

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application of The Grove Utilities, Inc. for original water and wastewater certificates in Okeechobee County, Florida.

060601 - WS

MOTION FOR TEMPORARY RULE WAIVER

The Grove Utilities, Inc. (the Applicant), by and through its undersigned counsel and pursuant to Sections 120.542, Florida Statutes, moves this Commission for a temporary waiver of certain rule requirements, and in support thereof, states:

1. As set forth in its Application for original water and wastewater certificates, the Applicant has requested that the Commission bifurcate the certification and initial rate making so that the Applicant may obtain its certificates expeditiously in order to proceed with its environmental permitting.

2. In order to accomplish the bifurcation, the Applicant requests a temporary waiver from the requirements of the following rules:

25-30.033 (1) (k) - The original and two copies of tariffs.

25-30.033 (1) (r) - A detailed financial statement. The Applicant has included as Exhibit "C" to the Application a balance sheet of Applicant showing its assets and liabilities at July 31, 2006. Because Applicant is a new entity, it does not have more detailed – or certified – financial statements at this time.

25-30.033 (1) (t) - A cost study supporting proposed rates and changes.

25-30.033 (1) (u) - A schedule showing the projected cost of the systems.

25-30.033 (1) (v) - A schedule showing projected operating expenses.

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25-30.033 (1) (w) - A schedule showing the projected capital structure.

3. With Commission approval, the information required by the foregoing rules will be filed by the Applicant sufficiently in advance of providing service to allow the Commission time for evaluation for initial rate-setting.

4. The Applicant further requests a temporary waiver from the requirements of Rule 25-30.033(1)(j), which allows *inter alia* an applicant to submit a contract for the purchase and sale of land upon which utility treatment facilities are or will be located, together with an unexecuted copy of the warranty deed. The specific locations of the Applicant's water and wastewater facilities have not been determined since planning for those facilities has not been completed. Such facilities will be located within the proposed service area. The Applicant has provided as Exhibit "E" to its Application a letter from the owner of the land on which the proposed service area is situated. That letter provides adequate assurance that said owner will either convey title to the Applicant to all land necessary for water and wastewater treatment plants and appurtenant facilities, or enter into a long-term (99-year) lease with the Applicant for such sites to ensure their continued availability for service. The Applicant requests that it be allowed to submit either an executed contract for the purchase and sale of the land, together with an unexecuted warranty deed, or an unexecuted long-term lease, for such plant sites, for the Commission's consideration, no later than the submittal of the information identified in paragraph 2 hereinabove.

5. The Applicant further requests a temporary waiver from the requirements of Rule 25-30.033 (1)(h), which requires submittal of "the number of equivalent residential connections (ERCs) proposed to be served by meter size and customer class. If development will be in phases, separate this information by phase." (emphasis added.) The Applicant has provided the development phasing of the project and buildout dates anticipated at this time in paragraph C(3) of

its Application; anticipated utility system phasing data in paragraph G(3), and anticipated design capacities of the water treatment plant in terms of ERCs and gallons per day in paragraph H(4) for the water treatment plant and paragraph I(3) for the wastewater treatment plant. While master planning is currently underway, the Applicant is unable at this time to provide the number of ERCs by meter size and customer class. The Applicant will be able to provide such additional data in conjunction with its submittal of the rate-setting information identified in paragraph 2 hereinabove.

6. Finally, the Applicant requests a temporary waiver from the requirements of Rule 25-30.033(1)(m), which requires within certain parameters a detailed system map showing the proposed lines, treatment facilities and the territory proposed to be served. While master planning is currently underway, the locations of such lines and facilities have not yet been determined. The Applicant will be able to provide a system map in compliance with the Commission's requirements no later than its submittal of the rate-setting information identified in paragraph 2 hereinabove.

WHEREFORE, The Grove Utilities, Inc., requests this Commission enter an Order temporarily waiving the requirements of Rules 25-30.033 (1), Fla. Admin. Code as set forth in the body of the motion.

Respectfully submitted, this
11th day of September, 2006, by:

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