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STATE OF FLORIDA



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

Public Service Commission

October 2, 2008

RECEIVED-FPSC
08 OCT -3 AM 9:33
COMMISSION
CLERK

Mr. David Welch
c/o TLP Water, Inc.
P.O. Box 1074
Tavares, Florida 32778

Re: Docket No 080499-WU, Application for certificate to operate water utility in Lake County by TLP Water, Inc.

Dear Mr. Welch:

This letter is a follow-up on the telephone conversation of September 12, 2008, with Cheryl Johnson, during which time you requested an extension of the due date to address the deficiencies in the above application. A copy of the deficiency letter sent to you on August 8, 2008, and an updated noticing list is attached. This letter is confirmation that your new due date is October 20, 2008.

As noted in our prior letter, the utility is required, pursuant to Section 367.031, Florida Statute, to acquire a water certificate, approved rates, and to comply with all applicable Florida Statutes and Florida Administrative Code Rules that apply to utilities regulated by this Commission. In addition, Section 367.161(1), Florida Statutes, authorizes the Commission to assess a penalty up to \$5,000 per day for knowingly refusing to comply with, or willfully violating any provision of Chapter 367, Florida Statutes.

The original and four copies of the response to the information requested in the August 8, 2008 deficiency letter should be filed with the Commission on or before **October 20, 2008**. When filing the response, please be sure to refer to the docket number and 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 Tom Walden at 850-413-6950 or Cheryl Johnson at 850-413-6984.

Sincerely,

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

PD/CAJ:kb
Enclosures

cc: Division of Economic Regulation (Walden)
Office of the General Counsel (Young)
Office of Commission Clerk (Cole)
Mr. William Carey

DOCUMENT NUMBER - DATE
09347 OCT-3 08
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COMMISSIONERS:
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STATE OF FLORIDA



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

Public Service Commission

August 08, 2008

Mr. David Welch
c/o TLP Water, Inc.
P.O. Box 1074
Tavares, Florida 32778

RECEIVED-FPSC
08 AUG 11 PM 3:50
COMMISSION
CLERK

Re: Docket No 080499-WU Application for certificate to operate water utility in Lake County by TLP Water, Inc.

Dear Mr. Welch:

After reviewing the application in the above referenced docket, staff has identified the following deficiencies and additional information needed to complete our review and processing of the application. Enclosed is a copy of Rule 25-30.034, Florida Administrative Code to assist you in correcting the deficiencies listed below.

Deficiencies

1. Noticing. As required by Section 367.045(1) (a), Florida Statutes, and Rule 25-30.030, Florida Administrative Code, the utility must provide notice of the application and provide affidavits that the notice was given to the governing bodies of the municipality, county or counties, the customers and privately owned water and wastewater utilities that hold certificates granted by the Public Service Commission. Enclosed is a list of the entities to notice. Please provide a copy of the notice of the application to the governing bodies of the municipality, county or counties, the customers and privately owned water and wastewater utilities and affidavits of noticing as required by Rule 25-30.030, Florida Administrative Code. Enclosed is a copy of Rule 25-30.030, Florida Administrative Code and an example of a notice.
2. Financial & Technical ability. As required by Rule 25-30.034(1)(e), Florida Administrative Code, please provide a statement regarding the applicant's financial and technical ability. As evidence of financial ability to provide water service to the area please provide a detailed financial statement (balance sheet, along with a copy of the applicant's 2007 tax return, and income statement), of the financial condition of the applicant, that shows all assets and liabilities. The financial statements should demonstrate that the applicant has the capital resources to support the financial needs of the utility. In addition, provide a list of all entities and affiliates, upon which the applicant is relying to provide funding to the utility. If the utility has licensed personnel operating the facility please provide a statement to this fact and the individuals name and DEP certification

07092 AUG 11 2008

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PSC Website: <http://www.floridapsc.com>

Internet E-mail: contact@psc.state.fl.us

- numbers of these operators. Also, please provide a copy of the latest DEP Sanitary Survey for the water system.
3. Ownership or continued use of land. Pursuant to Rule 25-30.034(1)(e), Florida Administrative Code, the application is to include evidence that the utility owns the land upon which the utility treatment facilities are located, or a copy of an agreement which provides for the continued use of the land, such as a 99-year lease. Please provide the required documentation.
 4. Water tariff. Please submit the original and two copies of the model water tariff containing all rates, classifications, rules and regulations, which are consistent with Chapter 25-9, Florida Administrative Code. A copy of the model tariff is assessable on the PSC website at <http://www.floridapsc.com>. Please submit water rates on the water tariff. In addition, please submit a copy of a customer bill, which contains all information required by Rule 25-30.335(1), Florida Administrative Code.
 5. Rates and Charges. Please provide a statement listing the date and under what authority the current rates and charges were established, as required by Rule 25-30.034(1) (g), Florida Administrative Code.
 6. Territory. In addition, provide a description of the territory to be served, using township, range and section references as specified in subsection 25-30.034(1)(h), Florida Administrative Code.
 7. System map. Rule 25-30.034(1) (i), Florida Administrative Code, requires one copy of a detailed system map showing the lines, treatment facilities and the territory to be served. Please submit a map with of sufficient scale and detail to enable correlation with the description of the territory to be served.
 8. Territory maps. Rule 25-30.034(1) (j), Florida Administrative Code, requires that the proposed territory be plotted on the territory maps by use of metes and bounds or quarter sections, and with a defined reference point of beginning. Please submit maps to show metes and bounds or quarter sections, with a defined reference point of beginning.
 9. Permits. Rule 25-30.034(1) (k), Florida Administrative Code, requires the numbers and dates of any permits for the system by the Department of Environmental Protection (DEP). Please submit the required information for the water system.
 10. In Service date. Pursuant to Rule 25-30.034(1)(l) Florida Administrative Code, provide the date the utility was established.

Additional Information

1. Please provide a cost study and/or support for the proposed rates. Please include a schedule showing the original cost of the water utility assets, depreciation and contributions in aid of construction and the operating expenses of the utility using the National Association of Regulatory Utility Commissioners Uniform system of accounts (NARUC USOA) and a schedule showing the proposed capital structure.
2. Please provide the annual gallons used to calculate the monthly gallonage charge for water rates.

3. Please provide a copy of the most recent income tax return for the corporation, including a depreciation schedule showing whether the utility assets are being depreciated.
4. Please provide a description and the acreage of the parcels on which the water treatment facilities are located. When was the land for the water facilities dedicated to public service and, what was the value of the land at that time?
5. Please provide a statement regarding who will provide the billing, accounting, legal, and/or customer services. The statement should include detailed information as to how the proposed costs are determined for each of the services listed. If services to operate and manage the utility are currently under contract, please provide a copy of the contract. Also, provide a list that includes names and duties of the utility employees.
6. Does the utility have any commercial customers? If the utility has commercial customers please provide all available usage data for residential and commercial customers for the most recent twelve month period.
7. Please submit a copy of the utility's proposed service availability policy. The policy should describe who is responsible for the construction of on-site and off-site lines, hydrants, meter installations, and whether the facilities constructed by the developer will be conveyed to the utility.
8. Are there other utilities within the area that might be able to provide service to this territory? Does the applicant own other water and wastewater utility systems or companies?
9. Do the utility customers have individual septic tanks to handle wastewater?
10. What is the capacity of the water plant? How many wells does the utility have?
11. Please provide a schedule showing the revenue and expenses for the utility operations for the most recent twelve month period.

TLP Water, Inc. has been operating as a nonprofit cooperative providing water service only to its members pursuant to Section 367.022(7), Florida Statutes. However, a complaint was filed indicating that the utility is providing service to residents that aren't members of the cooperative. By providing water service to customers who are not members of the cooperative, TLP Water, Inc. becomes a utility, regulated by the Public Service Commission. The utility needs a water certificates, approved rates, and should comply with all applicable Florida Statutes and Florida Administrative Code Rules that apply to utilities regulated by this Commission. As a regulated utility Section 367.161, Florida Statutes, authorizes the Commission to assess a penalty of not more than \$5,000 for each offense, if a utility is found to have knowingly refused to comply with, or have willfully violated any Commission rule, or provision of Chapter 367, Florida Statutes.

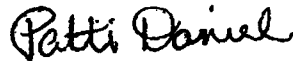
The original and four copies of the response to the information requested in this letter should be filed with the Commission on or before **September 14, 2008**. When filing the response, please be sure to refer to the docket number and direct the response to:

Mr. David Welch
Page 4
August 08, 2008

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 Tom Walden at 850-413-6950 or Cheryl Johnson at 850-413-6984.

Sincerely,



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

PD/CAJ:kb
Enclosures

cc: Division of Economic Regulation (Walden)
Office of the General Counsel (Young)
~~Office of Commission Clerk (Cole)~~
Mr. William Carey

**LIST OF WATER AND WASTEWATER UTILITIES IN LAKE COUNTY
(VALID FOR 60 DAYS)
10/01/2008 - 11/29/2008**

UTILITY NAME

MANAGER

LAKE COUNTY

AQUA UTILITIES FLORIDA, INC. (WS881)
3116 CAPITAL CIRCLE N.E., SUITE 5
TALLAHASSEE, FL 32308-7791

TROY RENDELL
(850) 575-8500

BRENDEWOOD WATER SYSTEM, INC. (WU020)
3153 PENWA COURT
LONGWOOD, FL 32779-3109

DEBORAH J. DAY
(352) 383-7908

CENTURY ESTATES UTILITIES, INC. (WU725)
P. O. BOX 1234
APOPKA, FL 32704-1234

JOSEPH LINARTAS
(352) 787-0732

COLINA BAY WATER COMPANY, LLC (WU900)
160 EGLINTON AVENUE EAST, SUITE 500
TORONTO, ONTARIO M4P 3B5
CANADA,

SHELDON FENTON
(416) 440-2904 EXT 220

CWS COMMUNITIES LP (WU839)
14 CORAL STREET
EUSTIS, FL 32726-6710

HOLLY SIMPSON
(352) 589-1190

HARBOR HILLS UTILITIES, L.P. (WU727)
6538 LAKE GRIFFIN ROAD
LADY LAKE, FL 32159-2900

ADAM RICH
(352) 753-7000

HIDDEN VALLEY SPE LLC D/B/A ORANGE LAKE (WS892)
15840 STATE ROAD 50, LOT 32
CLERMONT, FL 34711-8715

GARY MORSE
(352) 382-3414

LAKE UTILITY SERVICES, INC. (WU553)
200 WEATHERSFIELD AVENUE
ALTAMONTE SPRINGS, FL 32714-4027

PATRICK C. FLYNN
(407) 869-1919

LAKE UTILITY SERVICES, INC. (WS641)
200 WEATHERSFIELD AVENUE
ALTAMONTE SPRINGS, FL 32714-4027

PATRICK C. FLYNN
(407) 869-1919

LAKE YALE TREATMENT ASSOCIATES, INC. (WS823)
38141 MAYWOOD BAY DRIVE
LEESBURG, FL 34788-8134

DANNY ELLIS
(352) 589-9214

OAK SPRINGS, LLC (WU875)
1886 CANOVA STREET S.
PALM BAY, FL 32909-2931

MICHAEL CAMPBELL
(321) 837-0565

**LIST OF WATER AND WASTEWATER UTILITIES IN LAKE COUNTY
(VALID FOR 60 DAYS)
10/01/2008 - 11/29/2008**

UTILITY NAME

LAKE COUNTY

MANAGER

PINE HARBOUR WATER UTILITIES (WU635)
P. O. BOX 447
FRUITLAND PARK, FL 34731-0477

SANDRA WESSON
(352) 787-2944

RAINTREE UTILITIES, INC. (WU663)
2100 LAKE EUSTIS DRIVE
TAVARES, FL 32778-2064

KEITH J. SHAMROCK
(352) 343-3036

SHANGRI-LA BY THE LAKE UTILITIES, INC. (WS728)
1214 WEST IL ROUTE 72
LEAF RIVER, IL 61047-9614

MERTIS L. WERNER
(616) 887-8888

SOUTHLAKE UTILITIES, INC. (WS638)
2215 RIVER BLVD.
JACKSONVILLE, FL 32204-4647

WILLIAM J. DEAS
(904) 387-9292

SUN COMMUNITIES FINANCE, LLC D/B/A WATER OAK UTILITY (WS755)
THE AMERICAN CENTER
27777 FRANKLIN ROAD, SUITE 200
SOUTHFIELD, MI 48034-8205

JIM HOEKSTRA
(248) 208-2554

UTILITIES, INC. OF PENNBROOKE (WS861)
200 WEATHERSFIELD AVENUE
ALTAMONTE SPRINGS, FL 32714-4027

PATRICK C. FLYNN
(407) 869-1919

W.B.B. UTILITIES, INC. (WU639)
4223 BAIR AVENUE
FRUITLAND PARK, FL 34731-5618

RICHARD E. BAIR
(352) 787-4347

**LIST OF WATER AND WASTEWATER UTILITIES IN LAKE COUNTY
(VALID FOR 60 DAYS)
10/01/2008 - 11/29/2008**

UTILITY NAME

MANAGER

GOVERNMENTAL AGENCIES

ADMINISTRATOR, CITY OF UMATILLA
P. O. BOX 2286
UMATILLA, FL 32784-2286

CLERK, BOARD OF COUNTY COMMISSIONERS, LAKE COUNTY
P. O. BOX 7800
TAVARES, FL 32778-7800

DEP CENTRAL DISTRICT
3319 MAGUIRE BLVD., SUITE 232
ORLANDO, FL 32803-3767

DEP SOUTHWEST DISTRICT
13051 N. TELECOM PARKWAY
TEMPLE TERRACE, FL 33637-0926

EAST CENTRAL FLORIDA PLANNING COUNCIL
631 NORTH WYMORE ROAD, SUITE 100
MAITLAND, FL 32751

MAYOR, CITY OF CLERMONT
P. O. BOX 120219
CLERMONT, FL 32712-0219

MAYOR, CITY OF EUSTIS
P. O. DRAWER 68
EUSTIS, FL 32727-0068

MAYOR, CITY OF FRUITLAND PARK
506 WEST BERCKMAN STREET
FRUITLAND PARK, FL 34731-3200

MAYOR, CITY OF GROVELAND
156 SOUTH LAKE AVENUE
GROVELAND, FL 34736-2597

MAYOR, CITY OF LEESBURG
P. O. BOX 490630
LEESBURG, FL 32749-0630

MAYOR, CITY OF MASCOTTE
P. O. BOX 56
MASCOTTE, FL 34753-0056

**LIST OF WATER AND WASTEWATER UTILITIES IN LAKE COUNTY
(VALID FOR 60 DAYS)
10/01/2008 - 11/29/2008**

UTILITY NAME

MANAGER

GOVERNMENTAL AGENCIES

MAYOR, CITY OF MINNEOLA
P. O. BOX 678
MINNEOLA, FL 34755-0678

MAYOR, CITY OF MOUNT DORA
P. O. BOX 176
MOUNT DORA, FL 32756-0176

MAYOR, CITY OF TAVARES
P. O. BOX 1068
TAVARES, FL 32778-1068

MAYOR, TOWN OF ASTATULA
P. O. BOX 609
ASTATULA, FL 34705-0609

MAYOR, TOWN OF HOWEY-IN-THE-HILLS
P. O. BOX 128
HOWEY-IN-THE-HILLS, FL 34737-0128

MAYOR, TOWN OF LADY LAKE
409 FENNELL BLVD.
LADY LAKE, FL 32159-3159

MAYOR, TOWN OF MONTVERDE
P. O. BOX 560008
MONTVERDE, FL 34729-0008

ST. JOHNS RIVER WTR MANAGEMENT DISTRICT
P. O. BOX 1429
PALATKA, FL 32178-1429

**LIST OF WATER AND WASTEWATER UTILITIES IN LAKE COUNTY
(VALID FOR 60 DAYS)
10/01/2008 - 11/29/2008**

UTILITY NAME

MANAGER

STATE OFFICIALS

STATE OF FLORIDA PUBLIC COUNSEL
C/O THE HOUSE OF REPRESENTATIVES
THE CAPITOL
TALLAHASSEE, FL 32399-1300

OFFICE OF COMMISSION CLERK
FLORIDA PUBLIC SERVICE COMMISSION
2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FL 32399-0850