

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Application for certificate to provide wastewater service in Lee and Charlotte Counties by Town and Country Utilities Company.

DOCKET NO. 060602-SU
ORDER NO. PSC-07-0076-PAA-SU
ISSUED: January 29, 2007

The following Commissioners participated in the disposition of this matter:

LISA POLAK EDGAR, Chairman
ISILIO ARRIAGA
MATTHEW M. CARTER II
KATRINA J. TEW
KEN LITTLEFIELD

FINAL ORDER GRANTING WASTEWATER CERTIFICATE AND
NOTICE OF PROPOSED AGENCY ACTION
ORDER GRANTING RULE WAIVER

BY THE COMMISSION:

NOTICE is hereby given by the Florida Public Service Commission that the action discussed herein regarding the rule waiver is preliminary in nature and will become final unless a person whose interests are substantially affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

Background

Town and Country Utilities Company (Town and Country or utility) is a Class C utility providing water service to the Babcock Ranch. The utility is in the Southwest Florida Water Management District and the South Florida Water Management District. The part of the utility that is situated in Lee County is in a water use caution area of the South Florida Water Management District. The utility received its water certificate in 1999.¹ In 2006 the utility's parent company transferred and merged with the buyer and followed with a large portion of the utility's certificated territory being transferred to governmental entities.² The utility's 2005 annual report shows gross revenue of \$130,430 and net operating losses of \$19,377.

¹ Order No. PSC-99-2198-PAA-WU, issued November 8, 1999, in Docket No. 981288-WU, In re: Application for certificate to operate a water utility in Charlotte and Lee Counties, by Town and Country Utilities Company.

² Transfer was approved pursuant to Order No. PSC-06-0809-FOF-WU, issued October 2, 2006, in Docket No. 060520-WU, In re: Application for transfer of majority organizational control of Town and Country Utilities Company, holder of Certificate No. 613-W in Charlotte and Lee Counties, from Babcock Florida Company to MSKP III, Inc. Partial transfer to government was approved pursuant to Order No. PSC-06-0808-FOF-WU, issued October 2, 2006, in Docket No. 060536-WU, In re: Application for transfer of portion of water facilities operated under Certificate No. 613-W in Charlotte and Lee Counties from Town and Country Utilities Company to State of Florida and Lee County.

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On September 11, 2006, the utility filed its application for original wastewater certificate in Lee and Charlotte Counties. The utility anticipates serving approximately 19,500 residential units, 6 million square feet of nonresidential space (including hotel, office, and retail), and a golf course development when build out is reached. The utility anticipates commencing service in June, 2010.

The utility's initial application was found to be deficient. In addition, the applicant requested a temporary waiver of the rules requiring information necessary to establish rates since the development is in the very early planning stage. Pursuant to Section 120.542, Florida Statutes, notice of the petition for waiver was published in the Florida Administrative Weekly on December 8, 2006. No written comments were received and the time for filing such has expired. We have jurisdiction pursuant to Sections 120.542, 367.031, and 367.045, Florida Statutes.

Waiver

Rule 25-30.033(1)(h), (j), (k), (m), (o), (r), (t), (u), (v), and (w), Florida Administrative Code, directs the applicant for an original certificate to file information necessary for setting initial rates and charges, including: the number of equivalent residential connections (ERCs) proposed to be served by meter size and customer class, evidence that the utility owns the land upon which the utility facilities are or will be located, a proposed tariff, a detailed system map showing the proposed lines, treatment facilities, and the territory to be served, a statement regarding the separate capacities of the proposed lines and treatment facilities, a financial statement for utility operations,³ a cost study supporting proposed rates and charges, schedules showing the projected costs and operating expenses, and a schedule showing the projected capital structure. Town and County has asked for a temporary waiver of these parts of the rule so that it may receive its certificate and then proceed with environmental permitting. When Town and County has received its permits it will be able to provide accurate cost estimates, schedules, and cost studies to support initial rates and charges.

Section 120.542, Florida Statutes, authorizes this Commission to grant variances or waivers to the requirements of its rules where the person subject to the rules has demonstrated that the underlying purpose of the statute has been or will be achieved by other means, and strict application of the rules would cause the person substantial hardship or would violate principles of fairness. "Substantial hardship" as defined in this section means demonstrated economic, technological, legal, or other hardship.

The underlying statutory provisions pertaining to the above-mentioned rules are Sections 367.031 and 367.045, Florida Statutes. Section 367.031 requires each utility seeking to provide water and wastewater service to obtain a certificate of authorization from the Commission prior to obtaining permits from the Department of Environmental Protection and water management districts. Section 367.045(5)(a), Florida Statutes, states that the Commission may grant a certificate of authorization if it is in the public interest. The purpose of Sections 367.031 and

³ Information concerning the applicant's financial ability to provide service was provided pursuant to Rule 25-30.033(1)(e), Florida Administrative Code, and the detailed financial statement required by Rule 25-30.033(1)(r), Florida Administrative Code, is not required to determine financial ability.

367.045, Florida Statutes, is to ensure that a utility has the financial and technical ability to provide service, that there is a need for service in the proposed service area, and to determine the existence or nonexistence of service from other sources within geographical proximity to the proposed service area. Waiver of the parts of the rule that require information to be filed that is needed to set rates will not prevent us from determining whether the utility is financially or technically able to provide service, whether the service is needed, or whether service can be provided from other sources when the application for original certificate is before this Commission. Rates can be set at a later date, and often are.⁴

The development planned for the Town and Country territory will need wastewater service in 2010. Currently, Town and Country is the water service provider for this area. Town and Country states that although it does not expect to provide service for approximately four years, Section 367.031, Florida Statutes, requires that a utility obtain a certificate from the Commission before the Department of Environmental Protection and the Water Management District may issue construction and operating permits. As such, Town and Country cannot procure a wastewater treatment plant construction permit until it procures a Commission certificate. A waiver is necessary because the utility will not be able to determine the size, location and the associated costs it needs for its treatment facilities until certain threshold issues are determined. Once the utility's treatment facilities are selected and sized, the utility may complete its application for the necessary permits and will be able to determine how much land it requires for its treatment facilities. If the Commission does not temporarily waive its rules, however, Town and Country cannot pursue obtaining a certificate without providing detailed facility cost information. The hardship created by this circumstance is Town and Country's inability to determine the size and location of its facilities and costs until the permits are obtained and its inability to proceed with the development of its wastewater facilities to serve the proposed service area if the waiver is not granted.

When a utility has met the criteria set forth in Section 120.542, Florida Statutes, we have granted a temporary waiver of the rules regarding establishment of initial rates and charges and bifurcated the two parts of its certification proceedings.⁵ In this case, Town and Country has met the underlying purpose of Sections 367.031 and 367.045, Florida Statutes. The utility has shown that it will suffer substantial hardship if all of the provisions of Rule 25-30.033, Florida Administrative Code, are strictly applied.

Town and Country has requested a waiver of the rules until it receives its other permits and is closer to commencing operations. Town and Country states that it will file its proposed tariffs and other required financial schedules to set initial rates sufficiently in advance of providing service, so that we will have sufficient time for review. Under these circumstances,

⁴ See, Order No. PSC-98-1644-FOF-WS, issued December 7, 1998, in Docket No. 980876-WS, In re: Application for certificate to operate water and wastewater facility in Marion County by Ocala Springs Utilities, Inc., Order No. PSC-05-0844-PAA-WS, issued August 18, 2005, in Docket No. 050192-WS, In re: Application for certificates to provide water and wastewater service in Sumter County by Central Sumter Utility Company, O.K., and Order No. PSC-06-0835-PAA-WS, issued November 9, 2006, in Docket No. 060276-WS, In re: Applications for certificates to provide water and wastewater service in Putnam County by Mariposa Utilities Company, LLC.

⁵ Order No. PSC-98-1644-FOF-WS, Order No. PSC-05-0844-PAA-WS, and Order No. PSC-06-0835-PAA-WS.

we find that the utility has met the requirements found in Section 120.542, Florida Statutes, and we grant Town and Country's petition for temporary waiver of Rules 25-30.033 (1)(h), (j), (k), (m), (o), (r), (t), (u), (v), and (w), Florida Administrative Code, until it has completed its permitting and is closer to commencement of operations.

Wastewater Certificate

Town and Country filed its completed application (other than the waiver items) for an original wastewater certificate to provide service in Charlotte and Lee Counties on November 3, 2006. The application is in compliance with the governing statute, Section 367.045, Florida Statutes, and other pertinent statutes and administrative rules concerning an application for original certificate. No objections to the notice of application have been received and the time for filing such has expired.

Town and Country has not provided evidence that the utility owns the land upon which the utility's facilities will be located. The owner of the land on which the proposed service area is situated has provided assurance that it will either convey title to the applicant to all land necessary for wastewater treatment plans and appurtenant facilities, or enter into a long-term (99-year) lease (see Exhibit D to the application). Accordingly, the applicant has submitted an unexecuted copy of an extended lease and has agreed to file an executed and recorded copy with the Commission within 30 days of the issuance of the Order setting rates and charges.

Town and Country has provided adequate service territory and system maps and a territory description as prescribed by Rule 25-30.033(1)(l), (m) and (n), Florida Administrative Code. A description of the territory requested by the applicant is appended to this Order as Attachment A. The proposed wastewater service territory is for the area currently included in Town and Country's water service area.

The applicant appears to have the financial and technical ability to provide wastewater service to the proposed service area. Regarding financial ability, the application includes a letter from related parties stating that they will provide necessary startup funding as well as funds sufficient to cover operation shortfalls during the utility's initial years. We have reviewed the financial statements of the developer and it appears that there are adequate resources to support the utility during the initial years of operation.

Regarding the applicant's technical ability, the developer indicated that it will make the financial and operating commitment necessary for the utility to be successful in its endeavor to provide wastewater service to the residents and businesses within the Town and Country service territory. Towards that end, the applicant will retain licensed professionals for management and operation of the utility systems.

According to the application, there is currently a need for wastewater service within the proposed service territory. The developer anticipates that the construction of the wastewater facilities will commence in 2007. The development will consist of approximately 19,500 single family residential units, approximately 6 million square feet of nonresidential space (including

hotel, office, and retail), and a golf course development when build out is reached with demand for utility service in June, 2010. Further, the applicant believes there are no other utilities near the proposed service area which can provide the necessary wastewater service, and construction of Town and Country is the only viable alternative.

The application states that the provision of service in the proposed service territory, as outlined in the application, is consistent with the wastewater sections of the local comprehensive plan for Charlotte and Lee Counties, as approved by the Department of Community Affairs (DCA). The DCA reviewed the application filed by the utility and commented that the proposed development and the provision of central wastewater service to the proposed territory are consistent with the Future Land Use Map of the Charlotte and Lee County plans.

Based on the above information, we find that it is in the public interest to grant Town and Country's application for an original wastewater certificate. Accordingly, Town and Country shall be granted Certificate No. 543-S to serve the territory described in Attachment A, attached hereto, effective January 9, 2007. The resultant order shall serve as Town and Country's wastewater certificate and it shall be retained by the utility. The utility shall file an executed and recorded copy of a warranty deed or a 99-year lease for the use of the land for the wastewater facilities within 30 days of the issuance date of the Order setting rates and charges.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Town and Country Utilities Company's petition for waiver Rule 25-30.033(1)(h), (j), (k), (m), (o), (r), (t), (u), (v), and (w), Florida Administrative Code, is granted as set forth herein. It is further

ORDERED that all attachments attached hereto are incorporated herein by reference. It is further

ORDERED that the provisions of this Order regarding the rule waiver, issued as proposed agency action, shall become final and effective upon the issuance of a Consummating Order unless an appropriate petition, in the form provided by Rule 28-106.201, Florida Administrative Code, is received by the Director, Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth in the "Notice of Further Proceedings" attached hereto. It is further

ORDERED that Town and Country Utilities Company application for wastewater Certificate No. 543-S to provide wastewater service to the area described in Attachment A, is hereby approved effective January 9, 2007 as set forth in the body of this order. The certification portion and the rate-setting portion of this proceeding shall be bifurcated and the Commission will set initial rates, charges, and return on equity for the utility at a later date. It is further

ORDERED that this docket shall remain open pending receipt of the executed and recorded copy of the warranty deed or lease to be filed within 30 days of the issuance date of the Order setting rates and charges. It is further

ORDERED that if no timely protest is received, the Order will become final upon the issuance of a Consummating Order. It is further

ORDERED that this docket shall remain open pending Commission action on Town and Country Utilities Company's application for original wastewater certificate and the filing of the information necessary to establish rates and charges.

By ORDER of the Florida Public Service Commission this 29th day of January, 2007.

BLANCA S. BAYÓ, Director
Division of the Commission Clerk
and Administrative Services

By: 

Ann Cole, Chief
Bureau of Records

(S E A L)

KEF

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

As identified in the body of this order, our action regarding the rule waiver, is preliminary in nature. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, in the form provided by Rule 28-106.201, Florida Administrative Code. This petition must be received by the Director, Division of the Commission Clerk and Administrative Services, at 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on February 19, 2007. If such a petition is filed, mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing. In the absence of such a petition, this order shall become effective and final upon the issuance of a Consummating Order.

Any objection or protest filed in this docket before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.

Any party adversely affected by the Commission's final action in this matter may request: (1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of the Commission Clerk and Administrative Services within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or (2) judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water or wastewater utility by filing a notice of appeal with the Director, Division of the Commission Clerk and Administrative Services and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.

TOWN AND COUNTRY UTILITIES COMPANY
REMAINING TERRITORY

CHARLOTTE COUNTY PARCEL:

A parcel of land lying within Sections 28, 29, 31 through 33, Township 41 South, Range 26 East, AND, Sections 4 through 10, Sections 15 through 17 and Sections 19 through 36, Township 42 South, Range 26 East, Charlotte County, Florida, being more particularly described as follows:

Commence at the Southwest corner of Section 31, Township 42 South, Range 26 East and run S89°41'45"E, along the South line of said Section 31, a distance of 350.01 feet to the Point of Beginning of the parcel of land herein described;

Thence along a line 300.00 feet East of, and parallel with, the East right-of-way line for State Road No. 31, the following courses and distances: N00°36'46"E a distance of 5336.09 feet, N00°26'10"E a distance of 5282.78 feet and N00°31'45"E a distance of 4197.65 feet; Thence S77°54'41"E a distance of 707.35 feet; Thence N81°38'00"E a distance of 5168.06 feet; Thence N82°12'01"E a distance of 711.51 feet; Thence N62°45'03"E a distance of 4638.50 feet; Thence N28°10'55"W a distance of 1272.65 feet; Thence N69°50'23"E a distance of 1104.32 feet; Thence S45°00'57"E a distance of 266.61 feet; Thence N71°59'01"E a distance of 448.55 feet; Thence N12°51'59"W a distance of 1862.42 feet; Thence N13°56'09"E a distance of 1953.99 feet; Thence N50°03'22"W a distance of 2565.68 feet; Thence S63°01'21"W a distance of 1215.04 feet; Thence N70°04'12"W a distance of 1843.56 feet; Thence N57°46'34"W a distance of 530.23 feet; Thence N24°01'11"W a distance of 975.16 feet; Thence N86°25'58"W a distance of 385.81 feet; Thence N38°10'48"W a distance of 551.49 feet; Thence S59°20'29"W a distance of 577.78 feet; Thence N73°15'18"W a distance of 661.18 feet; Thence N09°11'59"E a distance of 1325.91 feet; Thence N16°46'15"W a distance of 1740.31 feet; Thence N00°01'22"W a distance of 2084.14 feet; Thence N89°25'59"W a distance of 3804.51 feet to a point lying 300.00 feet East of the East right-of-way line for State Road No. 31; Thence along a line 300.00 feet East of, and parallel with, the East right-of-way line for State Road No. 31, the following courses and distances: N00°34'01"E a distance of 789.90 feet and N00°48'43"W a distance of 2979.88 feet; Thence N89°11'17"E a distance of 5661.25 feet; Thence N00°00'03"W a distance of 2799.47 feet; Thence N89°59'57"E a distance of 3566.96 feet; Thence S41°13'25"E a distance of 2825.30 feet; Thence S00°00'00"W a distance of 1967.31 feet; Thence S89°59'52"E a distance of 688.23 feet; Thence S00°00'29"E a distance of 324.64 feet; Thence S39°50'11"E a distance of 190.87 feet; Thence S00°00'03"E a distance of 1218.43 feet; Thence S89°51'42"E a distance of 67.91 feet; Thence S01°26'06"E a distance of 897.46 feet; Thence S74°19'19"E a distance of 1689.13 feet; Thence N79°06'55"E a distance of 475.22 feet; Thence S26°13'22"E a distance of 802.17 feet; Thence S19°47'08"E a distance of 527.22 feet; Thence S05°04'15"E a distance of 1832.85 feet; Thence S32°40'01"E a distance of 186.12 feet; Thence S13°05'30"W a distance of 201.97 feet; Thence S07°19'37"E a distance of 171.40 feet; Thence S42°54'55"E a distance of 643.22 feet; Thence S25°12'33"E a distance of 261.14 feet; Thence S00°28'20"W a distance of

674.54 feet; Thence S03°43'40"W a distance of 687.25 feet; Thence S08°01'21"E a distance of 493.34 feet; Thence S19°48'25"E a distance of 366.26 feet; Thence N78°50'16"E a distance of 687.98 feet; Thence S13°36'57"E a distance of 2507.44 feet; Thence S52°37'55"W a distance of 867.79 feet; Thence S21°59'06"E a distance of 1739.24 feet; Thence S55°42'26"W a distance of 195.73 feet; Thence S22°47'49"W a distance of 5491.07 feet; Thence S05°03'05"W a distance of 533.38 feet; Thence S20°54'51"E a distance of 336.88 feet; Thence S80°06'18"E a distance of 334.86 feet; Thence N89°59'33"E a distance of 307.21 feet; Thence N62°56'46"E a distance of 516.44 feet; Thence N52°01'16"E a distance of 818.38 feet; Thence S42°01'35"E a distance of 1162.99 feet; Thence S39°20'59"E a distance of 1779.24 feet; Thence S04°14'12"W a distance of 1329.65 feet; Thence S51°39'36"E a distance of 782.57 feet; Thence N89°45'02"E a distance of 4154.67 feet; Thence N00°18'50"W a distance of 1309.98 feet; Thence S74°38'25"W a distance of 1635.76 feet; Thence N20°29'11"W a distance of 1376.98 feet; Thence N21°08'17"E a distance of 865.48 feet; Thence N69°00'57"E a distance of 1518.26 feet; Thence S49°18'31"E a distance of 2362.36 feet; Thence N72°42'44"E a distance of 1430.88 feet; Thence S70°02'41"E a distance of 1332.47 feet; Thence S30°17'33"E a distance of 1686.70 feet; Thence N83°12'47"E a distance of 1373.39 feet; Thence S66°40'38"E a distance of 200.63 feet; Thence S05°46'23"W a distance of 1058.61 feet; Thence S00°00'40"E a distance of 10185.99 feet to a point on the South line of Section 36, Township 42 South, Range 26 East; Thence N89°35'44"W a distance of 3430.81 feet to the Southwest corner of said Section 36; Thence N89°35'44"W a distance of 5294.84 feet to the Southeast corner of Section 34, Township 42 South, Range 26 East; Thence N89°35'44"W a distance of 5294.83 feet to the Southwest corner of said Section 34; Thence N89°37'16"W a distance of 5289.35 feet to the Southeast corner of Section 32, Township 42 South, Range 26 East; Thence N89°41'45"W a distance of 5306.31 feet to the Southwest corner of said Section 32; Thence N89°41'45"W, along the South line of Section 31, Township 42 South, Range 26 East, a distance of 4889.98 feet to the Point of Beginning. Containing 13,503.84 acres, more or less.

Bearings hereinabove mentioned are based on the South line of Section 31, Township 42 South, Range 26 East to bear S89°41'45"E. Dimensions and acreage is in Ground Values.

LEE COUNTY PARCEL:

A parcel of land lying within Sections 1 through 7 and Section 9, Township 43 South, Range 26 East, Lee County, Florida, being more particularly described as follows:

Commence at the Southwest corner of Section 31, Township 42 South, Range 26 East and run S89°41'45"E, along the South line of said Section 31, a distance of 350.01 feet to the Point of Beginning of the parcel of land herein described; Thence continue S89°41'45"E a distance of 4889.98 feet to the Northeast corner of Section 6, Township 43 South, Range 26 East; Thence S89°41'45"E a distance of 5306.31 feet to the Northeast corner of Section 5, Township 43 South, Range 26 East; Thence S89°37'16"E a distance of 5289.35 feet to the Northeast corner of Section 4, Township 43 South, Range 26 East; Thence S89°35'44"E a distance of 5294.83 feet to the Northeast corner of Section 3, Township 43 South, Range 26 East; Thence S89°35'44"E a

distance of 5294.84 feet to the Northeast corner of Section 2, Township 43 South, Range 26 East; Thence S89°35'44"E, along the North line of Section 1, Township 43 South, Range 26 East, a distance of 155.77 feet; Thence S09°58'52"W a distance of 4668.17 feet; Thence S04°10'14"W a distance of 283.53 feet; Thence S03°53'19"E a distance of 515.34 feet to a point on the South line of Section 2, Township 43 South, Range 26 East (said point being 558.43 feet West of the Southeast corner of said Section 2); Thence N88°38'22"W a distance of 2084.17 feet to the South one-quarter corner of said Section 2; Thence N88°38'42"W a distance of 2642.18 feet to the Southwest corner of said Section 2; Thence N89°51'49"W a distance of 5300.33 feet to the Southwest corner of Section 3, Township 43 South, Range 26 East; Thence N89°51'54"W a distance of 2650.21 feet to the South one-quarter corner of Section 4, Township 43 South, Range 26 East; Thence S00°23'25"W a distance of 1330.71 feet to the Southwest corner of the North one-half of the Northeast one-quarter of Section 9, Township 43 South, Range 26 East; Thence S06°02'41"E a distance of 1338.42 feet to a point on the North line of the Southeast one-quarter of said Section 9 (said point being 150.00 feet East of the Northwest corner of the Southeast one-quarter of said Section 9); Thence S00°22'58"W, parallel with and 150.00 feet East of the West line of the Southeast one-quarter of said Section 9, a distance of 2611.68 feet to a point on the North right-of-way line of County Road No. 78; Thence along said right-of-way line the following courses and distances, N89°54'54"W a distance of 150.27 feet and N89°54'44"W a distance of 2649.07 feet to a point on the West line of said Section 9; Thence N00°22'31"E a distance of 2612.14 feet to the West one-quarter corner of said Section 9; Thence N00°21'56"E a distance of 2663.25 feet to the Southeast corner of Section 5, Township 43 South, Range 26 East; Thence N89°52'00"W a distance of 2666.82 feet to the South one-quarter corner of said Section 5; Thence N89°50'47"W a distance of 2667.54 feet to the Southwest corner of said Section 5; Thence S00°23'16"W, along the East line of Section 7, Township 43 South, Range 26 East, a distance of 5294.24 feet to a point on the North right-of-way line of County Road No. 78; Thence Westerly along the curved right-of-way line, (said curve being curved concave to the North, having a delta angle of 00°53'52" and a radius of 11339.17 feet, with a chord bearing of N89°19'12"W and a chord length of 177.69 feet) a distance of 177.69 feet to the end of the curve; Thence N88°52'16"W, along said North right-of-way line, a distance of 4406.54 feet to the beginning of a curve to the right; Thence along the arc of the curved right-of-way line, (said curve being curved concave to the Northeast, having a delta angle of 24°26'20" and a radius of 522.96 feet, with a chord bearing of N76°39'06"W and a chord length of 221.39 feet) a distance of 223.07 feet to a point that is 300.00 feet East of the East right-of-way line of State Road No. 31; Thence along a line 300.00 feet East of, and parallel with, the East right-of-way line for State Road No. 31, the following courses and distances, N00°19'49"E a distance of 5249.36 feet, N00°18'54"E a distance of 5312.90 feet and N00°36'46"E a distance of 0.97 feet to the Point of Beginning.

Containing 4085.77 acres, more or less.

Bearings hereinabove mentioned are based on the North line of Section 6, Township 43 South, Range 26 East to bear S89°41'45"E. Dimensions and acreage is in Ground Values.

AND

A parcel of land lying within Sections 4, 8, 9 & 10, Township 42 South, Range 26 East, Charlotte County, Florida, being more particularly described as follows:

Commence at the Southwest corner of Section 31, Township 42 South, Range 26 East and run S89°41'45"E, along the South line of said Section 31, a distance of 350.01 feet; Thence along a line 300.00 feet East of, and parallel with, the East right-of-way line for State Road No. 31, the following courses and distances: N00°36'46"E a distance of 5336.09 feet, N00°26'10"E a distance of 5282.78 feet and N00°31'45"E a distance of 4197.65 feet; Thence S77°54'41"E a distance of 707.35 feet; Thence N81°38'00"E a distance of 5168.06 feet; Thence N82°12'01"E a distance of 711.51 feet; Thence N62°45'03"E a distance of 4638.50 feet; Thence N28°10'55"W a distance of 1272.65 feet; Thence N69°50'23"E a distance of 1104.32 feet; Thence S45°00'57"E a distance of 266.61 feet; Thence N71°59'01"E a distance of 448.55 feet; Thence N12°51'59"W a distance of 1862.42 feet; Thence N13°56'09"E a distance of 1953.99 feet to the Point of Beginning of the parcel of land herein described; Thence N50°03'22"W a distance of 2565.68 feet; Thence N16°06'21"W a distance of 112.93 feet; Thence N55°51'49"E a distance of 407.98 feet; Thence N07°18'40"E a distance of 92.81 feet; Thence N59°39'35"W a distance of 303.72 feet; Thence N25°19'30"W a distance of 193.22 feet; Thence N06°58'19"E a distance of 214.01 feet; Thence N32°43'18"E a distance of 166.27 feet; Thence N47°58'33"E a distance of 193.91 feet; Thence N19°42'31"W a distance of 203.08 feet; Thence N00°17'17"E a distance of 475.31 feet; Thence N81°25'09"E a distance of 126.58 feet; Thence S73°44'02"E a distance of 396.05 feet; Thence N81°17'38"E a distance of 296.24 feet; Thence N71°01'06"E a distance of 384.58 feet; Thence S68°56'49"E a distance of 749.00 feet; Thence S79°30'38"E a distance of 582.04 feet; Thence N83°32'12"E a distance of 356.49 feet; Thence N74°00'02"E a distance of 299.71 feet; Thence N05°19'34"E a distance of 1022.72 feet; Thence N64°11'27"E a distance of 243.96 feet; Thence S71°07'35"E a distance of 400.11 feet; Thence N81°41'37"E a distance of 1263.06 feet; Thence S07°19'37"E a distance of 171.40 feet; Thence S42°54'55"E a distance of 643.22 feet; Thence S25°12'33"E a distance of 261.14 feet; Thence S00°28'20"W a distance of 674.54 feet; Thence S03°43'40"W a distance of 687.25 feet; Thence S08°01'21"E a distance of 493.34 feet; Thence S19°48'25"E a distance of 366.26 feet; Thence S74°08'41"W a distance of 89.82 feet; Thence S12°32'01"W a distance of 248.66 feet; Thence S00°00'00"E a distance of 66.39 feet; Thence N88°10'57"W a distance of 130.84 feet; Thence N61°14'03"W a distance of 168.13 feet; Thence N53°45'35"W a distance of 270.23 feet; Thence N32°26'31"W a distance of 208.95 feet; Thence N02°18'52"W a distance of 205.56 feet; Thence N06°00'44"W a distance of 396.36 feet; Thence N47°18'30"W a distance of 73.43 feet; Thence S87°56'18"W a distance of 754.49 feet; Thence S11°43'23"E a distance of 572.09 feet; Thence S83°57'27"W a distance of 432.85 feet; Thence N69°09'26"W a distance of 226.56 feet; Thence N11°02'12"W a distance of 683.05 feet; Thence S71°52'39"W a distance of 867.08 feet; Thence S41°21'09"W a distance of 724.50 feet; Thence S32°33'19"W a distance of 330.66 feet; Thence S52°25'04"W a distance of 263.67 feet; Thence S76°22'12"W a distance of 363.38 feet; Thence S20°26'14"E a distance of 1069.45 feet to the Point of Beginning.
Containing 302.34 acres, more or less.

Bearings hereinabove mentioned are based on the North line of Section 6, Township 43 South, Range 26 East to bear S89°41'45"E. Dimensions and acreage is in Ground Values.

300' STRIP:

The East 300.00 feet of the West 350.00 feet of Section 31, Township 41 South, Range 26 East, Charlotte County, Florida. Less the North 2,420.17 feet thereof.

AND,

The East 300.00 feet of the West 350.00 feet of Sections 6, 7, 18, 19, 30 and 31, Township 42 South, Range 26 East, Charlotte County, Florida.

AND,

The East 300.00 feet of the West 350.00 feet of Sections 6 and 7, Township 43 South, Range 26 East, Lee County, Florida.

Containing 366.2 acres, more or less.

FLORIDA PUBLIC SERVICE COMMISSION

authorizes

Town and Country Utilities Company
pursuant to
Certificate Number 543-S

to provide wastewater service in Charlotte and Lee Counties in accordance with the provisions of Chapter 367, Florida Statutes, and the Rules, Regulations, and Orders of this Commission in the territory described by the Orders of this Commission. This authorization shall remain in force and effect until superseded, suspended, cancelled or revoked by Order of this Commission.

<u>Order Number</u>	<u>Date Issued</u>	<u>Docket Number</u>	<u>Filing Type</u>
PSC-07-0076-PAA- SU	01-29-2007	060602-SU	Original Certificate