Number(s)

**Corrective General Warranty Deed  
(To correct legal description)**

This Indenture, made this 24<sup>th</sup> day of November, 2005, by LAKE HAVEN UTILITY ASSOCIATES, LTD., a Florida limited partnership d/b/a LAKE WALES UTILITY COMPANY, whose address is P.O. Box 402279, Miami Beach, FL 33140 (hereinafter "Grantor"), to GOLD COAST UTILITY CORP., a Florida corporation, whose address is 2340 N.E. Dixie Highway, Jensen Beach, FL 34957 (hereinafter "Grantee").

(Whenever used herein the term "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations).

Witnesseth, said Grantor, for and in consideration of the sum of Ten Dollars, (\$10.00) and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto Grantee, all that certain land situate in Polk County, Florida, viz:

SEE, LEGAL DESCRIPTION ATTACHED HERETO AS EXHIBIT "A"

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.

And said Grantor hereby covenants with said Grantee that Grantor is lawfully seized of said land in fee simple; that Grantor has good right and lawful authority to sell and convey said land; that Grantor hereby fully warrants the title to said land and will defend same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances except taxes accruing subsequent to December 31, 2004.

In Witness Whereof, Grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in our presence:

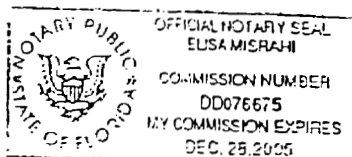
Carly Gorman  
Print Name: Carly Gorman  
Mark Ruben  
Print Name: Mark Ruben

LAKE HAVEN UTILITY ASSOCIATES, LTD.  
d/b/a LAKE WALES UTILITY COMPANY

Mark Ruben  
BY: MARK RUBIN  
Its: General Partner

State of Florida  
County of Dade

The foregoing instrument was acknowledged before me this 24<sup>th</sup> day of November, 2005, by MARK RUBIN, as General Partner of LAKE HAVEN UTILITY ASSOCIATES, LTD., d/b/a LAKE WALES UTILITY COMPANY, on behalf of the partnership, who is personally known to me or who has produced personally known to me as identification.



Elisa Misrahi  
Notary Public - State of Florida at Large  
Printed Name: ELISA MISRAHI  
My Commission Expires: 12/25/05

# First American Title Insurance Company

## EXHIBIT A

Beginning at a concrete monument set on the South line of a roadway 80.00 feet wide, said concrete monument being 3430.54 feet North and 2700.00 feet East of the Southwest corner of Section 21, Township 30 South, Range 29 East, and run South 880.54 feet; thence West 70.39 feet to a point on the Northerly line of a roadway 60 feet wide; thence Northwesterly along said Northerly line on a curve concave to the Southwest, having a radius of 315.00 feet, a central angle of 08°33'31" and a chord bearing North 39°02'04" West, an arc distance of 47.05 feet; thence North 163.49 feet; thence East 60.00 feet; thence North 670.58 feet to a point on the South line of a roadway 80 feet wide; thence Northeasterly along said South line on a curve concave to the Northwest, having radius of 2040.00 feet, a central angle of 01°09'28" and chord bearing North 76°00'57" East, an arc of 41.22 feet to the POINT OF BEGINNING;

AND:

Beginning at a concrete monument on the North line of a roadway 80.00 feet wide, said concrete monument being 3513.31 feet North and 2700.00 feet East of the Southwest corner of Section 21, Township 30 South, Range 29 East, and run North 1236.69 feet; thence West 100.00 feet; thence South 200.00 feet; thence East 60.00 feet; thence South 501.74 feet; thence West 230.00 feet; thence South 33°01'26" West 238.54 feet; thence South 400.00 feet to a point on the North line of a roadway 80 feet wide; thence Northeasterly along said North line on a curve concave to the Northwest, having a radius of 1960.00 feet, a central angle of 11°52'05" and a chord bearing North 80°45'46" East, and arc distance of 405.99 feet to the POINT OF BEGINNING.

AND:

A Right-of-Way 15 feet wide, through Section 21, Township 30 South, Range 29 East, Polk County, Florida, said Right-of-Way being 5 feet to the right (South) of and 10 feet to the left (North) of the centerline described as: Begin for the same at a point North 3455.17 feet, and East 2700.00 feet from the Southwest corner of Section 21, thence Easterly along a curve concave to the North having a radius of 2035.00 feet, a central angle of 11°26'02" and a chord bearing and distance of North 69°41'01" East 405.43 feet, an arc distance of 406.10 feet to the end of said curve, thence North 63°58'00" East, 598.00 feet; thence North 86°28'00" East 78.39 feet; thence North 63°58'00" East 117.59 feet; thence Easterly along a curve concave to the North having a radius of 865.00 feet, a central angle of 07°44'00" and a chord bearing and distance of North 60°05'00" East 116.65 feet, and arc distance of 116.75 feet to the end of said curve, thence North 56°14'00" East 146.67 feet, thence North 78°44'00" East 20.00 feet; thence South 89°32'00" East 1293.00 feet more or less to the East line of said Section 21;

AND:

Part of Sections 15 and 22, Township 30 South, Range 29 East, described as:

Begin at the Northeast corner of Section 22 and run thence along the North line of said Section 22 North 89°32'34" West, 453.79 feet; thence South 45°49'30" West 944.89 feet; thence North 44°10'30" West 127.28 feet; thence North 00°49'30" East 102.84 feet; thence North 45°49'30" East 700.22 feet; thence South 44°10'30" East 100.00 feet; thence South 45°49'30" East 213.01 feet; thence South 89°32'34" East 494.89 feet, more or less, to the East line of Section 15; thence South along the East line of said Section

# First American Title Insurance Company

15, 100.00 feet, more or less, to the POINT OF BEGINNING.

AND:

A Right-of-Way 15.00 feet wide through Section 22, Township 30 South, Range 29 East Polk County, Florida, said Right-of-Way being 5.00 feet to the left (South) of and 10.00 feet to the right (North) of the centerline described as: Begin for the same at a point located 1,215.26 feet West of the Northeast corner of Section 22, measured along the North line of Section 22, and 528.95 feet South of said North line of Section 22, measured along a line perpendicular to said North line of Section 22, said POINT OF BEGINNING also South 66°56'43" West 1325.38 feet from said Northeast corner of Section 22; thence North 89°32'00" West 450.16 feet; thence South 45°28'00" West 1021.84 feet; thence North 89°32'00" West, parallel to and 1,250.00 feet South of the North line Section 22, a distance of 2,899.00 feet more or less to the West line Section 22.

AND:

A Right-of-Way 15 feet wide through Section 22, Township 30 South, Range 39 East, Polk County, Florida, said Right-of-Way being 7.50 feet on either side of the centerline hereinafter described; Begin at a point on the North 89°32'00" West 2,899 foot line described above, 254.00 feet from the beginning thereof; thence South 00°28'00" West 642.00 feet; thence South 46°53'00" West 125 feet more or less.

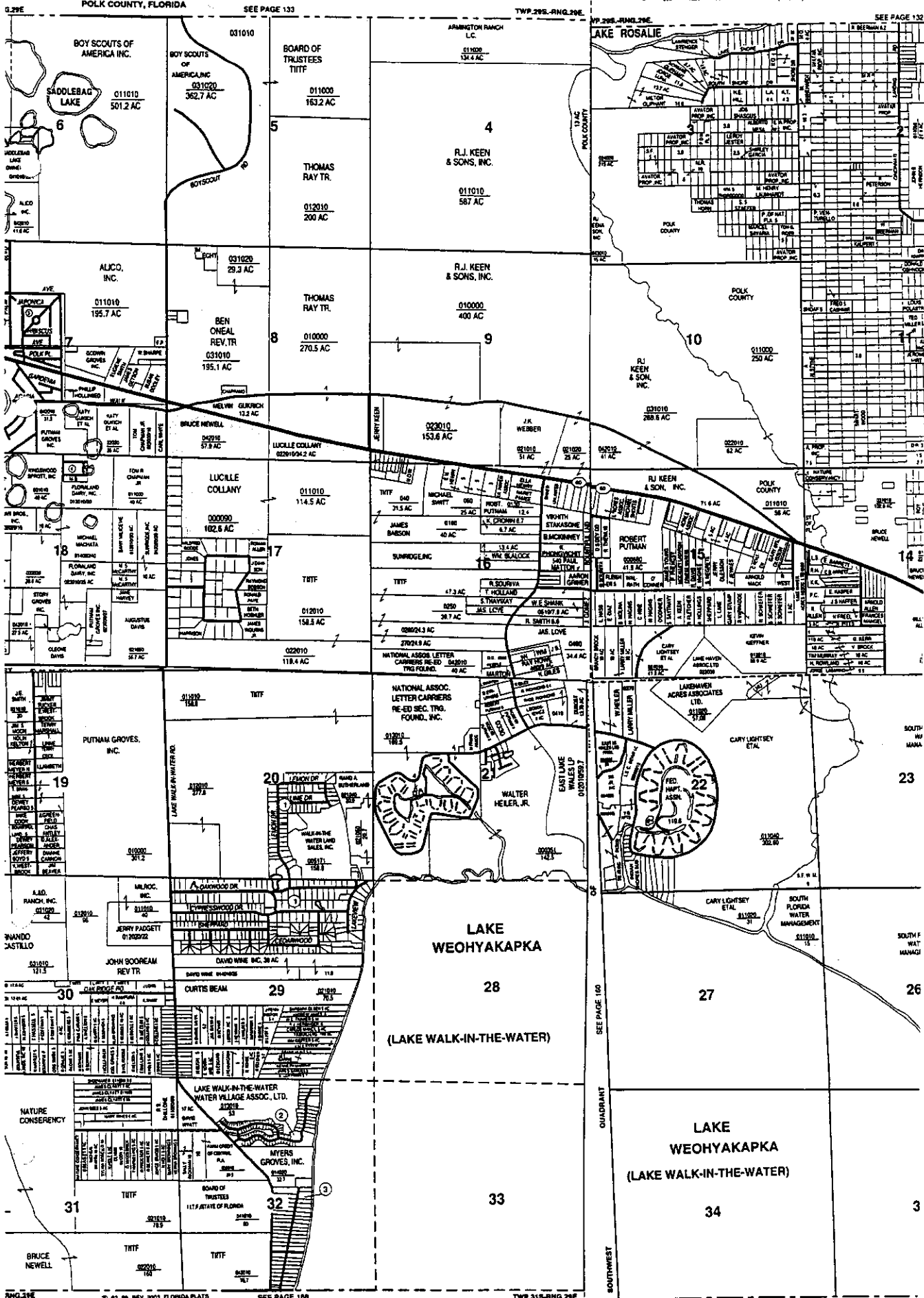
**EXHIBIT "B"**

**DESCRIPTION OF AREA PROPOSED TO BE SERVED**

The South ½ of Section 8, Township 30 South, Range 29 East located South of State Road 60, and the East 4,840 feet of the North ½ of Section 17, Township 30 South, Range 29 East, all in Polk County, Florida.

EXHIBIT "C"

WATER AND WASTEWATER SERVICE AREA MAP



- ① WALK-IN-WATER LAKE EST.
- ② WALK-IN-WATER LAKE EST.
- ③ BRUCE

## EXHIBIT "D"

### PERMITS

1. South Florida Water Management District, Water Use Permit No 53-00030-W issued September 12, 1996, expires September 12, 2006.
2. Florida Department of Environmental Protection, Domestic Wastewater Facility Permit No. FLA110434 issued October 28, 2005, expires October 27, 2010.

**EXHIBIT "E"**

**REVISED TARIFF PAGES**



GOLD COAST UTILITY CORP.  
WATER TARIFF

TERRITORY AUTHORITY

CERTIFICATE NUMBER - 590-W

COUNTY - Polk

COMMISSION ORDER(S) APPROVING TERRITORY SERVED -

<u>Order Number</u>	<u>Date Issued</u>	<u>Docket Number</u>	<u>Filing Type</u>
		PSC-05-0902-WS	Transfer
			Amendment

(Continued to Sheet No. 3.1)

Keith Burge  
ISSUING OFFICER

Secretary/Treasurer  
TITLE

GOLD COAST UTILITY CORP.  
WATER TARIFF

(Continued from Sheet No. 3.0)

DESCRIPTION OF TERRITORY SERVED

All lands lying within the following perimeter boundary lines:

All of that portion of Section 16, Township 30S, Range 29E, lying South of State Road 60 (formerly called New State Road 79);

All of Section 21, Township 30S, Range 29E;

That portion of Section 9, Township 30S, Range 29E, lying South of State Road 60 (formerly called New State Road 79) and West of Walk In the Water Creek (also known as Weohyakapka Creek);

That portion of Section 15, Township 30S, Range 29E, lying South of State Road 60 (formerly called New State Road 79) and West of Walk In the Water Creek (also known as Weohyakapka Creek);

All of that portion of Section 22, Township 30S, Range 29E, lying West of Walk In the Water Creek (also known as Weohyakapka Creek);

All of that portion of Section 27, Township 30S, Range 29E, lying West of Walk In the Water Creek (also known as Weohyakapka Creek).

and

The South ½ of Section 8, Township 30 South, Range 29 East located South of State Road 60, and the East 4,840 feet of the North ½ of Section 17, Township 30 South, Range 29 East, all in Polk County, Florida.

Keith Burge  
ISSUING OFFICER

Secretary/Treasurer  
TITLE

FIRST REVISED SHEET NO. 3.0  
CANCELS ORIGINAL SHEET NO. 3.0

GOLD COAST UTILITY CORP.  
WASTEWATER TARIFF

TERRITORY SERVED

CERTIFICATE NUMBER - 508-S

COUNTY - POLK

COMMISSION ORDER(S) APPROVING TERRITORY SERVED -

<u>Order Number</u>	<u>Date Issued</u>	<u>Docket Number</u>	<u>Filing Type</u>
		PSC-05-0902-WS	Transfer
			Amendment

(Continued to Sheet No. 3.1)

Keith Burge  
ISSUING OFFICER

Secretary/Treasurer  
TITLE

GOLD COAST UTILITY CORP.  
WASTEWATER TARIFF

(Continued from Sheet No. 3.0)

DESCRIPTION OF TERRITORY SERVED

All lands lying within the following perimeter boundary lines:

All of that portion of Section 16, Township 30S, Range 29E, lying South of State Road 60 (formerly called New State Road 79);

All of Section 21, Township 30S, Range 29E;

That portion of Section 9, Township 30S, Range 29E, lying south of State Road 60 (formerly called New State Road 79) and West of Walk In the Water Creek (also known as Weohyakapka Creek);

That portion of Section 15, Township 30S, Range 29E, lying south of State Road 60 (formerly called New State Road 79) and West of Walk In the Water Creek (also known as Weohyakapka Creek);

All of that portion of Section 22, Township 30S, Range 29E, lying West of Walk In the Water Creek (also known as Weohyakapka Creek);

All of that portion of Section 27, Township 30S, Range 29E, lying West of Walk In the Water Creek (also known as Weohyakapka Creek).

and

The South ½ of Section 8, Township 30 South, Range 29 East located South of State Road 60, and the East 4,840 feet of the North ½ of Section 17, Township 30 South, Range 29 East, all in Polk County, Florida.

Keith Burge  
ISSUING OFFICER

Secretary/Treasurer  
TITLE

AFFIDAVIT

STATE OF FLORIDA

COUNTY OF SEMINOLE

Before me, the undersigned authority, authorized to administer oaths and take acknowledgments, personally appeared MARTIN S. FRIEDMAN, ESQUIRE, who, after being duly sworn on oath, did depose on oath and say that he is the attorney for GOLD COAST UTILITY CORP., that GOLD COAST UTILITY CORP., has a Tariff on file with the Public Service Commission in Docket No. 050902 awaiting approval; and that on February 20, 2006, he verified on the Public Service Commission's website that the Utility's predecessor, Lake Wales Utility Company, has a current Annual Report on file.

FURTHER AFFIANT SAYETH NAUGHT.

  
MARTIN S. FRIEDMAN

Sworn to and subscribed before me this 24th day of FEBRUARY, 2006, by MARTIN S. FRIEDMAN, who is personally known to me.



NOTARY PUBLIC - STATE OF FLORIDA

Printed Name: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_



D. Michele Parks  
MY COMMISSION # DD152693 EXPIRES  
September 24, 2006  
BONDED THRU TROY FAIN INSURANCE, INC.

EXHIBIT "F"

EXHIBIT "G"

AFFIDAVIT OF MAILING TO ENTITIES  
ON LIST PROVIDED BY THE PSC

(to be late filed)

EXHIBIT "H"

AFFIDAVIT OF MAILING NOTICE TO PROPERTY OWNERS

(To be late filed)

EXHIBIT "I"

AFFIDAVIT OF PUBLISHING NOTICE IN NEWSPAPER

(To be late filed)