

ORIGINAL

LAW OFFICES
ROSE, SUNDSTROM & BENTLEY, LLP
2548 BLAIRSTONE PINES DRIVE
TALLAHASSEE, FLORIDA 32301

FREDERICK L. ASCHAUER, JR.
CHRIS H. BENTLEY, P.A.
ROBERT C. BRANNAN
DAVID F. CHESTER
F. MARSHALL DETERDING
JOHN R. JENKINS, P.A.
STEVEN T. MINDLIN, P.A.
CHASITY H. O'STEEN
DAREN L. SHIPPY
WILLIAM E. SUNDSTROM, P.A.
DIANE D. TREMOR, P.A.
JOHN L. WHARTON
WAYNE L. SCHIEFELBEIN, OF COUNSEL
ROBERT M. C. ROSE (1924-2006)

(850) 877-6555
FAX (850) 656-4029
www.rsbatorneys.com

CENTRAL FLORIDA OFFICE
SANLANDO CENTER
2180 W. STATE ROAD 434, SUITE 2118
LONGWOOD, FLORIDA 32779
(407) 830-6331
FAX (407) 830-8522

REPLY TO CENTRAL FLORIDA OFFICE

November 3, 2006

HAND DELIVERY

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

Ms. Blanco Bayo
Commission Clerk and Administrative Services Director
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

RECEIVED-FPSC
06 NOV -3 AM 11:28
COMMISSION
CLERK

RE: Docket No.: 060726WS, Application of Silver Lake Utilities, Inc., to Operate a Water Utility in Glades and Highlands Counties, Florida, and a Wastewater Utility in Glades County, Florida
Our File No.: 40001.01

Dear Ms. Bayo:

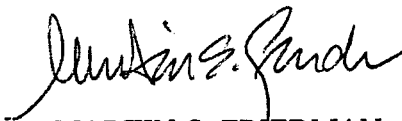
Enclosed for filing is an original and twelve (12) copies of Silver Lake Utilities, Inc.'s Application to Operate a Water Utility in Glades and Highlands Counties, Florida, and a Wastewater Utility in Glades County, Florida, and Request for Rule Waiver. Also enclosed is this firm's check in the amount of \$6,000.00, which I believe to be the appropriate filing fee.

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

Check received with filing and forwarded to Fiscal for deposit. Fiscal to forward deposit information to Records.

Initials of person who forwarded check:


Very truly yours,



MARTIN S. FRIEDMAN
For the Firm

MSF/mp
Enclosures

cc: Charles P. Lykes, Jr., Executive Vice President (w/enclosure)
Frederick J. Bennett, Vice President & CFO (w/enclosure)
Mr. Richard Chase (w/enclosure)
Cari Lynn Roth, Esquire (w/enclosure)
Robert C. Nixon, CPA (w/enclosure)
Lonnie V. Howard, P.E. (w/enclosure)

DOCUMENT NUMBER-DATE

10187 NOV-3 06

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application of Silver Lake)
Utilities, Inc., to operate a water utility) DOCKET NO.: _____
in Glades and Highlands Counties,)
Florida, and a wastewater utility in)
Glades County, Florida)
_____)

REQUEST FOR RULE VARIANCE

Applicant, SILVER LAKE UTILITIES, INC. ("SLU"), by and through its undersigned attorneys, and pursuant to Section 120.542, Florida Statutes, requests this Commission grant a variance from Rule 25-30.033 (1) (l), F.A.C., and in support thereof, states as follows:

1. Rule 25-30.033 (1) (l), F.A.C., requires that an application for an original certificate include a legal description of the territory to be served using the township, range, and section references as specified in Rule 25-30.030 (2), F.A.C.

2. Rule 25-30.030 (2), F.A.C., specifies that legal descriptions be by reference to sections, or by metes and bounds. Due to the magnitude of the property involved, the legal description of SLU's proposed water service area will be by reference to Sections. In such case, Rule 25-30.030 (2), F.A.C., further requires that if whole Sections are not included, that the excluded portions be described.

3. The property to be excluded from the descriptions of the proposed SLU water service territory are contained in two Deeds from Lykes Bros. Inc. to the Board of Trustees of the Internal Improvement Trust Fund ("Trustees"), and three Deeds from Lykes Bros. Inc., to South Florida Water Management District ("SFWMD").

4. The legal descriptions in the five Deeds from Lykes Bros. Inc., are substantially described by metes and bounds and total 175 pages. Thus, to include the excluded property in the water territory description, which would subsequently have to be included in the Order and Tariffs, would be unduly burdensome and serve no useful purpose.

5. Section 120.542 (2), Florida Statutes, provides that variances shall be granted when it is demonstrated that the purpose of the underlying Statute will be achieved by other means and when the application of the rule would create a substantial economic, technological, legal and other type of hardship.

6. With regard to this Application, Rule 25-30.033 (1) (l), F.A.C., implements Section 367.045, Florida Statutes. That Statute only requires an applicant for an original certificate to identify the "area" sought to be served and grants the Commission authority to establish the requirements by Rule or Order.

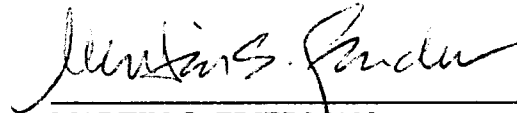
7. The purpose of the requirement to identify the territory to be served is so that persons will know whether they are entitled to utility service from a particular provider. In this case, all of the area to be excluded is owned by governmental agencies, to wit: the Trustees and SFWMD. The excluded area is primarily the location of Fisheating Creek as it dissects the Lykes Bros. Inc., property, and the Kissimmee River along the Northern boundary of the service area. See, map attached as Figure 1-2 of Exhibit "B" attached to the Application.

8. SLU believes that the intent of the legal description of the territory to be served requirements can be met by utilizing the legal description attached hereto as Exhibit "A".

WHEREFORE, SILVER LAKE UTILITIES, INC., requests this Commission grant it a variance from Rule 25-30.033 (1) (l), F.A.C., and allow the service area to be described as set forth in Exhibit "A" hereto.

Respectfully submitted this 3RD day of November, 2006, by:

ROSE, SUNDSTROM & BENTLEY, LLP
2180 W. State Road 434, Suite 2118
Longwood, FL 32779
PHONE: (407) 830-6331
FAX: (407) 830-8522
mfriedman@rsbattorneys.com



MARTIN S. FRIEDMAN
Florida Bar No.: 0199060
For the Firm

Proposed Service Area - Water

In Highlands County, Florida

Township 35 South, Range 31 East

Section 34; All lying south of the center line of Istokpoga Canal

Section 35; All

Section 36; All lying south and east of the center line of Istokpoga Canal

Township 35 South, Range 32 East

Sections 29, 30, 31; All lying south and east of the center line of Istokpoga Canal

Section 32; All

Section 33; All lying west of Kissimmee River

Section 34, 35; All lying south and west of Kissimmee River

Township 36 South, Range 31 East

Section 1, 2, 11, 12, 13, 14, 23, 24, 25, 26, 34, 36; All

Section 33; The NW ¼ of the NW ¼ and the N ½ of the SW ¼ of the NW ¼

And all of the Unsurveyed part of Township 36 South, Range 31 East lying east of the waters of Lake Istokpoga

Township 36 South, Range 32 East

Section 1, 2; All lying south and west of Kissimmee River

Section 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35; All

Township 36 South, Range 33 East

Section 6; All of the West ¼ lying south and west of Canal C-38

Section 7; The SW ¼ and the West ½ of the NW ¼

Section 17; The SW ¼ lying south and west of the CSX R.R. ROW

Section 18; The West ½ and the SE ¼ lying south and west of the CSX R.R. ROW

Section 19, 30; All

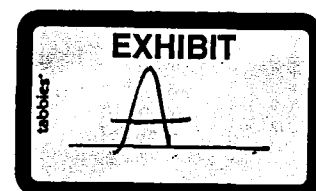
Section 20; The West ½ of the West ½ lying south and west of the CSX R.R. ROW and the West ½ of the East ½ of the West ½ lying south and west of the CSX R.R. ROW and the South ½ of the South ½ of the SE ¼ lying south of the Kissimmee River

Section 29; All lying south of the Kissimmee River

Township 37 South, Range 31 East

Section 5; The South 1/2

Section 8; All



Section 25; The East ½

Section 36; The East ½

Township 37 South, Range 32 East

Section 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36; All

Township 37 South, Range 33 East

Section 19; All

Section 30; The North 1/4

Township 38 South, Range 31 East

Section 25, 26; All lying south and west of the C-40 Canal ROW, less and except the West 138' thereof.

Less and except those lands owned by the South Florida Water Management District.

In Glades County, Florida

Township 38 South, Range 32 East

Section 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36; All

Township 39 South, Range 31 East

Section 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36; All

Township 39 South, Range 32 East

Section 4, 5, 6, 7, 8, 9, 17, 18, 19, 20, 21, 28, 29, 30, 31, 32, 33; All

Township 40 South, Range 28 East

Section 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36; All

Township 40 South, Range 29 East

Section 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 31, 32, 33, 34, 35, 36; All

Section 29; All less and except the North ¼ of the West ¼

Section 30; All less and except the NW ¼ of the NW ¼

Township 40 South, Range 30 East

Section 1, 2, 3, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36; All

Section 4; The East ½ of the East ½ of the NE ¼ and the South ½ less and except the North ¼ of the NW ¼ of the SE ¼

Section 5; The South ¼ lying east of US Hwy. 27 less and except the East ¼ of the North ½ of the South ½ of the NE ¼

Township 40 South, Range 31 East

Section 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36; All

Township 40 South, Range 32 East

Section 5, 6, 7, 8, 17, 18, 19; All

Section 16; The South ½ and the South 189.42' of the North ½

Section 20; All less and except the SE ¼ of the SE ¼ of the SE ¼ and less the South ¾ of the SW ¼ of the SE ¼

Section 21; The North ¼ of the NE ¼ of the SW ¼ and the North ½ less and except the SW ¼ of the SE ¼ of the NE ¼ and less the South ½ of the SW ¼ of the SE ¼ lying SE'ly of the east ROW line of the Red Barn Rd.

Section 29; Begin at the NW corner of said Section and run thence N 89° 32' 28" E 810.47', thence run S 02° 34' 55" W 2119.61', thence run N 78° 29' 58" W 750' MOL to the West line of said Section, thence run N'ly along said West line to the point of Beginning.

Section 30; All lying north of the south line of the L-50 Tie Back Levee

Township 41 South, Range 28 East

Section 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36; All

Township 41 South, Range 29 East

Section 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36; All

Township 41 South, Range 30 East

Section 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36; All

Township 41 South, Range 31 East

Section 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 28, 29, 30, 31, 32, 33; All

Section 25, 26; All lying north of the north line of the SCFE R.R. ROW

Section 27; All less and except the South ¼ lying east of the west ROW line of US Hwy. 27

Township 41 South, Range 32 East

Section 4, 9, 16, 21, 28; All lying West of the 1918 Merriam Meander Line of Lake Okeechobee

Section 5, 6, 7, 8, 17, 18, 19, 20, 29; All

Section 30, 31, 32, 33; All lying north of the north line of the SCFE R.R. ROW

Township 42 South, Range 29 East

Section 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 29, 30; All

Section 23; All less the East 292' of the NE ¼ of the NE ¼

Section 24; The S ¾ of the West ½ of the West 1/2

Section 26; The North ½ less and except the SE ¼ of the NE ¼

Section 27; All less and except the South ½ of the SW ¼ and less the South ½ of the SE ¼

Section 28; All less and except the South ½ of the SE ¼

Township 42 South, Range 30 East

Section 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 17, 18; All

Section 13; All lying north of the SR 78 ROW less and except the SW ¼ of the NW ¼

Section 14; The North ½

Section 15; All lying north of the SR 78 ROW less and except the East ½ of the East ½ of the NE ¼ of the SE ¼ and less the West 170' of the SW ¼ of the SW 1/4

Section 16; The West ½ of the NE ¼ of the SW ¼ of the SE ¼ and the North ¾ less and except the NE ¼ of the SW ¼ and less the East ½ of the NW ¼ of the SW ¼

Township 42 South, Range 31 East

Section 4; The North ½

Section 5; The North ½ and the North ¾ of the West ½ of the NE ¼ of the SW ¼ and the North ¾ of the NW ¼ of the SW ¼ and the South ½ of the SW ¼ of the NW ¼ of the SW ¼ and the NW ¼ of the SW ¼ of the SW ¼

Section 6; All

Section 7; The North ½ of the NW ¼

Township 42 South, Range 32 East

Section 4; All lying north of the north line of the SCFE R.R. ROW

Less and except those lands owned by the Board of Trustees of The Internal Improvement Trust Fund of The State of Florida.