

MICHAEL B. TWOMEY

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RECEIVED-FPSC
08 DEC -4 PM 2:41
COMMISSION
CLERK

December 4, 2008

Ms. Ann Cole, Director
Commission Clerk and Administrative Services
Florida Public Service Commission
1540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Re: Docket No. 080539 Application for amendment of Certificate Nos. 076-W and 284-S to extend water and wastewater services to certain territory (Interlachen/Park Manor; Palm Port; Silver Lake Oaks) in Putnam County, by Aqua Utilities Florida, Inc.

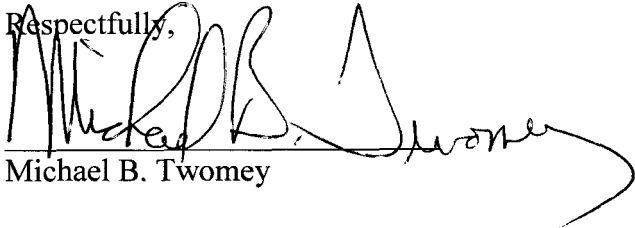
Dear Ms. Cole:

Enclosed for filing in the above-referenced docket is Aqua Utilities Florida, Inc.'s response to questions raised by Ms. Patti Daniels during a telephone conference call with Mr. Carl Smith and others.

Please acknowledge receipt of these documents by stamping the extra copy of this letter "filed" and returning the copy to me.

Thank you for your assistance with this filing.

Respectfully,


Michael B. Twomey

cc: William T. Rendell
Carl Smith

DOCUMENT NUMBER-DATE

11221 DEC -4 08

FPSC-COMMISSION CLERK



Aqua Utilities Florida, Inc.
1100 Thomas Avenue
Leesburg, FL 34748-0310

T: 352.435.4024
F: 352.787.6333
www.aquautilitiesflorida.com

December 1, 2008

Ms. Patti Daniel
Public Utilities Supervisor
FLORIDA PUBLIC SERVICE COMMISSION
Division of Economic Regulation

Re: Docket No. 080539-WS (Putnam County) – “Clark’s Plantation” Development

Dear Ms. Daniel:

Per your request, the following information concerning a portion of land that lies north of Dog Branch Road and east of East River Road. This land is adjacent to Aqua’s Palm Port water and wastewater systems in Putnam County:

Aqua has been in conversations with the owners of this property since mid 2006 concerning their proposed development – “Clark’s Plantation” which will consist of 200 residential homes.

In a recent correspondence with the owner, the owner replied they are in support of Aqua adding this land to their certificate for Palm Port.

Attached are the following documents:

- ❖ Memo of Understanding
- ❖ Letter signifying Aqua’s willingness to Serve – November 2006
- ❖ Recent email between Mr. Bates and myself concerning my request to incorporate his property into Aqua’s Certificated area.

Aqua feels that these supporting documents should be sufficient to acquire approval of this land being incorporated into the Palm Port systems’ certificated area.

Respectfully,


Carl Smith
Director, Corporate Development
Aqua Utilities Florida, Inc.

DOCUMENT NUMBER-DATE

11221 DEC-4 8

FPSC-COMMISSION CLERK

Memo of Understanding

Bates-Clark Development – Palatka, Florida

Below are tasks/events that need to take place for the name development.

- Developer submits a **Request for Availability**. This step is deemed accomplished by meeting held with Aqua Utilities Florida, Inc. (Aqua) and the Developer
- **Letter of Availability:** Aqua determines availability of utilizing existing facilities to serve. Indications after review of plant capacities for water and sewer, Aqua determine that they will be unable to serve. Aqua has informed developer that a well and sewer plant will have to be designed and situated on the Developer's property in order to meet the demands and to serve this new development.
- Aqua provides a confidentiality agreement to the Developer and both parties sign
- Aqua provides site requirements for well and sewer plant (acreage).
- Developer determines location of sites and submits location to Aqua for review. Developer and Aqua agree and on locations.
- Developer provides site drawings of development. Drawing includes proposed roads, lots, etc. Drawings should have enough detail so Aqua can provide a rough estimate of the capital expenditures for this development.
- Aqua provides a rough estimate of the capital needed for a water and wastewater system to provide potable water, fire protection, and sewer to the development.
- Aqua prepares a **Service Agreement** (contract) and submits the Agreement to the Developer for review and acceptance. Agreement will consist of any and all aspects of providing service to this development and the associated responsibilities for both Aqua and the Developer. (see attached standard agreement as a basis to start from).
 - Items to Address in the Agreement:
 - Definitions of the water and wastewater system
 - Responsibilities for design, permitting, and construction of all facilities associated with providing water, fire protection, and sewer
 - All financial obligations/considerations on the part of Aqua and the Developer

- Any and all filings associated with the Florida Public Service Commission, DEP, etc.,
 - Establishment of rates and tariff considerations
 - Closing and Conveyance of assets associated with the systems
 - Other items as Aqua and Developer move forward
- Assignment of Responsibilities:
 - Developer responsible for costs associated with design, permitting, and construction of systems in order to provide potable water, fire protection, and sewer according to the executed Agreement.
 - Aqua will oversee the design, permitting, and construction of any and all systems required to provide potable water, fire protection, and sewer to the development
 - Aqua will execute all filings with the FPSC, DEP, etc.
 - Aqua will execute and establish rates and tariff for the development
- Upon completion of the Closing and Conveyance, Aqua will own, operate, and maintain all facilities as outlined in the executed Agreement.



Aqua Utilities Florida, Inc.
1100 Thomas Avenue
Leesburg, FL 34748-0310

T: 352.787.0980
F: 352.787.6333
www.aquautilitiesflorida.com

November 29, 2006

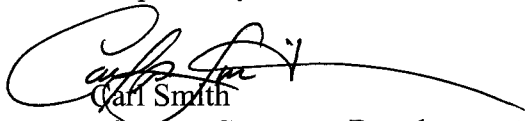
Mr. Ben Bates Jr., President
Ben Bates, Inc. Realtors
3400 Crill Ave., Ste. 1
Palatka, FL 32177

RE: Water, Fire Protection, & Wastewater Services – Clark’s Plantation – 200 Residential Development

This letter is to serve that Aqua Utilities Florida, Inc. is willing and capable in providing water, fire protection, and wastewater services to the Clark’s Plantation located at the NE intersection of East River Road and dog Branch Road in Putnam County.

These services will be provided upon and only upon the successful agreement between Aqua Utilities Florida, Inc. and the developer/owner(s) of this development.

Respectfully,


Carl Smith
Director, Corporate Development
Aqua Utilities Florida, Inc.

Smith, Carl D.

From: Ben Bates [benbates@coldwellbanker.com]
Sent: Friday, October 24, 2008 2:30 PM
To: Smith, Carl D.
Subject: RE: Clark's Plantation

That is fine and we certainly hope when the market turns we can move forward with the project.

C. Ben Bates, Jr

From: Smith, Carl D. [mailto:CDSmith2@aquaamerica.com]
Sent: Friday, October 24, 2008 2:20 PM
To: benbates@coldwellbanker.com
Subject: Clark's Plantation

Ben – hope things are treating good.

I am in the process of expanding our Palm Port certificated area. I would like to include your project (72 acres located at the NE Intersection of East River Road and Dog Branch Road). Once the market turns around and you and Mr. Clark pursue this project, we will have already done the certification.

Please understand, this certification for water and sewer does not prevent you from other alternatives.

Please let me know. Again, hope things are going well.

Respectfully,

Carl Smith
Director, Corporate Development
1100 Thomas Ave.
Leesburg, FL 34748
Direct: 352 435 4024
Fax: 352 787 6333

12/1/2008



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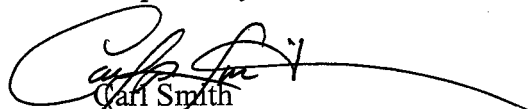
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