

RUTLEDGE, ECENIA & PURNELL

PROFESSIONAL ASSOCIATION
ATTORNEYS AND COUNSELORS AT LAW

STEPHEN A. ECENIA
RICHARD M. ELLIS
JOHN M. LOCKWOOD
MARTIN P. McDONNELL
J. STEPHEN MENTON

POST OFFICE BOX 551, 32302-0551
215 SOUTH MONROE STREET, SUITE 420
TALLAHASSEE, FLORIDA 32301-1841

TELEPHONE (850) 681-6788
TELECOPIER (850) 681-6515

R. DAVID PRESCOTT
HAROLD F. X. PURNELL
MARSHA E. RULE
GARY R. RUTLEDGE
MAGGIE M. SCHULTZ

GOVERNMENTAL CONSULTANTS
JONATHAN M. COSTELLO
MARGARET A. MENDUNI

April 15, 2009

Ms. Ann Cole, Director
Commission Clerk and Administrative Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Betty Easley Conference Center
Room 110
Tallahassee, FL 32399-0850

HAND DELIVERY

090189-SU

RECEIVED-FPSC
09 APR 15 PM 3:05
COMMISSION
CLERK

Re: Application for Original Certificate for a Proposed Wastewater System and Request for Bifurcation by Water Management Services, Inc.

Dear Ms. Cole:

Enclosed for filing on behalf of Water Management Services, Inc. ("WMSI") are the following documents:

1. Original and five copies of the completed Application and attached exhibits;
2. The filing fee in the amount of \$750.00; and
3. Original and five copies of Motion for Variance from Portions of Rule 25-30.033(1), Florida Administrative Code and Form PSC/ERC 009-W.

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.

Sincerely,

Marsha E. Rule

Marsha E. Rule

COM	_____
ECR	_____
GCL	<u> T </u>
OPC	<u> T </u>
RCP	_____
SSC	_____
SGA	_____
ADM	_____
CLK	<u> None </u>

MER/rl
Enclosures

F:\USERS\ROXANNE\wmsi\Cole.april 15 09.wpd

DOCUMENT NUMBER-DATE
03413 APR 15 8
FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for Original
Certificate for a Proposed Wastewater
System and Request for Bifurcation by
Water Management Services, Inc.

Docket No. 090189
Filed April 15, 2009

**APPLICATION FOR ORIGINAL CERTIFICATE
FOR A PROPOSED WASTEWATER SYSTEM
AND
REQUEST FOR BIFURCATION**

Water Management Services, Inc. ("WMSI" or "Applicant"), by and through undersigned counsel, and pursuant to Section 367.031 and 367.045, Florida Statutes, and Rule 25-30.033, Florida Administrative Code, hereby applies for an original certificate authorizing Applicant to provide wastewater service in Franklin County, Florida, and further requests the Commission to bifurcate the certification and rate setting portions of this proceeding. In support, and pursuant to Rule 25-30.033, Applicant states as follows:

1. The name and address of the Applicant:
Water Management Services, Inc.
250 John Knox Road, Suite 4
Tallahassee, FL 32303
2. The name, address, telephone number, facsimile number and email address of Applicant's counsel:

Marsha E. Rule, Esq.
Rutledge, Ecenia & Purnell, P.A.
119 South Monroe Street, Suite 202
Tallahassee, FL 32303
marsha@reuphlaw.com
850.681.6788 Phone
850.681.6515 Fax

REQUEST FOR BIFURCATION

3. WMSI is a privately-owned company that currently provides residential and commercial water service to St. George Island, Franklin County, Florida, pursuant to Certificate No. 302-W. WMSI seeks to provide wastewater service within part of the same territory. WMSI respectfully requests the Commission to bifurcate the certification process from the initial ratemaking process so that WMSI may obtain its certificate expeditiously and proceed with environmental permitting.

4. Pursuant to Section 367.031, Florida Statutes, WMSI must obtain an original certificate *before* applying to the Florida Department of Environmental Protection for a construction permit:

367.031 Original certificate.—Each utility subject to the jurisdiction of the commission must obtain from the commission a certificate of authorization to provide water or wastewater service. A utility must obtain a certificate of authorization from the commission prior to being issued a permit by the Department of Environmental Protection for the construction of a new water or wastewater facility or prior to being issued a consumptive use or drilling permit by a water management district. The commission shall grant or deny an application for a certificate of authorization within 90 days after the official filing date of the completed application, unless an objection is filed pursuant to ss. 120.569 and 120.57, or the application will be deemed granted.

However, in order to apply for certification, WMSI must first expend substantial resources to develop the extensive amount of detailed information that must be included in its application pursuant to Rule 25-30.033, Florida Administrative Code. Contemporaneously with the filing of this Application, WMSI has filed a Motion for Variance from the literal requirement of Rule 25-30.033(1), Florida Administrative Code, to provide all such information in its initial application. Bifurcation and rule variance would permit WMSI to first provide information

necessary to proceed with certification, and to develop and provide the remaining information at a later date so the Commission could set initial rates and charges for the proposed system.

5. Wastewater is needed in the commercial section of St. George Island at the earliest possible date so that certain restaurants and other commercial establishments can stay in business. If WMSI has to wait until all of the information required by Rule 25-30.033 is completed to begin its environmental permitting process, those businesses specifically and St. George Island generally will suffer substantial economic losses. Bifurcation of certificate and rate-setting is consistent with Commission precedent. See, for example, Order No. PSC-08-0228-PAA-WS, issued on April 7, 2008, in Docket No. 060602-WS, *In re: Application for certificate to provide wastewater service and to establish new water and wastewater rates in Lee and Charlotte Counties by Town and Country Utilities Company*; and Order No. PSC-0844, PAA-WS, issued on 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, LLC*. WMSI therefore respectfully requests that the Commission bifurcate the certificate and rate-setting portions of this proceeding.

APPLICATION

6. As required by Rule 25-30.033(1), Florida Administrative Code, applicant provides the following information:

- (a) The applicant's name and address are as shown in Paragraph 1 above.
- (b) The nature of the applicant's business organization: WMSI is a Florida for-profit corporation.
- (c) The names and addresses of all corporate officers, directors, partners, or any other

person or entities owning an interest in the applicant's business organization are:

Name, address	Title	Ownership
Gene D. Brown 250 John Knox Road Suite 4 Tallahassee, FL 32303	President, Director	
Sandra M. Chase 250 John Knox Road Suite 4 Tallahassee, FL 32303	Vice President, Secretary	
St. George Island Utility Co., Ltd. 250 John Knox Road Suite 4 Tallahassee, FL 32303		85%
T. E. Bronson 24060 Deer Run Rd. Brooksville, FL 32601		5%

- (d) Whether the applicant has made an election under Internal Revenue Code § 1362 to be an S corporation: No.
- (e) A statement showing the financial and technical ability of the applicant to provide service, and the need for service in the proposed area: Attached as Exhibit "A."
- (f) WMSI states that to the best of its knowledge, the provision of service will be consistent with the water and wastewater sections of the local comprehensive plan as approved by the Department of Community Affairs at the time the application is filed.
- (g) The date applicant plans to begin serving customers: As soon as possible, but no later than June 30, 2010.
- (h) The number of equivalent residential connections (ERCs) proposed to be served,

by meter size and customer class: WMSI proposes to serve approximately 400 ERCs, and has requested a variance from the requirement to provide more detailed information in its initial application.

- (i) A description of the types of customers anticipated, i.e., single family homes, mobile homes, duplexes, golf course clubhouse, commercial, etc.: WMSI anticipates serving commercial, residential, multi-family, and public authority customers.
- (j) Evidence, in the form of a warranty deed, that the utility owns the land upon which the utility treatment facilities are or will be located or a copy of an agreement which provides for the continued use of the land, such as a 99-year lease: WMSI does not intend to purchase the land until the certificate is issued. However, WMSI has an option to purchase the property upon which the proposed facilities will be located, as shown by Exhibit "B."
- (k) One original and two copies of a sample tariff: WMSI has requested a variance from the requirement to provide this information in its initial application.
- (l) A description of the territory to be served, using township, range and section references as specified in subsection 25-30.030(2), F.A.C.:

That portion of land on St. George Island, Franklin County, Florida, located in Section 29 Township 9 South, Range 6 West, lying between the Gulf of Mexico on the South and Apalachicola Bay on the North, bordered by 3rd Street West on the West and 3rd Street East on the East, and located within Unit 1, St. George Island Gulf Beach, as recorded in Plat Book 1, page 7, Public Records of Franklin County, Florida, (also referred to as the "commercial section" of St. George Island).

- (m) One copy of a detailed system map showing the proposed lines, treatment

facilities and the territory proposed to be served: WMSI seeks an original certificate to provide wastewater service to most densely-populated portion of St. George Island, comprising the area between 3rd Street West and 3rd Street East. A map of the proposed territory is attached hereto as Exhibit "C." The final design of the system has not been completed, so WMSI has requested a variance regarding providing more detailed information at this time. The detailed system map to be provided by WMSI will include surveyed boundary end lines of its proposed territory.

- (n) One copy of the official county tax assessment map, or other map showing township, range, and section: Attached as Exhibit "D."
- (o) A statement regarding the separate capacities of the proposed lines and treatment facilities in terms of ERCs and gallons per day: WMSI proposes facilities to serve approximately 400 ERCs/125,000 gallons per day, and has requested a variance from the requirement to provide more detailed information in its initial application.
- (p) A written description of the type of water treatment, wastewater treatment, and method of effluent disposal: WMSI proposes to provide an advanced wastewater treatment (AWT) plant with a low pressure collection system and rapid infiltration beds, with grinder pumps to serve all service locations.
- (q) If subsection (p) above does not include effluent disposal by means of reuse, a statement that describes with particularity the reasons for not using reuse: Reuse will not be used because it is too expensive and WMSI does not believe there is

sufficient demand to pay for the reuse water.

- (r) A detailed financial statement (balance sheet and income statement), certified if available, of the financial condition of the applicant: WMSI's 2008 year-end Financial Statement is attached as Exhibit "E."
- (s) A list of all entities, including affiliates, upon which the applicant is relying to provide funding to the utility, and an explanation of the manner and amount of such funding: WMSI has requested a variance from the requirement to provide such information in its initial application.
- (t) A cost study including customer growth projections supporting the proposed rates, charges and service availability charges: WMSI has requested a variance from the requirement to provide this information in its initial application.
- (u) A schedule showing the projected cost of the proposed system(s) by uniform system of accounts (USOA) account numbers pursuant to Rule 25-30.115, F.A.C., and the related capacity of each system in ERCs and gallons per day: WMSI has requested a variance from the requirement to provide this information in its initial application.
- (v) A schedule showing the projected operating expenses of the proposed system by USOA account numbers, when 80 percent of the designed capacity of the system is being utilized: WMSI has requested a variance from the requirement to provide this information in its initial application.
- (w) A schedule showing the projected capital structure including the methods of financing the construction and operation of the utility until the utility reaches 80

percent of the design capacity of the system: WMSI has requested a variance from the requirement to provide this information in its initial application.

NOTICES

7. WMSI's Affidavit of Notice of Application to the entities identified in Rule 25-30.030(5), Florida Administrative Code, will be provided as Late-Filed Exhibit "F."

8. WMSI's Affidavit of Notice of Application to its current water customers in the proposed territory pursuant to 25-30.030(6), Florida Administrative Code, will be provided as Late-Filed Exhibit "G."

9. WMSI's Affidavit of Publication as required by 25-30.030(7), Florida Administrative Code, will be provided as Late-filed Exhibit "H."

10. WMSI proposes a wastewater system with capacity to serve under 500 ERCs, and its application fee in the amount of \$750.00 is attached hereto in the form of a check made payable to the Florida Public Service Commission.

WHEREFORE, WMSI requests this Commission to bifurcate the certification and rate setting portions of this proceeding, grant its application for original wastewater certificate, and hold this docket open pending WMSI's development and provision of information necessary to set initial wastewater rates and charges.

Respectfully submitted this 15th day of April, 2009.



Marsha E. Rule, Esq.
Rutledge, Ecenia & Purnell, P.A.
P. O. Box 551
Tallahassee, Florida 32302
marsha@reuphlaw.com
(850)681-6788 (Telephone)
(850)681-6515 (Telecopier)
Attorneys for Water Management Services, Inc.

LIST OF EXHIBITS

- A. Statement showing WMSI's financial and technical ability to provide service, and the need for service in the proposed area
- B. Option to purchase property
- C. Map of proposed territory
- D. Map showing township, range, and section
- E. WMSI's current financial statement
- F. [Late-Filed] Affidavit of Notice of Application to the entities identified in Rule 25-30.030(5), Florida Administrative Code
- G. [Late-Filed] Affidavit of Notice of Application to current water customers pursuant to Rule 25-30.030(6), Florida Administrative Code
- H. [Late-Filed] Affidavit of Publication as required by Rule 25-30.030(7), Florida Administrative Code

EXHIBIT "A"
STATEMENT SHOWING WMSI FINANCIAL AND
TECHNICAL ABILITY TO PROVIDE SERVICE
AND THE NEED FOR SERVICE IN THE PROPOSED AREA

EXHIBIT A

Statement showing WMSI's financial and technical ability to provide service
and the need for service in the proposed area

Water Management Services, Inc. ("WMSI") and its predecessors have been providing water utility service to St. George Island, Franklin County, Florida since 1974. The company's financial ability to provide wastewater service to part of St. George Island is shown by the fact that it has successfully provided water service to the entire island for the past 35 years. During this time, the company has invested well over \$10,000,000 in the system, primarily with the use of long term, low interest debt. This was necessary to serve approximately 2,000 service locations, including the state park, hotels, motels, condominium developments, restaurants and various other businesses on the island. This debt, which includes a \$6,000,000 loan at 3% obtained through the Florida Department of Environmental Protection and a \$3,000,000 loan at 4.25% obtained through a local bank, has a weighted average debt rate of 3.5% per annum. This low interest has saved WMSI customers a great deal of money through lower rates, and it shows that WMSI has the ability to borrow at competitive rates for necessary improvements to the system.

The same type of low interest, long term debt will be used to finance the proposed wastewater facilities as soon as appropriate rates are established by this commission. The financial condition of the company is shown by the annual reports on file with this commission, and by WMSI's 2008 financial statement, which is attached as Exhibit "E."

This utility company was formed by Leisure Properties, Ltd. in 1974, three years after

Leisure acquired substantially all of St. George Island in 1971. Gene D. Brown is the President of WMSI, and has been involved as a principal owner and manager of Leisure for over 35 years. Since 1974, acting through Leisure and WMSI, Mr. Brown developed St. George's Plantation, consisting of approximately 5 miles of beachfront, as well as the entire water system for the island. Improvements included construction of an airport, beachclub, numerous homes and other vertical structures, as well as the roadway system throughout the Plantation. Development of the St. George Island water system required the construction and interconnection of 4 deep wells on the mainland, the construction of 2 separate ductile iron transmission lines across 2 separate bridges over Apalachicola Bay to St. George Island located approximately 5 miles into the Gulf of Mexico, the construction of an elevated tank and a ground storage facility with sophisticated pumping and treatment facilities, as well as over 55 miles of distribution lines, all of which is capable of serving over 4,000 equivalent residential connections (ERCs).

The staff of WMSI is made up of permanent, long term employees with extensive experience in utility operations. The company's management team, consisting of its president, vice president, controller and operation's manager, have each worked for the company an average of 21 years. The company's back-up operator, who holds a water and sewer certificate from FDEP, has extensive, hands-on experience with sewer operations. When construction of the plant is started, WMSI will employ a full-time, licensed water and sewer operator with similar hands-on experience. The construction and operation of wastewater facilities to serve the center portion of St. George Island will not be nearly as difficult, complicated and challenging as the planning, construction and management of WMSI's numerous operations since 1974. WMSI and its employees have the expertise to provide outstanding wastewater service at the

lowest possible cost.

The need for a targeted wastewater treatment system on St. George Island has been recognized for many years, but has now become critical. In recent years, the adjacent waters have been closed numerous times due to high bacterial counts. Lack of a wastewater collection and treatment system has restricted business activities on the island. Business owners have been forced to purchase or lease additional property for wastewater effluent at great expense in order to continue operating, and other businesses are facing closure if nothing is done. The Florida Department of Health recently filed suit against several businesses, seeking injunctive relief to abate sanitary nuisances under Section 386.02, Florida Statutes, because their private wastewater systems fail to meet effluent quality and constitute a threat to public health. See petitions attached as Exhibit "A-1" to this Exhibit (State of Florida, Department of Health vs. Billy G. Blackburn, Jr. and Judy Blackburn; State of Florida, Department of Health vs. Hunter Investments, LLC). WMSI has received requests for service from customers located in the proposed territory, as shown by the letters attached as Exhibit "A-2".

As noted above, WMSI currently provides water service to all of St. George Island, and is uniquely qualified and situated to provide wastewater services within the same territory. There are no other utilities on St. George Island. The Island is located approximately five miles from the mainland across Apalachicola Bay. Accordingly, there is no contiguous or nearby system that could extend its current territory and/or facilities to serve St. George Island. It would be inefficient and much more costly for WMSI's customers if a separate wastewater utility were approved to provide sewer service to the same customers now served by WMSI.

**APPLICATION FOR ORIGINAL CERTIFICATE
FOR A PROPOSED OR EXISTING SYSTEM REQUESTING
INITIAL RATES AND CHARGES
(Pursuant to Section 367.045, Florida Statutes)**

To: **Director, Division of the Commission Clerk & Administrative Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850**

The undersigned hereby makes application for original certificate(s) to operate a water _____ and/or wastewater x utility in Franklin County, Florida, and submits the following information:

PART I APPLICANT INFORMATION

A) The full name (as it appears on the certificate), address and telephone number of the applicant:

Name of utility: Water Management Services, Inc. ("WMSI")

Phone No.

Fax No.

850.668.0440

850.577.0441

Office street address

250 John Knox Road, Suite 4

City

State

Zip Code

Tallahassee,

FL,

32303

Mailing address if different from street address

Internet address if applicable

B) The name, address and telephone number of the person to contact concerning this application:

Marsha E. Rule

(850.681.6788)

Name

Phone No.

119 S. Monroe St., Suite 202

Street address

Tallahassee, FL,

32301

City

State

Zip Code

C) Indicate the organizational character of the applicant: (circle one)

Corporation

Partnership

Sole Proprietorship

Other (Specify)

D) If the applicant is a corporation, indicate whether it has made an election under Internal Revenue Code Section 1362 to be an S Corporation:

Yes _____ No X

E) If the applicant is a corporation, list names, titles and addresses of corporate officers, directors, partners, or any other person(s) or entities owning an interest in the applicant's business organization. (Use additional sheet if necessary).

Name, address	Title	Ownership
Gene D. Brown 250 John Knox Rd. Suite 4 Tallahassee, FL 32303	President, Secretary, Director	
St. George Island Utility Co., Ltd. 250 John Knox Rd. Suite 4 Tallahassee, FL 32303		85%
Brown Management Group, Inc. 250 John Knox Rd. Suite 4 Tallahassee, FL 32303		10%
T.E. Bronson 24060 Deer Run Rd. Brooksville, FL 34601		5%

F) If the applicant is not a corporation, list names and addresses of all persons or

entities owning an interest in the organization. (Use additional sheet if necessary.)

Not applicable.

PART II NEED FOR SERVICE

- A) Exhibit A - A statement regarding the need for service in the proposed territory, such as anticipated (or actual) development in the area. Identify any other utilities within the area proposed to be served which could potentially provide such service in the area and the steps the applicant took to ascertain whether such other service is available.

Exhibit A is attached to WMSI's Application for Original Certificate for a Proposed Wastewater System and Request for Bifurcation ("Application").

- B) Exhibit * - A statement that to the best of the applicant's knowledge, the provision of service will be consistent with the water and wastewater sections of the local comprehensive plan, as approved by the Department of Community Affairs at the time the application is filed. If the provision of service is inconsistent with such plan, provide a statement demonstrating why granting the certificate would be in the public interest.

* See Application ¶16(f).

PART III SYSTEM INFORMATION

A) **WATER**

Not applicable.

- (1) Exhibit - A statement describing the proposed type(s) of water service to be provided (i.e., potable, non-potable or both).
- (2) Exhibit - The number of equivalent residential connections (ERCs) proposed to be served, by meter size and customer class. If development will be in phases, separate this information by phase. In addition, if the utility is in operation, provide the current number of ERCs by meter size and customer class.
- (3) Description of the types of customers anticipated (i.e., single family, mobile homes, clubhouse, commercial, etc.):

- (4) In the case of an existing utility, provide the permit number and the date of approval of facilities by the Department of Environmental Protection (DEP) or the agency designated by DEP to issue permits:
- (5) Indicate the design capacity of the treatment plant in terms of equivalent residential connections (ERCs) and gallons per day (gpd). If development will be in phases, separate this information by phase.
- _____ (ERCs) _____ (GPD)
- (6) Indicate the type of treatment:
- (7) Indicate the design capacity of the transmission and distribution lines in terms of ERCs and gpd. If development will be in phases, separate this information by phase.
- (8) Provide the date the applicant began or plans to begin serving customers:
- (9) Exhibit ____ - Evidence, in the form of a warranty deed, that the utility owns the land where the water facilities are or will be located. If the utility does not own the land, a copy of the agreement which provides for the long term continuous use of the land, such as a 99-year lease. The Commission may consider a written easement or other cost-effective alternative.

The applicant may submit a contract for the purchase and sale of land with an unexecuted copy of the warranty deed provided the applicant files an executed and recorded copy of the deed, or executed copy of the lease, within thirty days after the order granting the certificate.

B) WASTEWATER

- (1) Exhibit ____* - The number of equivalent residential connections (ERCs) proposed to be served, by meter size and customer class. If development will be in phases, separate this information by phase. In addition, if the utility is in operation, provide the current number of ERCs by meter size and customer class.

* WMSI estimates the proposed system will serve approximately 400 ERCs and has requested a variance from the requirement to provide more detailed data at this time. See Application ¶16(h) and Motion for Variance ¶18(a).

- (2) Description of the types of customers anticipated (i.e., single family, mobile homes, clubhouse, commercial, etc.):

WMSI anticipates serving commercial, residential, multi-family, and public authority customers.

- (3) In the case of an existing utility, provide the permit number and the date of approval of facilities by the Department of Environmental Protection (DEP) or the agency designated by DEP to issue permits:

Not applicable.

- (4) Indicate separately the design capacity of the treatment plant and effluent disposal system in terms of equivalent residential connections (ERCs) and gallons per day (GPD). If development will be in phases, separate this information by phase.

WMSI estimates the proposed system will serve approximately 400 ERCs/125,000 GPD and has requested a variance from the requirement to provide more detailed data at this time. See Application ¶¶6(h) and (o) and Motion for Variance ¶¶8(a) and (d).

- (5) Indicate the method of treatment and disposal (percolation pond, spray field, etc.):

* Applicant proposes to provide an advanced wastewater treatment (AWT) plant with a low pressure collection system and rapid infiltration beds with grinder pumps to serve all locations.

- (6) Exhibit ___*___ - If the applicant does not propose to use reuse as a means of effluent disposal, provide a statement that describes, with particularity, the reasons for not using reuse.

* Reuse will not be used because it is too expensive and WMSI does not believe there is sufficient demand to pay for reuse water.

- (7) Indicate the design capacity of the collection lines in terms of ERCs and GDP. If development will be in phases, separate this information by phase.

WMSI estimates the proposed system will serve approximately 400

ERCs/125,000 GPD and has requested a variance from the requirement to provide more detailed data at this time. See Application ¶16(h) and (o) and Motion for Variance ¶18(a) and (d).

- (8) Provide the date the applicant began or plans to begin serving customers:

As soon as possible, but no later than June 30, 2010.

- (9) Exhibit B - Evidence, in the form of a warranty deed, that the utility owns the land where the utility treatment facilities are or will be located. If the utility does not own the land, a copy of the agreement which provides for the long term continuous use of the land, such as a 99-year lease.

The Commission may consider a written easement or other cost-effective alternative. The applicant may submit a contract for the purchase and sale of land with an unexecuted copy of the warranty deed, provided the applicant files an executed and recorded copy of the deed, or executed copy of the lease, within thirty days after the order granting the certificate.

Exhibit B to WMSI's Application is a written option to purchase the property upon which the proposed facilities will be located. WMSI has requested a variance from the requirement to provide proof of ownership at this time. See Application ¶16(j) and Motion for Variance ¶18(b).

PART IV FINANCIAL AND TECHNICAL INFORMATION

- A) Exhibit A - A statement regarding the financial and technical ability of the applicant to provide reasonably sufficient and efficient service.

Please see Exhibit A to WMSI's Application.

- B) Exhibit E - A detailed financial statement (balance sheet and income statement), certified if available, of the financial condition of the applicant, showing all assets and liabilities of every kind and character. The income statement shall be for the preceding calendar or fiscal year. If an applicant has not operated for a full year, then the income statement shall be for the lesser period. The financial statement shall be prepared in accordance with Rule 25-30.115, Florida Administrative Code. If available, a statement of the source and application of funds shall also be provided.

Please see Exhibit E to WMSI's Application.

- C) Exhibit ____* - A list of all entities, including affiliates, upon which the applicant is relying to provide funding to the utility , and an explanation of the manner and amount of such funding, which shall include their financial statements and any financial agreements with the utility. This requirement shall not apply to any person or entity holding less than 10 percent ownership interest in the utility.

* WMSI has requested a variance from the requirement to provide such information in its initial application. Please see Application ¶16(s) and Motion for Variance ¶18(e).

- D) Exhibit ____* - A schedule showing the projected cost of the proposed system (or actual cost of the existing system) by uniform system of accounts (USOA) account numbers pursuant to Rule 25-30.115, F.A.C. In addition, provide the capacity of each component of the system in ERCs and gallons per day. If the utility will be built in phases, this schedule shall apply to the design capacity of the first phase only. Provide a separate exhibit for the water and wastewater systems.

* WMSI has requested a variance from the requirement to provide such information in its initial application. Please see Application ¶16(u) and Motion for Variance ¶17.

- E) Exhibit ____* - A schedule showing the projected operating expenses of the proposed system by USOA account numbers when 80 percent of the designed capacity of the system is being utilized. If the utility will be built in phases, this schedule shall apply to the design capacity of the first phase only. In addition, if the utility has been in existence for at least one year, provide actual operating expenses for the most recent twelve months. Provide a separate exhibit for the water and wastewater systems.

* WMSI has requested a variance from the requirement to provide such information in its initial application. Please see Application ¶16(v) and Motion for Variance ¶17.

- F) Exhibit ____* - A schedule showing the projected capital structure, including the methods of financing the construction and operation of the utility until the utility reaches 80 percent of the designed capacity of the system(s).

* WMSI has requested a variance from the requirement to provide such information in its initial application. Please see Application ¶16(w) and Motion for Variance ¶17.

- G) Exhibit ____* - A cost study, including customer growth projections, which supports the proposed rates, miscellaneous service charges, customer deposits and service availability charges. A sample cost study is enclosed with the application package. Provide a separate cost study for the water and wastewater systems.

* WMSI has requested a variance from the requirement to provide such information in its initial application. Please see Application ¶6(t) and Motion for Variance ¶7.

- H) Exhibit _____ - If the base facility and usage rate structure (as defined in Rule 25-30.437(6), F.A.C.) is not utilized for metered service, provide an alternative rate structure and a statement supporting why the alternative is appropriate.

Not applicable.

- I) Exhibit ___*___ - If a different return on common equity other than the current equity leverage formula established by order of the Public Service Commission pursuant to Section 367.081(4), F.S. is utilized, provide competent substantial evidence supporting the use of a different return on common equity. Information on the current equity leverage formula may be obtained by contacting the accounting section at the listed number.

* WMSI has requested a variance from the requirement to provide such information in its initial application. Please see Motion for Variance ¶7.

PART V ALLOWANCE FOR FUNDS USED DURING CONSTRUCTION (AFUDC)

Please note the following:

- A) Utilities obtaining initial certificates pursuant to Rule 25-30.033, F.A.C., are authorized to accrue AFUDC for projects found eligible pursuant to Rule 25-30.116(1), F.A.C.
- B) A discounted monthly AFUDC rate calculated in accordance with Rule 25-30.116(3), F.A.C., shall be used to insure that the annual AFUDC charged does not exceed authorized levels.
- C) The date the utility shall begin to charge the AFUDC rate shall be the date the certificate of authorization is issued to the utility so that such rate can apply to initial construction of the utility facilities.

PART VI TERRITORY DESCRIPTION AND MAPS

- A) **TERRITORY DESCRIPTION**

Exhibit ____* - An accurate description, using township, range and section references as specified in Rule 25-30.030(2), Florida Administrative Code. If the water and wastewater service territories are different, provide separate descriptions.

* Please see WMSI's Application ¶16(l).

B) **TERRITORY MAPS**

Exhibit D - One copy of an official county tax assessment map or other map showing township, range and section with a scale such as 1"=200' or 1"=400' on which the proposed territory is plotted by use of metes and bounds or quarter sections and with a defined reference point of beginning. If the water and wastewater service territories are different, provide separate maps.

Please see ¶16(m) and (n) and Exhibits C and D to WMSI's Application. WMSI has requested a variance from the requirement to provide further detail in its initial Application. Please see Motion for Variance ¶18(c).

C) **SYSTEM MAPS**

Exhibit B - One copy of detailed map(s) showing proposed lines, facilities and the territory proposed. **Additionally, identify any existing lines and facilities.** Map(s) should be of sufficient scale and detail to enable correlation with a description of the territory to be served. Provide separate maps for water and wastewater systems.

Please see ¶16(m) and (n) and Exhibits C and D to WMSI's Application. WMSI has requested a variance from the requirement to provide further detail in its initial Application. Please see Motion for Variance ¶18(c).

PART VII NOTICE OF ACTUAL APPLICATION

A) Exhibit F - An affidavit that the notice of actual application was given in accordance with Section 367.045(1)(a), Florida Statutes, and Rule 25-30.030, Florida Administrative Code, by regular mail to the following:

- (1) the governing body of the municipality, county, or counties in which the system or the territory proposed to be served is located;
- (2) the privately owned water and wastewater utilities that hold a certificate granted by the Public Service Commission and that are located within the county in which the utility or the territory proposed to be served is located;

- (3) if any portion of the proposed territory is within one mile of a county boundary, the utility shall notice the privately owned utilities located in the bordering counties and holding a certificate granted by the Commission;
- (4) the regional planning council;
- (5) the Office of Public Counsel;
- (6) the Public Service Commission's Director of the Division of the Commission Clerk and Administrative Services;
- (7) the appropriate regional office of the Department of Environmental Protection; and
- (8) the appropriate water management district.

Copies of the Notice and a list of entities noticed shall accompany the affidavit.
THIS MAY BE A LATE-FILED EXHIBIT

WMSI will provide this information as Late Filed Exhibit F to its Application.

- B) Exhibit G - An affidavit that the notice of actual application was given in accordance with Rule 25-30.030, Florida Administrative Code, by regular mail or personal delivery to each customer of the system. A copy of the notice shall accompany the affidavit. THIS MAY BE A LATE-FILED EXHIBIT.

WMSI will provide this information as Late Filed Exhibit G to its Application.

- C) Exhibit H - Immediately upon completion of publication, an affidavit that the notice of actual application was published once in a newspaper of general circulation in the territory in accordance with Rule 25-30.030, Florida Administrative Code. A copy of the proof of publication shall accompany the affidavit. THIS MAY BE A LATE-FILED EXHIBIT.

WMSI will provide this information as Late Filed Exhibit H to its Application.

PART VIII FILING FEE

Indicate the filing fee enclosed with the application:

\$ N/A (for water) and \$ 750.00 (for wastewater).

Note: Pursuant to Rule 25-30.020, Florida Administrative Code, the amount of the filing fee as follows:

- (1) For applications in which the utility has the capacity to serve up to 500 ERCs, the filing fee shall be **\$750**.
- (2) For applications in which the utility has the capacity to serve from 501 to 2,000 ERCs the filing fee shall be **\$1,500**.
- (3) For applications in which the utility has the capacity to serve from 2,001 to 4,000 ERCs the filing fee shall be **\$2,250**.
- (4) For applications in which the utility has the capacity to serve more than 4,000 ERCs the filing fee shall be **\$3,000**.

PART IX TARIFF

Exhibit _____ - The original and two copies of water and/or wastewater tariff(s) containing all rates, classifications, charges, rules and regulations. Sample tariffs are enclosed with the application package.

WMSI has requested a variance from the requirement to provide such information in its initial application. Please see Application ¶16(k) and Motion for Variance ¶17.

EXHIBIT "A-1"

FLA. DEPT. OF HEALTH PETITIONS TO ABATE



STATE OF FLORIDA DEPARTMENT OF HEALTH

OFFICIAL NOTICE TO ABATE A SANITARY NUISANCE

Authority:
Chapter 386, FS

To: Mr. Billy Blackburn
Owner, B.J.'s Pizza
164 N. Bayshore Dr.
Eastpoint, FL 32328

You are hereby directed to abate an unsanitary condition existing on property under your control at

105 West Gulf Beach Dr. known as B.J.'s Pizza
(City Address, land description, etc.)

in the county Franklin, State of Florida, contrary to the
Laws of the State of Florida and which subject the offender to a penalty for failure to remove or
abate the below-described nuisance.

An inspection on 8/7/08 disclosed an Aerobic Treatment Unit
improperly treating raw sewage.

which violated Chapter No. 386 Section No. 386.041(1)(a)

of the Florida Statutes

Served By:
Name: Jason P. Flowers
Title: Environmental Manager
Telephone number: 850-653-2111 ext.117

By the Direction of:
Jason P. Flowers
(County Health Officer)

**COMPLIANCE OF THIS ABATEMENT
MUST BE COMPLETED WITHIN
10 DAYS. SEE ATTACHED LETTER**

Served upon Owner

101 West Gulf Beach Dr., St. George Island, FL 32328
(Street) (Town or City)

on the 20th day of August, AD. 2008, at 12:00 o'clock P. M.,
delivering a true copy hereof.

Note: Serving may be accomplished by personal delivery, certified mail to the last known address or by
attachment to the occupied office or residence.

In witness whereof, I have caused this notice to be signed and sealed by me or my authorized representative

Signature of Health Official

Franklin County Health Department
Please call: 653-2111 ext117 for questions

Form 4044, Feb 99 (Obsoletes previous editions, which may not be used)
Form Number: 6744-000-4044-1



Charlie Crist
Governor

Ana M. Viamonte Ros, M.D., M.P.H.
State Surgeon General

August 20, 2008

Mr. Billy Blackburn
Owner, B.J.'s Pizza
164 N. Bayshore Drive
Eastpoint, FL 32328

Subject: Aerobic Treatment Unit sample results

Dear Mr. Blackburn:

On August 8, 2008, this office assisted Collins Construction in sampling and inspecting the aerobic treatment unit for B.J.'s Pizza. The attached lab result shows that the ATU for this facility is failing to meet Class I effluent quality standards as specified by ANSI/NSF Standard 40. Until this system is brought into compliance with the requirements of 64E-6 Florida Administrative Code the following must be followed to abate the sanitary nuisance.

- 1.) Immediately reduce seating to 20 seats as permitted by permit #95-0038
- 2.) Immediately contact Collins Construction the ATU maintenance entity to have the tanks pumped four times a week until a system meeting the requirements of 64E-6 is installed
- 3.) Provide documentation as to how you will proceed in bringing the ATU into compliance. This documentation within ten days of receipt of this letter

Sincerely,

Jason Flowers
Environmental Manager

Cc: Julie Meadows-Keefe, Chief Legal Counsel
Collins Construction

Franklin County Health Department
139-12th Street • Apalachicola, FL 32320



STATE OF FLORIDA DEPARTMENT OF HEALTH

OFFICIAL NOTICE TO ABATE A SANITARY NUISANCE

Authority:
Chapter 386, FS

To: Ms. Jeanie McMillan
240 E. 3rd st.
St. George Island, FL 32328

You are hereby directed to abate an unsanitary condition existing on property under your control at

240 E. 3rd St., known as Journeys of St. George Island and Eddy Teachs Raw bar
(City Address, land description, etc.)

in the county Franklin, State of Florida, contrary to the Laws of the State of Florida and which subject the offender to a penalty for failure to remove or abate the below-described nuisance.

An inspection on 7/16/08 disclosed an Aerobic Treatment Unit Improperly treating raw sewage, due to an excess sewage flow rate from establishment.

which violated Chapter No. 386 Section No. 386.041(1)(a)

of the Florida Statutes

Served By:
Name: _____
Title: _____
Telephone number: _____

By the Direction of:
Jason P. Flowers
(County Health Officer)

**COMPLIANCE OF THIS ABATEMENT
MUST BE COMPLETED WITHIN
30 DAYS. SEE ATTACHED LETTER**

Served upon Owner

at _____
(Street) (Town or City)

on the 17th day of July, AD, 2008, at 12:00 o'clock P. M.,
by delivering a true copy hereof.

Note: Serving may be accomplished by personal delivery, certified mail to the last known address or by attachment to the occupied office or residence.

Witness the execution and delivery of this notice

Signature of Health Official

Franklin County Health Department
Please call: 653-2111 ext117 for questions

DH Form 4044, Feb 99 (Obsolete previous editions, which may not be used)
Stock Number: 5744-000-4044-1



Charlie Crist
Governor

Ara M. Vismonte Ros, M.D., M.P.H.
State Surgeon General

July 16, 2008

Ms. Vicki Frost
240 E. 3rd St.
St. George Island, FL 32328

RE: ATU for Journeys of SGI and Eddy Teachs
Property ID# 29-09S-06W-7310-003E-0260

Dear Ms. Frost:

As of this date, a new OSTDS has not been permitted and installed to resolve the sanitary nuisance caused by the existing 600GPD ATU's failure to adequately treat the excessive sewage flow generated at the Journeys of St. George Island and Eddy Teachs Raw Bar complex.

There have been several documented meetings at this office, at the proposed site and with engineers to insure a timely and effective solution. The last meeting at this office on May 6, 2008, attended by you and Mr. Frost, was in response to the letter dated January 22, 2008 issued by this office. The letter was notifying you that an excessive amount of time had passed and an engineer design had not been submitted for permitting. The June 13, 2008 sample results from the ATU submitted to this office further indicates the system is failing. Therefore you are being given 30 days to bring this system into compliance with 64E-6 F.A.C. Failure to comply with the requirements of the Notice to Abate within 30days of receipt of this letter will result in a citation and a \$500 a day fine.

The following requirements must be met immediately to maintain the system in a nuisance free condition

- 1.) ATU tank must be pumped weekly with pump out receipts provided to this office
- 2.) Seating must not exceed 27seats. This includes tables, bar seats and picnic tables.
- 3.) Make application for a new OSTDS that will meet the requirements of 64E F.A.C. The proposed system must be designed by a Professional Engineer licensed in the State of Florida

If you have questions regarding this letter, please contact our office at (850) 623-2111 ext. 117

Sincerely,

Jason Flowers
Environmental Manager

CC: Julie Meadows-Keefe, Chief Legal Counsel
Jeanie McMillan, Property Owner

Franklin County Health Department
139-12th Street - Apalachicola, FL 32320



Charlie Crist
Governor

Ana M. Viamonte Ros, M.D., M.P.H.
State Surgeon General

August 20, 2008

Mr. Jim Kourkoulis
Owner, Harry A's Restaurant
28 W. Bayshore Dr.
St. George Island, FL 32328

Subject: Aerobic Treatment Unit sample results

Dear Mr. Kourkoulis:

On August 8, 2008, this office assisted Collins Construction in sampling and inspecting the aerobic treatment unit for Harry A's Restaurant. The attached lab result shows that the ATU for this facility is failing to meet Class I effluent quality standards as specified by ANSI/NSF Standard 40. This office has been informed in writing that Mr. Bennette D. Burks, P.E. of 3-Engineering, LLC has been retained to examine your existing onsite treatment disposal system and assist you in brining this system into compliance with the rules of 64E-6 Florida Administrative Code. Until a system meeting the requirements of 64E-6 Florida Administrative Code is installed the following requirements must be followed to abate the sanitary nuisance.

- 1.) Immediately reduce seating to 150 seats
- 2.) Immediately contact Collins Construction the ATU maintenance entity to have the tanks pumped four times a week until a system meeting the requirements of 64E-6 is installed
- 3.) Provide documentation from Mr. Bennette D. Burks, P.E. as to how you will proceed in bringing the ATU into compliance. Provide this documentation within ten days of receipt of this letter

Sincerely,

Jason Flowers
Environmental Manager

Cc: Julie Meadows-Keefe, Chief Legal Counsel
Collins Construction

Enclosure: effluent sample result

Franklin County Health Department
139-12th Street • Apalachicola, FL 32320



STATE OF FLORIDA DEPARTMENT OF HEALTH

OFFICIAL NOTICE TO ABATE A SANITARY NUISANCE

Authority:
Chapter 386, FS

To: Mr. Mike Hunter
c/o Hunter Investments
163 E. Gulf Beach Dr.
St. George Island, FL 32328

You are hereby directed to abate an unsanitary condition existing on property under your control at

163 E. Gulf Beach Dr. known as Subway
(City Address, land description, etc.)

in the county Franklin, State of Florida, contrary to the
Laws of the State of Florida and which subject the offender to a penalty for failure to remove or
abate the below-described nuisance.

An inspection on 8/7/08 disclosed an Aerobic Treatment
Improperly treating raw sewage.

which violated Chapter No. 386 Section No. 386.041(1)(a)

of the Florida Statutes

Served By:
Name: Jason Flowers
Title: Environmental Manager

By the Direction of:
Jason P. Flowers
(County Health Officer)

Telephone number: 850-653-2111 ext. 117

**COMPLIANCE OF THIS ABATEMENT
MUST BE COMPLETED WITHIN
10 DAYS. SEE ATTACHED LETTER**

Served upon Owner

at 163 E. Gulf Beach Dr.
(Street) (Town or City)

on the 20th day of August 20th, AD, 2008, at 12:00 o'clock P. M.,
by delivering a true copy hereof.

**Note: Serving may be accomplished by personal delivery, certified mail to the last known address or by
attachment to the occupied office or residence.**

Witness the execution and delivery of this notice

[Signature]
Signature of Health Official

Franklin County Health Department
Please call: 653-2111 ext117 for questions

DH Form 4044, Feb 99 (Obsoletes previous editions, which may not be used)
Stock Number: 5744-000-4044-1



Charlie Crist
Governor

Ana M. Viamonte Ros, M.D., M.P.H.
State Surgeon General

August 20, 2008

Mr. Mike Hunter
c/o Hunter Investments
163 E. Gulf Beach Dr.
St. George Island, FL 32328

Subject: Aerobic Treatment Unit sample results

Dear Mr. Hunter:

On August 8, 2008, this office assisted Collins Construction in sampling and inspecting the aerobic treatment unit for the Subway located at 163 E. Gulf Beach Dr. The attached lab results show that the ATU for this facility is failing to meet Class I effluent quality standards as specified by ANSI/NSF Standard 40. Until a system meeting the requirements of 64E-6 Florida Administrative Code is installed, the following requirements must be followed to abate the sanitary nuisance:

- 1.) Immediately reduce seating to 22 seats
- 2.) Immediately contact Collins Construction, the ATU maintenance entity, to have the tanks pumped four times a week until this system is brought into compliance with the requirements of 64E-6 F.A.C.
- 3.) Provide documentation as to how you will proceed in bringing the ATU into compliance. This documentation must be provided within ten days of receipt of this letter
- 4.) Satisfactory results from an effluent sample meeting the requirements of ANSI/NSF Standard 40 must be provided to this office before this system is considered to be in compliance.

Sincerely,

Jason Flowers
Environmental Manager

Cc: Julie Meadows-Keefe, Chief Legal Counsel
Collins Construction

Enclosures: effluent sample results



STATE OF FLORIDA DEPARTMENT OF HEALTH

OFFICIAL NOTICE TO ABATE A SANITARY NUISANCE

Authority:
Chapter 386, FS

To: Mr. Steve Rash
Owner, Blue Parrot Restaurant
68 West Gorrie Dr.
St. George Island, FL 32328

You are hereby directed to abate an unsanitary condition existing on property under your control at

68 West Gorrie Dr. known as the Blue Parrot Restaurant
(City Address, land description, etc.)

in the county Franklin, State of Florida, contrary to the
Laws of the State of Florida and which subject the offender to a penalty for failure to remove or
abate the below-described nuisance.

An inspection on 8/7/08 disclosed an Aerobic Treatment Unit
improperly treating raw sewage.

which violated Chapter No. 386 Section No. 386.041(1)(a)

of the Florida Statutes

Served By:
Name: Jason P. Flowers
Title: Environmental Manager

By the Direction of:
Jason P. Flowers
(County Health Officer)

Telephone number: 850-653-2111 ext.117

**COMPLIANCE OF THIS ABATEMENT
MUST BE COMPLETED WITHIN
10 DAYS. SEE ATTACHED LETTER**

Served upon Owner

at 68 West Gorrie Dr., St. George Island, FL 32328
(Street) (Town or City)

on the 20th day of August, AD, 2008, at 12:00 o'clock P. M.,
by delivering a true copy hereof.

Note: Serving may be accomplished by personal delivery, certified mail to the last known address or by
attachment to the occupied office or residence.

Witness the execution and delivery of this notice

Signature of Health Official

Franklin County Health Department
Please call: 653-2111 ext117 for questions

Form 4044, Feb 00 (Obsolete previous editions, which may not be used)
Stock Number: 5744-000-4044-1



Charlie Crist
Governor

Ana M. Viamonte Ros, M.D., M.P.H.
State Surgeon General

August 20, 2008

Mr. Steve Rash
Owner, Blue Parrot
88 West Gorrie Dr.
St. George Island, FL 32328

Subject: Aerobic Treatment Unit sample results

Dear Mr. Rash:

On August 8, 2008, this office assisted Collins Construction in sampling and inspecting the aerobic treatment unit for the Blue Parrot. The attached lab result shows that the ATU for this facility is falling to meet Class I effluent quality standards as specified by ANSI/NSF Standard 40. Until this system is brought into compliance with the requirements of 64E-6 Florida Administrative Code the following must be followed to abate the sanitary nuisance.

- 1.) Immediately reduce seating to 120 seats as permitted by permit #03-0402
- 2.) Immediately contact Collins Construction the ATU maintenance entity to have the tanks pumped four times a week until the system is functioning properly
- 3.) Provide documentation as to how you will proceed in bringing the ATU into compliance. This documentation within ten days of receipt of this letter

Sincerely,

Jason Flowers
Environmental Manager

Cc: Julie Meadows-Keefe, Chief Legal Counsel
Collins Construction

Enclosures: effluent sample results

**IN THE CIRCUIT COURT FOR THE SECOND JUDICIAL CIRCUIT,
IN AND FOR FRANKLIN COUNTY, FLORIDA**

**STATE OF FLORIDA,
DEPARTMENT OF HEALTH,**

Petitioner,

v.

CASE NO.: 09-000083-CA

HUNTER INVESTMENTS, L.L.C.,

Respondent.

VERIFIED PETITION FOR INJUNCTIVE RELIEF

The State of Florida, Department of Health, Franklin County Health Department, petitions this court for injunctive relief and in support of its petition states as follows:

- 1) This is an action for injunctive relief brought pursuant to Chapters 381 and 386, Florida Statutes, and Rule 1.610, Florida Rules of Civil Procedure.
- 2) This court has jurisdiction over this matter pursuant to Sections 26.012, 60.05, 381.0012, Florida Statutes, and Chapter 386, Florida Statutes.
- 3) Petitioner, Franklin County Health Department (CHD), is a unit of the Florida Department of Health, established pursuant to Chapter 154, Florida Statutes.
- 4) Respondent is the owner of the real property located at 163 East Gulf Beach Drive in St. George Island, Florida which is currently used to operate a Subway restaurant and also provide rental housing.
- 5) At all times material hereto, Chapter 386, Florida Statutes, was in full force and effect. Pursuant to Section 386.02, Florida Statutes, Petitioner herein is authorized to investigate and take necessary action to abate any condition constituting a sanitary nuisance under the provisions of Chapter 386, Florida Statutes.

FACTS

6) On or about August 15, 2008, CIID environmental health staff took wastewater samples from the property owned by Respondent and located at 163 East Gulf Beach Drive on St. George Island. The lab analysis for the wastewater samples revealed that the aerobic treatment unit owned by Respondent and located at 163 East Gulf Beach Drive on St. George Island is failing to meet effluent quality standards as required by Florida law.

7) On or about August 20, 2008, CHD staff delivered Respondent an Official Notice to Abate a Sanitary Nuisance. See Official Notice to Abate a Sanitary Nuisance attached hereto and incorporated herein as Exhibit A. The Notice set forth that corrective action must be initiated within ten (10) days of receipt of the Notice. The Notice was personally served upon Respondent's registered agent, Mr. Michael Hunter.

8) On or about December 9, 2008, CHD environmental health staff returned to the property owned by Respondent and located at 163 East Gulf Beach Drive on St. George Island for further investigation. CHD staff witnessed and took photographs of raw, untreated sewage pouring out of the aerobic treatment unit servicing the property owned by Respondent and located at 163 East Gulf Beach Drive.

9) On or about December 10, 2008, CHD staff delivered yet another Official Notice to Abate a Sanitary Nuisance to Respondent. See Official Notice to Abate a Sanitary Nuisance attached hereto and incorporated herein as Exhibit B. The Notice set forth that corrective action must be initiated within three (3) days of receipt of the Notice. The Notice was personally served upon Respondent's registered agent, Mr. Michael Hunter.

10) Pursuant to Section 386.041, Florida Statutes, Respondent's failure to properly maintain their aerobic treatment unit and treat the corresponding waste constitutes a sanitary nuisance.

11) Respondents have failed, despite official notice and contact from the CHD to repair the aerobic treatment unit on the property located at 163 East Gulf Beach Drive on St. George Island, Florida or otherwise abate the sanitary nuisance. To date, there is no indication that Respondent will voluntarily and permanently abate said sanitary nuisance. A continuation of the conditions on and under Respondent's property located at 163 East Gulf Beach Drive on St. George Island threatens public health.

12) As of the date of this Petition, the condition has not been corrected.

RESPONDENT MUST BE ORDERED TO ABATE A SANITARY NUISANCE

13) The conditions described in this Verified Petition constitute a sanitary nuisance as contemplated by Chapter 386, Florida Statutes.

14) The Florida Department of Health through its county health departments investigates sanitary nuisances and maintains enforcement actions if necessary pursuant to Chapter 386, Part I, Florida Statutes.

15) Section 386.01, Florida Statutes, defines a sanitary nuisance as the following:

A sanitary nuisance is the commission of any act, by an individual, municipality, organization, or corporation, or the keeping, maintaining, propagation, existence, or permission of anything by an individual, municipality, organization or corporation by which the health or life of an individual or the health or lives of individuals may be threatened or impaired, or by which or through which, directly or indirectly, disease may be caused.

16) Section 381.0012(2), Florida Statutes, sets forth the duties and powers of the Department of Health with regard to sanitary nuisances as including the following:

The Department may apply for an injunction to the proper circuit court, and the judge of that court upon hearing and for cause shown may grant a temporary or permanent injunction, or both, restraining any person from violating or continuing to violate any of the provision of this chapter or from failing or refusing to comply with the requirements of this chapter.

17) The facts, circumstances and conditions described herein continue to exist at the present time, constitute a sanitary nuisance and a threat to the public health, and present an irreparable harm, in addition to posing an imminent and continuing threat of the spread of dangerous disease.

WHEREFORE, the Department prays that this Honorable Court will issue an Order in this case that directs Respondent to:

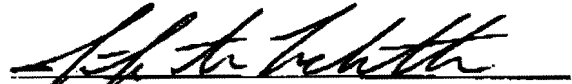
(a) immediately pump out and clean the septic system located at 163 East Gulf Beach Drive on St. George Island, Florida;

(b) within seven (7) days of the date of the Order make whatever repairs are necessary to abate said sanitary nuisance;

(c) assess the costs of this action against Respondent; and

(d) grant such other and further relief as the Court deems just and proper.

Respectfully submitted this 13th day of February, 2009.



Jennifer A. Tschetter
Chief Legal Counsel
Florida Bar Number: 0497673
Florida Department of Health
4052 Bald Cypress Way, Bin # A-02
Tallahassee, Florida 32399-1703
(850) 245-4005

VERIFICATION

STATE OF FLORIDA)
)
COUNTY OF FRANKLIN)

Jason Flowers, Environmental Health Manager, Franklin County Health Department, who being duly sworn, and under penalty of perjury, states that the facts as set forth in the text of the Verified Motion for Temporary Injunction are based on his personal knowledge, and are true and correct. The Florida Department of Health and Franklin County Health Department, as the state agency charge with the duty of protecting the health, safety and welfare of the citizens of this community, and with investigating and abating any conditions deemed to constitute a sanitary nuisance, finds that this community will be injured absent injunctive relief from the Circuit Court of Franklin County. The Florida Department of Health and Franklin County Health Department have already notified Respondent of its objections to Respondent's continued failure to abate said sanitary nuisance, but Respondent has not corrected the conditions.


Jason Flowers
Environmental Health Manager
Franklin County Health Department

BEFORE ME, the undersigned authority, personally appeared JASON FLOWERS, who is personally known to me, and who did take an oath.

SWORN TO and SUBSCRIBED before me this 12th day of February, 2009.




NOTARY PUBLIC



STATE OF FLORIDA
DEPARTMENT OF HEALTH

OFFICIAL NOTICE TO ABATE A SANITARY NUISANCE

Authority:
Chapter 386, FS

To: Mr. Mike Hunter
c/o Hunter Investments
163 E. Gulf Beach Dr.
St. George Island, FL 32328

You are hereby directed to abate an unsanitary condition existing on property under your control at

163 E. Gulf Beach Dr. known as Subway

(City Address, land description, etc.)

in the county Franklin, State of Florida, contrary to the
Laws of the State of Florida and which subject the offender to a penalty for failure to remove or
abate the below-described nuisance.

An inspection on 8/7/08 disclosed an Aerobic Treatment
improperly treating raw sewage.

which violated Chapter No. 386 Section No. 386.041(1)(a)

of the Florida Statutes

Served By:
Name: Jason Flowers

Title: Environmental Manager

Telephone number: 850-653-2111 ext. 117

Served upon Owner

at 163 E. Gulf Beach Dr.
(Street)

(Town or City)

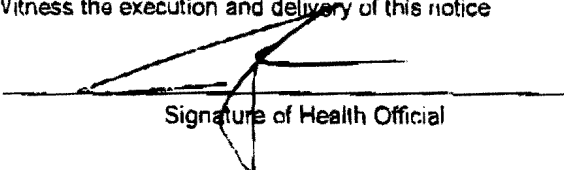
By the Direction of:
Jason P. Flowers
(County Health Officer)

COMPLIANCE OF THIS ABATEMENT
MUST BE COMPLETED WITHIN
10 DAYS. SEE ATTACHED LETTER

on the 20th day of August 20th, AD, 2008, at 12:00 o'clock P. M.,
by delivering a true copy hereof.

Note: Serving may be accomplished by personal delivery, certified mail to the last known address or by
attachment to the occupied office or residence.

Witness the execution and delivery of this notice


Signature of Health Official

Franklin County Health Department
Please call: 653-2111 ext117 for questions



**IN THE CIRCUIT COURT FOR THE SECOND JUDICIAL CIRCUIT,
IN AND FOR FRANKLIN COUNTY, FLORIDA**

**STATE OF FLORIDA,
DEPARTMENT OF HEALTH,**

Petitioner,

v.

CASE NO.: 09000084-CA

**BILLY G. BLACKBURN, JR.
and JUDY BLACKBURN,
Respondents.**

FILED
MAR 17 11:00 AM '09

VERIFIED PETITION FOR INJUNCTIVE RELIEF

The State of Florida, Department of Health, Franklin County Health Department, petitions this court for injunctive relief and in support of its petition states as follows:

- 1) This is an action for injunctive relief brought pursuant to Chapters 381 and 386, Florida Statutes, and Rule 1.610, Florida Rules of Civil Procedure.
- 2) This court has jurisdiction over this matter pursuant to Sections 26.012, 60.05, 381.0012, Florida Statutes, and Chapter 386, Florida Statutes.
- 3) Petitioner, Franklin County Health Department (CHD), is a unit of the Florida Department of Health, pursuant to Chapter 154, Florida Statutes.
- 4) Respondents are the owners of the real property located at 105 West Gulf Beach Drive in St. George Island, Florida which is currently used to operate a restaurant by the name of BJ's Pizza.
- 5) At all times material hereto, Chapter 386, Florida Statutes, was in full force and effect. Pursuant to Section 386.02, Florida Statutes, Petitioner herein is authorized to investigate and take necessary action to abate any condition constituting a sanitary nuisance under the provisions of Chapter 386, Florida Statutes.

FACTS

6) On or about August 8, 2008, CHD environmental health staff took wastewater samples from the property owned by Respondents and located at 105 West Gulf Beach Drive on St. George Island. The lab analysis for the wastewater samples revealed that the aerobic treatment unit owned by Respondents and located at 105 West Gulf Beach Drive on St. George Island is failing to meet effluent quality standards as required by Florida law.

7) Pursuant to Section 386.041, Florida Statutes, Respondents' failure to properly maintain their aerobic treatment unit and treat the corresponding waste and wastewater constitutes a sanitary nuisance.

8) On or about August 20, 2008, CHD staff mailed Respondents an Official Notice to Abate a Sanitary Nuisance. See Official Notice to Abate a Sanitary Nuisance attached hereto and incorporated herein as Exhibit A. The Notice set forth that corrective action must be initiated within ten (10) days of receipt of the Notice. The Notice was personally served upon Respondent, Billy G. Blackburn, Jr.

9) Respondents did not reply to the August 20, 2008, Official Notice to Abate Sanitary Nuisance.

10) On December 4, 2008, undersigned counsel sent Respondents a Notice of Intended Legal Action via certified mail. See Notice of Intended Legal Action attached hereto and incorporated herein as Exhibit B. The notice from undersigned counsel again instructed Respondents to take corrective action within ten days of receipt of the correspondence. The December 4, 2008, Notice of Intended Legal Action was served upon Respondent Billy G Blackburn, Jr. on December 19, 2008.

11) Respondents did not reply to the December 4, 2008, Notice of Intended Legal Action.

12) Respondents have failed, despite official notice and contact from the CHD to repair the aerobic treatment unit on the property located at 105 West Gulf Beach Drive on St. George Island, Florida or otherwise abate the sanitary nuisance. To date, there is no indication that Respondent will voluntarily and permanently abate said sanitary nuisance. A continuation of the conditions on and under Respondents' property located at 105 West Gulf Beach Drive on St. George Island threatens public health.

13) As of the date of this Petition, the condition has not been corrected.

RESPONDENTS MUST BE ORDERED TO ABATE A SANITARY NUISANCE

14) The conditions described in this Verified Petition constitute a sanitary nuisance as contemplated by Chapter 386, Florida Statutes.

15) The Florida Department of Health through its county health departments investigates sanitary nuisances and maintains enforcement actions if necessary pursuant to Chapter 386, Part I, Florida Statutes.

16) Section 386.01, Florida Statutes, defines a sanitary nuisance as the following:

A sanitary nuisance is the commission of any act, by an individual, municipality, organization, or corporation, or the keeping, maintaining, propagation, existence, or permission of anything by an individual, municipality, organization or corporation by which the health or life of an individual or the health or lives of individuals may be threatened or impaired, or by which or through which, directly or indirectly, disease may be caused.

17) Section 381.0012(2), Florida Statutes, sets forth the duties and powers of the Department of Health with regard to sanitary nuisances as including the following:

The Department may apply for an injunction to the proper circuit court, and the judge of that court upon hearing and for cause shown may grant a temporary or permanent injunction, or both, restraining any person from violating or continuing

to violate any of the provision of this chapter or from failing or refusing to comply with the requirements of this chapter.

18) The facts, circumstances and conditions described herein continue to exist at the present time, constitute a sanitary nuisance and a threat to the public health, and present an irreparable harm, in addition to posing an imminent and continuing threat of the spread of dangerous disease.

WHEREFORE, the Department prays that this Honorable Court will issue an Order in this case that directs Respondents to:

(a) immediately pump out and clean the septic system located at 105 West Gulf Beach Drive on St. George Island, Florida;

(b) within seven (7) days of the date of the Order make whatever repairs are necessary to abate said sanitary nuisance;

(c) assess the costs of this action against Respondents; and

(d) grant such other and further relief as the Court deems just and proper.

Respectfully submitted this 13th day of February, 2009.




Jennifer A. Tschetter
Chief Legal Counsel
Florida Bar Number: 0497673
Florida Department of Health
4052 Bald Cypress Way, Bin # A-02
Tallahassee, Florida 32399-1703
(850) 245-4005

VERIFICATION

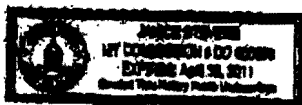
STATE OF FLORIDA)
)
COUNTY OF FRANKLIN)


Jason Flowers, Environmental Health Manager, Franklin County Health Department, who being duly sworn, and under penalty of perjury, states that the facts as set forth in the text of the Verified Motion for Temporary Injunction are based on his personal knowledge, and are true and correct. The Florida Department of Health and Franklin County Health Department, as the state agency charge with the duty of protecting the health, safety and welfare of the citizens of this community, and with investigating and abating any conditions deemed to constitute a sanitary nuisance, finds that this community will be injured absent injunctive relief from the Circuit Court of Franklin County. The Florida Department of Health and Franklin County Health Department have already notified Respondents of its objections to Respondents' continued failure to abate said sanitary nuisance, but Respondent has not corrected the conditions.


Jason Flowers
Environmental Health Manager
Franklin County Health Department

BEFORE ME, the undersigned authority, personally appeared JASON FLOWERS, who is personally known to me, and who did take an oath.

SWORN TO and SUBSCRIBED before me this 12th day of February, 2009.




NOTARY PUBLIC Julie Stevens



STATE OF FLORIDA
DEPARTMENT OF HEALTH

OFFICIAL NOTICE TO ABATE A SANITARY NUISANCE

Authority:
Chapter 386, FS

To: Mr. Billy Blackburn
Owner, B.J.'s Pizza
164 N. Bayshore Dr.
Eastpoint, FL 32328

You are hereby directed to abate an unsanitary condition existing on property under your control at

105 West Gulf Beach Dr. known as B.J.'s Pizza
(City Address, land description, etc.)

in the county Franklin, State of Florida, contrary to the
Laws of the State of Florida and which subject the offender to a penalty for failure to remove or
abate the below-described nuisance.

An inspection on 8/7/08 disclosed an Aerobic Treatment Unit
improperly treating raw sewage.

which violated Chapter No. 386 Section No. 386.041(1)(a)

of the Florida Statutes

Served By:
Name: Jason P. Flowers

By the Direction of:
Jason P. Flowers
(County Health Officer)

Title: Environmental Manager

**COMPLIANCE OF THIS ABATEMENT
MUST BE COMPLETED WITHIN
10 DAYS. SEE ATTACHED LETTER**

Telephone number: 850-653-2111 ext.117

Served upon Owner

at 101 West Gulf Beach Dr., St. George Island, FL 32328
(Street) (Town or City)

on the 20th day of August, AD, 2008, at 12:00 o'clock P. M.,
by delivering a true copy hereof.

**Note: Serving may be accomplished by personal delivery, certified mail to the last known address or by
attachment to the occupied office or residence.**

Witness the execution and delivery of this notice

Signature of Health Official

Franklin County Health Department
Please call: 653-2111 ext117 for questions

EXHIBIT "A-2"

CUSTOMER REQUESTS FOR SERVICE



Anchor
119 Franklin Boulevard
St. George Island, FL 32328
Office: (850) 927-4000
Toll Free: (800) 525-4793
Fax: (850) 927-3336

March 16, 2009

Mr. Gene Brown
Water Management Services, Inc
139 W. Gulf Beach Dr.
St. George Island, FL 32328

Dear Gene:

As you know, I am a realtor and presently own and operate the St. George Inn and other commercial businesses on St. George Island. The sewage disposal on St. George Island is inadequate and environmentally unsafe. I support your efforts to design and construct a central sewer system for the island. I have a new project which will come on line early next year and I need sewer service as soon as possible.

Please let me know if there is anything I can do to help you implement your plan for a central sewer system.

Sincerely,



Olivier Monod

March 11, 2009

Nita Molsbee
Operations Manager
139 W. Gulf Beach Dr.
St. George Island, Fl 32328

Dear Nita:

I own and operate a restaurant on St. George Island and have serious issues with wastewater. I have gulf front property dedicated to drainfield which could be used for additional seating. I am constantly having work done on my wastewater system at great expense. With the economy in its' present condition these problems create a hardship on my business.

I support the efforts of Water Management Services, Inc. to build a central wastewater system on St. George Island.

Sincerely,



Steve Rash, Owner
The Blue Parrot

March 17, 2009

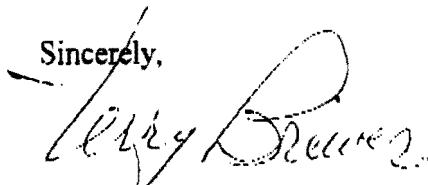
Nita Molsbee
Manager/Operator
Water Management Services, Inc.
139 W. Gulf Beach Dr.
St. George Island, Fl 32328

Dear Nita:

I am the co/owner of Harry A's, a restaurant/bar, on St. George Island. We constantly have to make improvements to our present system which is creating an economic hardship for our business. We are facing improvements to our present onsite system or reduced seating would mean a further economic hardship and could possibly mean closing our business. We have more than fifty employees during the summer months that depend on our business staying open.

We strongly support the efforts of Water Management Services to construct a central sewer system for St. George Island. We need a central sewer system as soon as possible.

Sincerely,

A handwritten signature in black ink that reads "Terry Brewer". The signature is written in a cursive style with a large, looping initial "T".

Terry Brewer
Co/Owner
Harry A's Restaurant

March 17, 2009

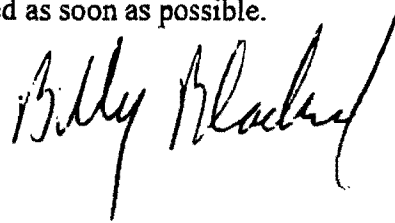
Nita Molsbee
Manager/Operator
Water Management Services, Inc.
139 W. Gulf Beach Dr.
St. George Island, Fl 32328

Dear Nita:

I am the owner of B.J.'s Pizza on St. George Island. I am currently making improvements to my sewage system which is creating an economic hardship for my business. Not complying would mean reduced seating and could possibly mean closing my business. I am unable to add seating or living area without central sewer.

I strongly support the efforts of Water Management Services to construct a central sewer system for St. George Island. This is needed as soon as possible.

Sincerely,



Billy Blackburn
Owner
B.J.'s Pizza

EXHIBIT "B"
OPTION TO PURCHASE REAL PROPERTY
FOR TREATMENT SYSTEM

February 20, 2009

Gene D. Brown
Water Management Services, Inc.
139 West Gulf Beach Drive
St. George Island, FL 32328

RE: Commercial Lots on St. George Island

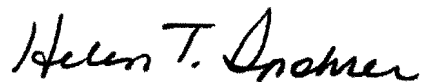
Dear Mr. Brown,

This letter is to confirm that I am granting you an option to purchase my 24 commercial lots in Block 3 West on St. George Island at fair market value as determined by a certified appraiser. This option shall expire on November 30, 2009.

I am the owner of Lots 1-7, 12-19 and 22-30 in Block 3 West, Unit One, St. George Island Gulf Beaches.

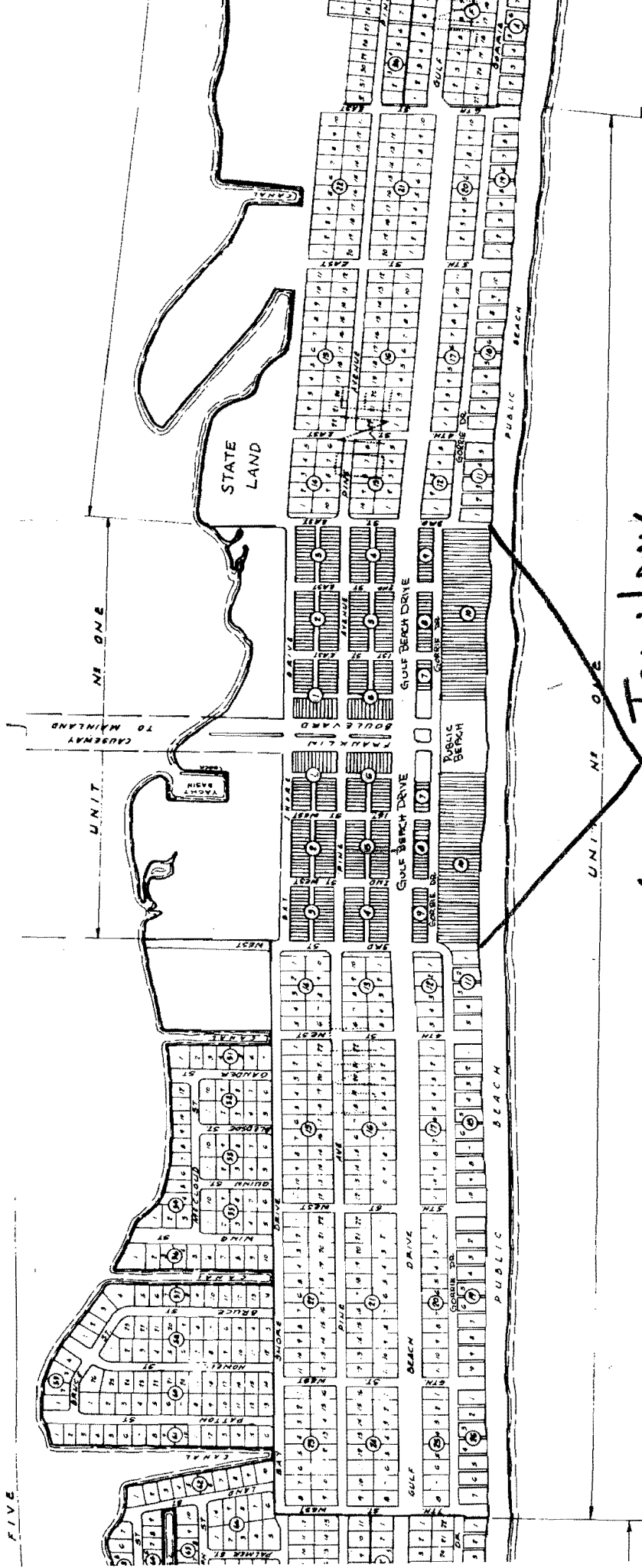
I understand that you plan to construct a sewer plant for the island. As a long time resident and business person in this community, I support your efforts to build a sewer plant which is much needed to protect the water quality.

Sincerely,



Helen Townsend Spohrer
P. O. Box 632
Eastpoint, FL 32328

THE GULF BEACHES

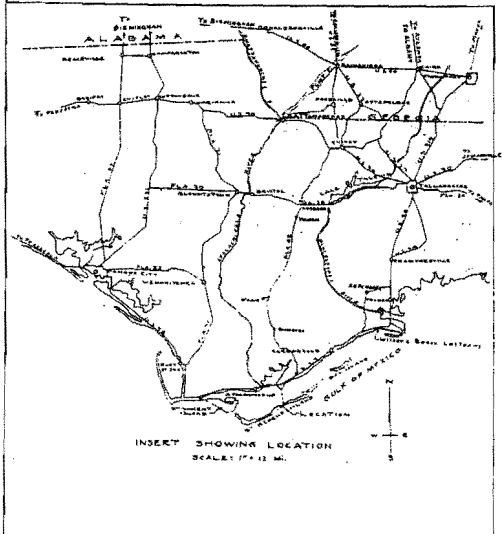
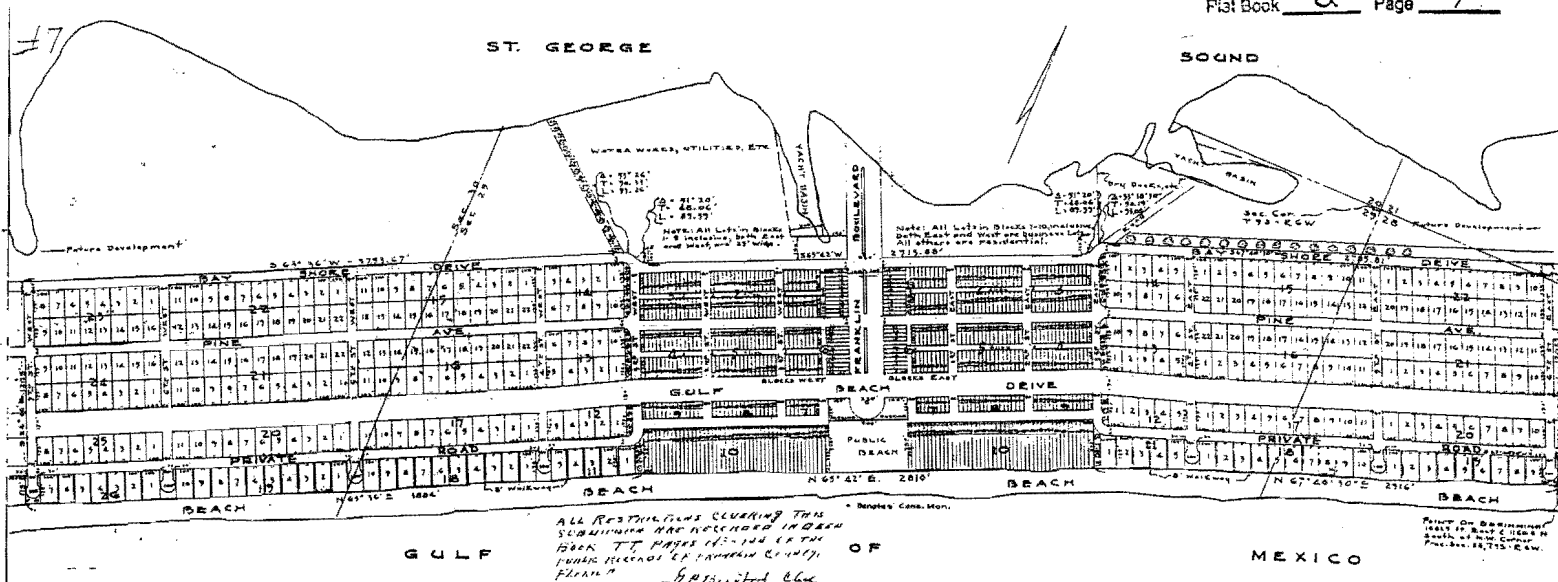


Service Territory

ST. GEORGE ISLAND

EXHIBIT "C"
MAP OF PROPOSED TERRITORY

EXHIBIT "D"
COUNTY MAP SHOWING TOWNSHIP, RANGE AND
SECTION



**ST. GEORGE ISLAND GULF BEACHES
UNIT NO. 1
LOCATED ON BEAUTIFUL ST. GEORGE ISLAND
FRANKLIN COUNTY, FLA.
AUGUST, 1952 SCALE: 1"=300'
L.G. FLANAGAN, SURVEYOR
TALLAHASSEE, FLORIDA**

ACKNOWLEDGEMENT
State of Florida (S.S.)
County of Leon
Before me this day personally appeared J.B. Mackery, Clerk of Leon County, Florida, and Secretary respectively of St. George Island Gulf Beaches, Inc., a Florida corporation and acknowledged that they executed the foregoing instrument shown to me and purporting to contain a dedication on behalf of said Corporation. Witness my hand and office seal this 23rd day of September, A.D. 1952.

J.B. Mackery Notary Public
My Commission Expires 12/31/54

DEDICATION
State of Florida (S.S.)
County of Leon
Know all men by these presents, that St. George Island Gulf Beaches, Inc., the owner in fee simple of the tract of land shown hereon and more particularly described as follows:
Begin at a point on the Gulf of Mexico 1266 feet South and 161 feet East of the Northwest corner of Section 28, Township 9 South, Range 6 West, 3d Degree 2 East, Franklin County, Florida, and run thence North 24 degrees 10 minutes East 179 feet, thence South 67 degrees 40 minutes West 20 feet, thence North 24 degrees 10 minutes West 212 feet, thence South 28 degrees 20 minutes West 212 feet to a point of curve, thence along a curve to the left with a radius of 100 feet and a central angle of 73 degrees 20 minutes to a point of tangency, thence South 63 degrees 42 minutes West 272 feet to a point of curve, thence along a curve to the right with a radius of 100 feet and a central angle of 71 degrees 20 minutes, a distance of 639 feet to a point of reverse curve, thence along a curve to the left with a radius of 100 feet and a central angle of 73 degrees 20 minutes, a distance of 712 feet to point of tangency, thence South 63 degrees 36 minutes West 272 feet, thence South 24 degrees 18 minutes East 205 feet, thence South 24 degrees 18 minutes West 20 feet, thence South 24 degrees 18 minutes East 179 feet to the Gulf of Mexico, thence in a Northwesterly direction along the shore of the Gulf of Mexico 760 feet to the point of beginning, situated, lying and being partially in fractional Sections 21, 22, 23, and 24, Township 9 South, Range 6 West, has surveyed and lands to be surveyed and platted as shown hereon, and does hereby dedicate to the perpetual use of the public as Public Highways, the streets, boulevards, drives, and avenues, as shown hereon, reserving unto itself, its heirs, successors, assigns or legal representatives the reversion or reversions of same, whenever abandoned by the public or discontinued by law.
In witness whereof, it has caused these presents to be signed by its President and by its Secretary and witnessed this 23rd day of September, A.D. 1952, and its Corporate Seal affixed hereunto.
Witness my hand and office seal this 23rd day of September, A.D. 1952.

L.G. Flanagan Surveyor
St. George Island Gulf Beaches, Inc.

SURVEYOR'S CERTIFICATE
State of Florida (S.S.)
County of Leon
I hereby certify that the attached plat is a correct representation of a survey made under my direction, that the angles and distances shown are true and correct to the best of my knowledge and belief, and that permanent reference marks have been placed according to law.
L.G. Flanagan Land Surveyor
St. George Island Gulf Beaches, Inc.

Approved by Board of County Commissioners, Franklin County, Florida this 23rd day of September, A.D. 1952.
J.P. Wallace Chairman

Accepted for Files and Recorded this 9th day of Sept. A.D. 1952 in Plat Book 2, on Page 7.
J.P. Wallace Clerk of Circuit Court

J.B. Mackery President
J.P. Wallace Secretary

EXHIBIT “E”
WMSI’s 2008 FINANCIAL STATEMENT

WMSI-NARUC
Income Statement
For the Twelve Months Ending December 31, 2008

	Year to Date
Water Revenues	
461.10 Metered Sales-Residential	1,122,336.82
461.20 Metered Sales-Commercial	153,906.42
461.40 Metered Sales-Public Auth	42,324.41
461.50 Metered Sales-Multi Family	53,997.26
469.00 Guaranteed Revenue-AFPI Chgs	122.77
471.00 Misc Service Revenue	2,111.06
	1,374,798.74

Water Operations Expenses	
601.10 Salaries & Wages-Employees	148,901.79
603.10 Salaries & Wages-Officers	76,327.82
604.10 Employee Pensions & Benefits	16,061.75
615.10 Purchased Power	63,693.49
618.10 Chemicals	13,580.51
620.10 Materials and Supplies	14,420.49
634.10 Contractual Services-Mgmt	11,824.23
635.10 Contractual Services-Testing	5,569.00
636.10 Contractual Services-Other	17,105.69
642.10 Rental of Equipment	4,012.94
650.10 Transportation Expenses	24,916.09
656.10 Insurance-Vehicles	5,547.46
657.10 Insurance-General	18,688.77
658.10 Insurance-Workman's Comp	6,407.84
659.10 Insurance-Other (Flood)	4,519.07
675.10 Misc. Expense	121.50
675.11 Continuing Education	262.10
675.12 Dues & Subscriptions	234.40
675.13 Repairs & Maintenance	69,512.95
675.14 Telephone	9,497.58
675.15 Postage	6,607.76
675.16 Uniforms	3,381.40
675.19 Travel Expense	517.02
	521,711.65

Administrative Expenses	
601.80 Salaries & Wages-Employees	145,118.54
603.80 Salaries & Wages-Officers	76,327.81
604.80 Employee Pensions & Benefits	36,688.98
620.80 Materials and Supplies	4,727.26
632.80 Contractual Services-Acctg	535.00
633.80 Contractual Services-Legal	40,004.97
636.80 Contractual Services-Other	5,186.41
641.80 Rental of Bldg/Real Property	22,838.96
642.80 Rental of Equipment	1,091.40
650.80 Transportation Expenses	12,813.65
656.80 Insurance-Vehicles	4,068.00
657.80 Insurance-General	8,190.99
658.80 Insurance-Workman's Comp	1,300.13
659.80 Insurance-Key Man Life Ins.	9,759.00
660.80 Advertising Expense	90.00
670.80 Bad Debt Expense	4,800.00
675.82 Dues & Subscriptions	2,105.23
675.83 Repairs & Maintenance	5,566.45

WMSI-NARUC
Income Statement
For the Twelve Months Ending December 31, 2008

		Year to Date
675.84	Telephone	4,289.39
675.85	Postage	2,262.00
675.86	Bank Charges	2,804.22
675.87	Utilities	2,336.24
675.89	Travel Expenses	1,510.58
	Total Administrative Expense	394,415.21
	Total Operating Expenses	916,126.86
Depreciation & Amortization		
403.00	Depreciation Expense	281,738.88
403.10	Amort. - CIAC	(84,963.00)
407.30	Amort. - Bridge/Main Property	14,616.24
666.80	Amort. - Rate Case Expense	24,183.94
	Net Depreciation & Amortization	235,576.06
Taxes Other Than Income		
408.10	Utility Reg. Assessment Fees	61,866.00
408.11	Other Taxes- Property	11,912.58
408.12	Other Taxes- Payroll	33,919.75
408.13	Other Taxes and Licenses	544.27
	Total Non-Income Taxes	108,242.60
	Utility Operating Income	114,853.22
Other Income & Expenses		
414.00	Gain/Loss-Sale of Utility Prop	7,285.82
419.00	Int. & Dividend Income	(14,892.19)
426.10	Non-Utility Exp-Penalties/Fine	13,194.19
	Net Other Income & Expenses	5,587.82
Interest Expense		
427.00	Interest-D.E.P.	150,940.49
427.30	Interest- Long-Term Debt	191,335.56
427.40	Interest- Customer Deposits	7,878.44
427.50	Interest- Vendors	635.69
428.20	Amort of Loan Fees	18,939.00
	Total Interest Expense	369,729.18
	Taxable Income	(260,463.78)
Income Tax Expense		
	Net Income	\$ (260,463.78)

**WMSI-NARUC
Balance Sheet
December 31, 2008**

ASSETS

Utility Plant In Service

303.00	Land and Land Rights	\$ 90,993.95
304.00	Structures & Improvements	341,190.35
307.00	Wells & Springs	405,021.00
309.00	Supply Mains	3,984,508.07
310.00	Power Generation Equipment	113,061.44
311.00	Pumping Equipment	224,688.83
320.00	Water Treatment Equipment	73,402.86
330.00	Dist. Reservoirs & Standpipes	362,073.24
331.00	Transmission & Dist. Mains	2,524,926.36
333.00	Services	233,928.03
334.00	Meters & Meter Installation	210,691.99
335.00	Hydrants	129,639.77
340.00	Office Furniture & Fixtures	74,070.51
341.00	Transportation Equipment	149,017.69
343.00	Tools, Shop & Garage Equip.	35,690.48
345.00	Power Operated Equipment	64,550.57
		<hr/>
	Total Plant In Service	9,017,455.14

Construction Work In Process

	<hr/>
Total Construction Work in Process	0.00

Depreciation of Utility Plant

108.01	Accum Depr-Struct. & Impr.	(97,455.33)
108.02	Accum Depr-Wells & Springs	(178,344.46)
108.03	Accum Depr-Supply Mains	(735,024.48)
108.04	Accum Depr-Power Gen Equip	(76,312.73)
108.05	Accum Depr-Pumping Equip.	(147,031.04)
108.06	Accum Depr-Treatment Equip	(38,892.11)
108.07	Accum Depr-Dist Res & Stdp	(231,543.39)
108.08	Accum Depr-T & D Mains	(1,158,568.42)
108.09	Accum Depr-Services	(138,601.46)
108.10	Accum Depr-Meters & Inst.	(148,529.77)
108.11	Accum Depr-Hydrants	(67,866.49)
108.13	Accum Depr-Ofc Furn.& Equip	(21,839.18)
108.14	Accum Depr-Tools & Equip	(14,635.17)
108.145	Accum Depr-Power Operated Eq	(26,559.30)
108.16	Accum Depr-Transp. Equip.	(54,163.65)
		<hr/>
	Total Plant Depreciation	(3,135,366.98)

	<hr/>
Net Plant	5,882,088.16

WMSI-NARUC
Balance Sheet
December 31, 2008

Other Property & Investments

Net Disallowed Invest. In Plant	811,018.34
Investment in Assoc. Cos.	1,160,703.34

Current & Accrued Assets

131.08	Cash in Checking-GSB Operating	(19,158.15)
131.09	Cash in Checking-FMB	61.44
131.11	Cash in Checking-GSB Constr.	(272.93)
132.10	Cash in Special Reserve-GSB	336.69
135.30	Cash in Reserve-FMB Bank	51.39

Total Cash 18,981.56

141.00	Accounts Receivable-Customers	121,667.25
142.00	Accounts Receivable-Other	551.16
143.00	Prov. for Uncollectible Accts.	(24,500.00)

Total Receivables (Net) 97,718.41

146.00 Notes Receivable-Associated Co 150,000.00

162.10	Deposits	13,184.15
162.30	Prepaid Insurance	27,672.37

Total Prepayments & Deposits 40,856.52

Total Current Assets **1,430,296.71**

Deferred Debits

181.00	Deferred Loan Costs	121,239.99
186.05	Deferred Limited Proceeding	24,183.94
186.20	Deferred Loss on Bridge/Main	68,062.48

Total Deferred Debits **213,486.41**

Total Assets **\$ 8,336,889.62**

**WMSI-NARUC
Balance Sheet
December 31, 2008**

LIABILITIES AND CAPITAL

EquityCapital

215.00	Unapprop Retained Earnings	\$ (984,742.20)
218.00	Common Stock	10,000.00
219.00	Additional Paid in Capital	(488,548.21)
	Current Period Income(Loss)	(260,463.78)
	Total Capital	(1,723,754.19)

Long-Term Liabilities

224.18	N/P-CCB (GMC)	23,766.30
224.20	N/P-Gulf State Bank	2,821,641.12
224.32	N/P-D.E.P.	4,608,289.03
224.37	N/P-FMB Backhoe Loan	14,121.08
	Other Long Term Debt	7,467,817.53
	Total Long-Term Liabilities	7,467,817.53

Current Liabilities

231.00	Accounts Payable	91,932.97
232.18	N/P-Curr-CCB (GMC)	7,379.13
232.20	N/P-Curr-Gulf State Bank	52,881.72
232.32	N/P-Curr-D.E.P.	273,445.07
232.37	N/P-Curr-FMB Backhoe Loan	26,129.86
235.00	Customer Deposits	108,814.95
236.10	Acc Taxes-Reg Assess Fee	31,534.00
236.20	Acc Taxes-Property	16,000.00
236.30	Acc Taxes-Fed W/H	242.04
237.18	Acc Int-CCB (GMC)	124.09
237.41	Acc Int-FMB Backhoe Loan	239.83
237.60	Acc Int-D.E.P.	18,396.66
237.65	Acc Int-Gulf State Bank	4,750.95
241.10	Accrued Wages Payable	8,872.30
	Total Current Liabilities	640,743.57

Deferred Credits

252.10	Advances for Construction	21,037.10
	Total Construction Advances	21,037.10

Contributions In Aid of Construction

271.20	CIAC- Plant Capacity Charge	1,247,873.42
271.30	CIAC- Meter Installation Fee	551,631.32
271.40	CIAC- Main Extension Charge	955,857.29
271.45	CIAC- Fire Hydrants	68,556.00
271.46	CIAC- Fire Sprinkler Systems	3,500.00
271.50	CIAC- Services	9,497.46
271.60	CIAC- Contrib. Property	375,659.12

**WMSI-NARUC
Balance Sheet
December 31, 2008**

	Gross C I A C	<u>3,212,574.61</u>
272.00	Accum. Amort. of CIAC	<u>(1,281,529.00)</u>
	Net C I A C	<u>1,931,045.61</u>
	Total Liabilities	<u>10,060,643.81</u>
	Total Liabilities & Capital	<u>\$ 8,336,889.62</u>

LATE-FILED EXHIBIT “F”

**AFFIDAVIT OF NOTICE OF APPLICATION TO THE
ENTITLES IDENTIFIED IN RULE 25-30.030(5), FLORIDA
ADMINISTRATIVE CODE**

(TO BE PROVIDED)

LATE-FILED EXHIBIT “G”

**AFFIDAVIT OF NOTICE OF APPLICATION TO CURRENT
WATER CUSTOMERS PURSUANT TO RULE 25-30.030(6),
FLORIDA ADMINISTRATIVE CODE**

(TO BE PROVIDED)

LATE-FILED EXHIBIT “H”

**AFFIDAVIT OF PUBLICATION AS REQUIRED BY RULE 25-
30.030(7), FLORIDA ADMINISTRATIVE CODE**

(TO BE PROVIDED)