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April 15, 2009

MARTIN S. FRIEDMAN, P.A.  
BRIAN J. STREET

CHRISTIAN W. MARCELLI, OF COUNSEL  
(LICENSED IN NEW YORK ONLY)

**VIA HAND DELIVERY**

Ms. Ann Cole  
Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

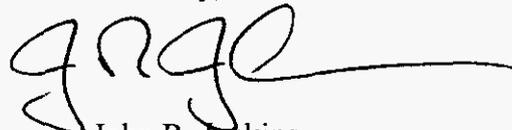
RECEIVED-FPSC  
09 APR 15 PM 4:16  
COMMISSION  
CLERK

Re: Grove Utilities, Inc.;  
Application for Deletion of Service Territory and  
Cancellation of Water Certificate 633-W and Wastewater Certificate 542-S  
Docket No.: 060601

Dear Ms. Cole:

Enclosed for filing in the above-referenced docket please find an original and five copies of an Application for Deletion of Service Territory and Cancellation of Water Certificate 633-W and Wastewater Certificate 542-S filed on behalf of Grove Utilities, Inc. For purposes of the public notice deadlines, please stamp and return a copy of this letter acknowledging its receipt. Should you have any questions, please feel free to contact me.

Sincerely,



John R. Jenkins  
For the Firm

COM \_\_\_\_\_  
ECR \_\_\_\_\_  
GCL \_\_\_\_\_  
OPC \_\_\_\_\_  
RCP \_\_\_\_\_  
SSC \_\_\_\_\_  
SGA \_\_\_\_\_  
ADM \_\_\_\_\_  
CLK \_\_\_\_\_

JRJ/kem

cc: Ms. Katie Sproul  
Mr. Ron Edwards  
David Genson, P.E.

DOCUMENT NUMBER-DATE

03457 APR 15 8

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application of Grove Utilities, Inc. )  
for Deletion of Service Territory and )  
Cancellation of Water Certificate 633-W )  
and Wastewater Certificate 542-S in )  
Okeechobee County, Florida )  
\_\_\_\_\_ )

DOCKET NO. 060601-WS

APPLICATION FOR DELETION OF SERVICE TERRITORY  
AND CANCELLATION OF WATER CERTIFICATE 633-W AND  
WASTEWATER CERTIFICATE 542-S

Grove Utilities, Inc. ("Applicant" or "Utility"), by and through its undersigned counsel and pursuant to Section 367.045, Florida Statutes, and Rule 25-30.036, Florida Administrative Code, hereby applies for Deletion of Service Territory and Cancellation of Water Certificate No. 633-W and Wastewater Certificate No. 542-S in Okeechobee County, Florida, and in support submits the following information:

**PART I      APPLICANT INFORMATION**

A)      The full name and address of the Applicant:

Grove Utilities, Inc.  
2600 Golden Gate Parkway  
Naples, FL 34105

B)      The name, address, telephone number, facsimile number and email address of Applicant's counsel are:

John R. Jenkins, Esquire  
Rose, Sundstrom & Bentley, LLP  
2548 Blairstone Pines Drive  
Tallahassee, Florida 32301  
Phone: (850) 877-6555  
Fax: (850) 656-4029  
jjenkins@rsbattorneys.com

**PART II      NEED FOR SERVICE**

A)      Applicant requests a deletion of service territory and cancellation of certificates. Due to current economic conditions and the downturn in the housing market in Florida, The Grove real estate project in Okeechobee County will not be proceeding. Therefore, utility service will not be required. To date, no utility facilities have been constructed and no service is

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

being provided. The deletion of the service territory and cancellation of certificates will serve the public interest by avoiding the unnecessary expenditure of funds and construction of facilities where they are not needed.

B) A statement regarding comprehensive plan compliance is not applicable in this situation.

### **PART III SYSTEM INFORMATION**

#### **A) WATER**

(1) A statement describing proposed types of water service, capacity of existing lines and facilities, numbers and dates of any construction or operating permits, and customers to be served is not applicable in this situation.

(2) The Applicant has no current active water connections.

(3) Evidence that Applicant owns or leases the land on which water facilities will be located is not applicable in this situation.

#### **B) WASTEWATER**

(1) A statement describing capacity of existing lines, treatment and disposal facilities, numbers and dates of any construction or operating permits, a written provision of proposed methods of effluent disposal, reasons for not using reuse, a description of customers to be served is not applicable in this situation.

(2) The Applicant has no current active wastewater connections.

(3) Evidence that Applicant owns or leases the land on which wastewater facilities will be located is not applicable in this situation.

### **PART IV FINANCIAL AND TECHNICAL INFORMATION**

A) A statement as to Applicant's technical and financial ability to render service, proposed method of financing, and the projected impact on the Utility's capital structure is not applicable in this situation.

B) Applicant was issued Water Certificate No. 633-W and Wastewater Certificate No. 542-S in PSC Order No. PSC-07-0181 FOF-WS in a bifurcated proceeding. The docket remained open pending the filing of information necessary to establish rates and charges. Rates and charges have not yet been established. Therefore, there are no Commission orders establishing or amending the Applicant's rates and charges.

C) A statement regarding the projected impact of the extension on the Utility's monthly rates and service availability charges is not applicable in this situation.

**PART V TERRITORY DESCRIPTION AND MAP**

A) TERRITORY DESCRIPTION

Attached as Exhibit "A" is an accurate description of the territory to be deleted using township, range and section references.

B) TERRITORY MAPS

Since the territory to be deleted is Applicant's entire service territory, revised maps pursuant to Rule 25-30.036(4)(e), F.A.C., are not required.

C) SYSTEM MAPS

Since the territory to be deleted is Applicant's entire service territory, and Applicant has constructed no systems, revised system maps pursuant to Rule 25-30.036(4)(c), F.A.C., are not required.

**PART VI NOTICE OF ACTUAL APPLICATION**

A) Attached as Exhibit "B" is a copy of the Applicant's Legal Notice.

B) A form of affidavit that the foregoing notice was given in accordance with Section 367.045(1)(a), Florida Statutes, and Rule 25-30.030, Florida Administrative Code, to the required governmental authorities and certificated utilities, is attached as Exhibit "C." The executed affidavit will be a late-filed exhibit.

C) Notice in accordance with Rule 25-30.030, Florida Administrative Code, was not provided to each customer of the system as there are no customers.

D) An affidavit of publication that the foregoing notice was published once in a newspaper of general circulation in the proposed territory in accordance with Rule 25-30.030, Florida Administrative Code, will be late-filed Exhibit "D."

**PART VII FILING FEE**

No filing fee is included in this application because certificate Docket No. 060601-WS remains open and this is only a supplementary territory deletion application.

**PART VIII RATES, TARIFFS AND ANNUAL REPORTS**

A) Grove Utilities, Inc. has not yet established rates and charges and has no tariffs. An affidavit that the Utility has annual reports (although no system revenue) on file with the Commission is attached hereto as Exhibit "E."

B) There are no proposed revisions to the Utility's tariffs to incorporate the proposed change to the certified territory as the Utility has no tariffs as yet and the entire territory is being deleted and certificates cancelled.

**PART IX AFFIDAVIT**

An affidavit affirming that the facts stated in this Application and all exhibits attached thereto are true and correct, and that said statements of fact constitute a complete statement of the matter to which it relates, is attached hereto as Exhibit "F."

**WHEREFORE**, Grove Utilities, Inc. requests that the Commission delete its service territory and cancel Water Certificate 633-W and Wastewater Certificate 542-S.

Respectfully submitted this  
15<sup>th</sup> day of April, 2009, by:

Rose, Sundstrom & Bentley, LLP  
2548 Blairstone Pines Drive  
Tallahassee, Florida 32301  
(850) 877-6555  
(850) 656-4029 FAX



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John R. Jenkins, Esq.  
FL Bar ID No. 435546  
Attorneys for Grove Utilities, Inc.

EXHIBIT "A"

LEGAL DESCRIPTION

All of Sections 1, 2, 3, 10, 11, 12, 13, 14, and 15 in Township 34 South, Range 36 East, Okeechobee County, Florida, less and except the following described lands:

Beginning at a concrete monument marking the Southeast corner of said Section 13, run N89°26'05" W a distance of 5284.42' to an iron pipe marking the Southwest corner of said Section 13; thence run S89°42'28" W a distance of 5114.05' along the south line of Section 14 to an iron pipe at the S.W. corner thereof; thence run N89°31'14" W along the south line of Section 15 a distance of 5302.02' to a concrete monument marking the Southwest corner of said Section 15; thence run N 00°00'14" E along the West line of Section 15 a distance of 174.49'; thence run S 89°12'07"E along a fence line a distance of 5302.87' to a point which is 145' North of the Southwest corner of said Section 14; thence run S 00° 12'46" W a distance of 20.0'; thence run N 89°42'28" E along a line lying parallel to and 125' North of the South line of Section 14 a distance of 5113.88' to a point which is 125' North of the Southwest corner of Section 13; thence run S 89°26'05" E along a line parallel to and 125' North of the South line of Section 13 a distance of 5149.10' to a point which is 135' West and 125' North of the Southeast corner of Section 13; thence run N 00°00'22" W a distance of 100'; thence run S 89°26'05"E a distance of 135' to the East line of said Section 13; thence run S 00°00'22" E a distance of 225' to the point of beginning at the Southeast corner of Section 13, Township 34 South, Range 36 East, Okeechobee County, Florida.

EXHIBIT "B"

LEGAL NOTICE

Notice is hereby given on \_\_\_\_\_, 2009, pursuant to §367.045, Florida Statutes, of the application of Grove Utilities, Inc., 2600 Golden Gate Parkway, Naples, FL, 34105, to amend its Water Certificate No. 633-W and Wastewater Certificate No. 542-S to delete territory in Okeechobee County, Florida as follows:

All of Sections 1, 2, 3, 10, 11, 12, 13, 14, and 15 in Township 34 South, Range 36 East, Okeechobee County, Florida, less and except the following described lands:

Beginning at a concrete monument marking the Southeast corner of said Section 13, run N89°26'05" W a distance of 5284 , 42' to an iron pipe marking the Southwest corner of said Section 13; thence run S89°42'28" W a distance of 5114.05' along the south line of Section 14 to an iron pipe at the S.W. corner thereof; thence run N89°31'14" W along the south line of Section 15 a distance of 5302.02' to a concrete monument marking the Southwest corner of said Section 15; thence run N 00°00'14" E along the West line of Section 15 a distance of 174.49'; thence run S 89°12'07"E along a fence line a distance of 5302.87' to a point which is 145' North of the Southwest corner of said Section 14; thence run S 00° 12'46" W a distance of 20.0'; thence run N 89°42'28" E along a line lying parallel to and 125' North of the South line of Section 14 a distance of 5113.88' to a point which is 125' North of the Southwest corner of Section 13; thence run S 89°26'05" E along a line parallel to and 125' North of the South line of Section 13 a distance of 5149.10' to a point which is 135' West and 125' North of the Southeast corner of Section 13; thence run N 00°00'22" W a distance of 100'; thence run S 89°26'05"E a distance of 135' to the East line of said Section 13; thence run S 00°00'22" E a distance of 225' to the point of beginning at the Southeast corner of Section 13, Township 34 South, Range 36 East, Okeechobee County, Florida.

Any objection to the said application must be made in writing and filed with the Office of Commission Clerk, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within thirty (30) days from the date of this notice. At the same time, a copy of said objection should be mailed to the applicant whose address is set forth below. The objection must state the grounds for the objection with particularity.

JOHN R. JENKINS, ESQ.  
ROSE, SUNDSTROM & BENTLEY, LLP  
2548 Blirstone Pines Drive  
Tallahassee, Florida 32301

EXHIBIT "C"

FORM OF AFFIDAVIT OF NOTICE

STATE OF FLORIDA  
COUNTY OF LEON

Before me, the undersigned authority, authorized to administer oaths and take acknowledgments, personally appeared \_\_\_\_\_ who, after being duly sworn on oath, did depose on oath and say that she is the secretary to John R. Jenkins, Esq., attorney for GROVE UTILITIES, INC. and that on \_\_\_\_\_, 2009 she did send by regular mail, a copy of the notice attached hereto to each of the utilities and governmental authorities, as set forth on the list provided by the Florida Public Service Commission, which is also attached hereto.

FURTHER AFFIANT SAYETH NAUGHT.

\_\_\_\_\_  
[NAME]

Sworn to and subscribed before me this \_\_\_\_ day of \_\_\_\_\_, 2009, by  
\_\_\_\_\_ who is personally known to me.

\_\_\_\_\_  
Print Name

NOTARY PUBLIC

My Commission Expires:

**LIST OF WATER AND WASTEWATER UTILITIES IN OKEECHOBEE COUNTY  
(VALID FOR 60 DAYS)  
03/24/2009 - 05/22/2009**

UTILITY NAME

MANAGER

OKEECHOBEE COUNTY

GROVE UTILITIES, INC. (WS903)  
2600 GOLDEN GATE PARKWAY  
NAPLES, FL 34105-3227

JOHN R. JENKINS  
(850) 877-6555

PINE RIDGE MANAGEMENT CORPORATION (WS895)  
P. O. BOX 307  
LAKE PLACID, FL 33862-0307

VIRGINIA L. GADSDEN  
(863) 699-1582

THE VANTAGE DEVELOPMENT CORPORATION (SU877)  
1595 S.E. 32ND AVENUE  
OKEECHOBEE, FL 34974-6522

JOE HAZELLIEF  
(863) 763-4892

ZACHARY TAYLOR CAMPING AND LODGE, INC. (SU876)  
2995 HIGHWAY 441 S.E.  
OKEECHOBEE, FL 34974-6899

CHARLES R. FREED  
(863) 763-3377

**LIST OF WATER AND WASTEWATER UTILITIES IN OKEECHOBEE COUNTY  
(VALID FOR 60 DAYS)  
03/24/2009 - 05/22/2009**

UTILITY NAME

MANAGER

GOVERNMENTAL AGENCIES

CENTRAL FL REGIONAL PLANNING COUNCIL  
P.O. BOX 2089  
BARTOW, FL 33831

CLERK, BOARD OF COUNTY COMMISSIONERS, OKEECHOBEE COUNTY  
304 N. W. 2ND STREET  
OKEECHOBEE, FL 34972-4146

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

DEP SOUTHEAST DISTRICT  
400 NORTH CONGRESS AVENUE  
WEST PALM BEACH, FL 33401

MAYOR, CITY OF OKEECHOBEE  
55 S. E. 3RD AVENUE  
OKEECHOBEE, FL 34974-2932

SO. FLORIDA WATER MANAGEMENT DISTRICT  
P.O. BOX 24680  
WEST PALM BEACH, FL 33416-4680

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

**LIST OF WATER AND WASTEWATER UTILITIES IN OKEECHOBEE COUNTY  
(VALID FOR 60 DAYS)  
03/24/2009 - 05/22/2009**

UTILITY NAME

STATE OFFICIALS

MANAGER

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

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

EXHIBIT "D"

AFFIDAVIT OF NEWSPAPER PUBLICATION OF LEGAL NOTICE

(Late-filed Exhibit)

EXHIBIT "E"

ANNUAL REPORT AFFIDAVIT

I Bradley A. Boaz (applicant) do solemnly swear or affirm that Grove Utilities, Inc. has its annual reports on file with the Public Service Commission.

BY: *Bradley A. Boaz*  
Signature

Bradley A. Boaz  
Name (Typed)

Director  
Title

Subscribed and sworn to before me this 14<sup>th</sup> day of April, 2009 by Bradley A. Boaz who is personally known to me  or produced identification

\_\_\_\_\_  
(Type of Identification Produced)

*Kim D. Davidson*  
Notary Public's Signature

KIM D. DAVIDSON  
Print, Type or Stamp Commissioned  
Name of Notary Public



EXHIBIT "F"

COMPANY AFFIDAVIT

I Bradley A. Boaz (applicant) do solemnly swear or affirm that the facts stated in the forgoing application, and all exhibits attached thereto, are true and correct and that said statements of fact thereto constitutes a complete statement of the matter to which it relates.

BY: Bradley A. Boaz  
Signature

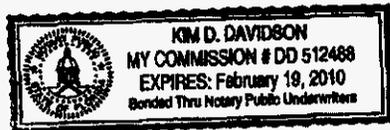
Bradley A. Boaz  
Name (Typed)

Director  
Title

Subscribed and sworn to before me this 14<sup>th</sup> day of April, 2009 by Bradley A. Boaz who is personally known to me  or produced identification

\_\_\_\_\_  
(Type of Identification Produced)

Kim D. Davidson  
Notary Public's Signature



**KIM D. DAVIDSON**  
Print, Type or Stamp Commissioned  
Name of Notary Public

\* If applicant is a corporation, the affidavit must be made by the president or other officer authorized by the by-laws of the corporation to act for it. If applicant is a partnership or association, a member of the organization authorized to make such affidavit shall execute same.