

COMMISSIONERS:
MATTHEW M. CARTER II, CHAIRMAN
LISA POLAK EDGAR
KATRINA J. MCMURRIAN
NANCY ARGENZIANO
NATHAN A. SKOP

STATE OF FLORIDA



TIMOTHY DEVLIN, DIRECTOR
DIVISION OF ECONOMIC REGULATION
(850) 413-6900

Public Service Commission

June 13, 2008

RECEIVED-FPSC
08 JUN 16 AM 9:35
COMMISSION
CLERK

Martin S. Friedman, Esquire
Rose, Sundstrom & Bentley, LLP
Sanlando Center
2180 W. State Road 434 Suite 2118
Longwood, Florida 32779

Re: Docket No. 080272-WS, Application for certificates to provide water and wastewater service in Charlotte and DeSoto Counties by Sun River Utilities, Inc.

Dear Mr. Friedman:

Staff has reviewed the above referenced application for original water and wastewater certificate by Sun River Utilities, Inc. Please complete the following deficiencies and provide the requested additional information to clarify the application.

Deficiencies

1. Noticing. Pursuant to Rule 25-30.030, Florida Administrative Code (F.A.C.), the application is to contain three notices and three affidavits of noticing. No mention was made of the required noticing to customers. Please provide noticing to the existing customers and any proposed customers currently living in the proposed territory. The affidavit and a copy of the notice to customers needs to be submitted.
2. Control of land. Pursuant to Rule 25-30.034(1)(e), F.A.C., the application is to contain evidence that the utility has an agreement for the continued use of the land, such as a 99-year lease. The application does contain a 99-year lease, however the lease is not in the name of the utility. Please provide the required signed and recorded evidence in the name of Sun River Utilities, Inc.
3. Schedule of customers. Pursuant to Rule 25-30.034(1)(n), F.A.C., the application is to contain a schedule showing the number of customers currently served, by class and meter size, as well as the number of customers projected to be served when the requested service territory is fully occupied. Please provide this schedule.
4. Rule 25-30.034(1)(i), F.A.C., requires the submission of a detailed system map showing the lines, treatment facilities and the territory to be served. Any territory not served at the time of the application shall be specifically identified on the system map. The map shall be of sufficient scale and detail to enable correlation with the description of the territory to be served. Please provide this map.

05073 JUN 16 80
FPSC-COMMISSION CLERK

5. Rule 25-30.034(1)(j), F.A.C., requires the submission of one copy of the official county tax assessment map, or other map showing township, range, and section with a scale such as 1"=200' or 1"=400', with the proposed territory plotted thereon with a defined reference point of beginning. Please provide a map showing all proposed service territory for both counties on one map.

Additional Information

1. The application contained the Department of Environmental Protection wastewater permit number but did not include the date it was issued. What is that date?
2. The affidavit for noticing of other utilities and government officials is incomplete. The affidavit is to have attached a copy of the notice and the list of entities noticed. Since there are two counties please provide affidavits for each county.
3. Rule 25-30.034(1)(f), F.A.C., requires the submission of the original and two copies of the model tariffs. Not all copies were provided. Please provide the required original and two copies including the corrections specified in item 4 below.
4. The tariff provided includes several sheets that need to be corrected. These comments apply to both tariffs unless otherwise specified.
 - a. Original Sheet No. 3.0 should not contain a certificate number or any order numbers because the utility is applying for a new certificate.
 - b. An Original Sheet No. 3.01 needs to be added for territory authority for DeSoto County.
 - c. Original Sheet No. 3.1 through 3.9 needs to be modified to remove order number references because the utility is applying for a new certificate, therefore, these order numbers do not apply.
 - d. Original Sheet No. 4.0 includes only one development name. Are any additional developments being served or proposed to be served?
 - e. The wastewater Original Sheet No. 5.0 item 5.0 indicates the name of the utility to be MSM Utilities, LLC. Please correct this page.
 - f. The wastewater Original Sheet No. 22.0 and water Original Sheet No. 24.0 indicate that the utility provides service to the Oaks at Rivers Edge.
 - i. If this is not the only community you wish to provide service to, you need to correct these sheets.
 - ii. In addition, since a great portion of the territory proposed is vacant, you may wish to develop a more detailed service availability policy.

It should be noted that the proof of publication that was filed on June 11th, states the notice was given on May 31, 2008; however, the first paragraph of the notice says that "Notice is hereby given on May 12, 2008...." The last paragraph of the notice that addresses the time for objections clearly shows the actual date of the notice being May 31, 2008. The two different dates in the newspaper publication notice could make it confusing to a reader as to exactly what is the time period for objections. The date entered in "Notice is hereby given on" should be the date the notice is

Martin S. Friedman, Esquire
Page 3
June 13, 2008

actually mailed or published. Please be sure to note, the time period for objections to this notice expires thirty days from the date of the notice, which is June 30, 2008.

Be reminded that Section 25-30.020(4)(d), F.A.C., allows objection to the application to be filed no later than thirty days after the last date that the notice was mailed or published whichever is later. This rule applies to both newspaper publication and any notice mailed to another utility, governmental agency, or utility customer.

The original and four copies of the response to the deficiencies and other information requested in this letter should be filed with the Commission on or before **July 25, 2008**. When filing the response, please be sure to refer to the docket number and to direct the response to:

Office of Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Should you have any questions concerning the information in this letter, please contact Stephanie Clapp, of my staff, at (850) 413-6997.

Sincerely,



Patti Daniel
Public Utilities Supervisor
Bureau of Certification, Economics & Tariffs

PD/sc

cc: Division of Economic Regulation (Clapp, Walden, Marsh)
Office of the General Counsel (Klancke, Saylor)
~~Office of Commission Clerk~~