

State of Florida



Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

-M-E-M-O-R-A-N-D-U-M-

DATE: August 6, 2009

TO: Office of Commission Clerk (Cole)

FROM: Division of Economic Regulation (Clapp, Marsh, Walden)
Office of the General Counsel (Klancke, Sayler)

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

AGENDA: 08/18/09 – Regular Agenda – Interested Persons May Participate

COMMISSIONERS ASSIGNED: All Commissioners

PREHEARING OFFICER: Argenziano

CRITICAL DATES: 09/10/09 (Statutory Deadline for original certificate pursuant to Section 367.031, Florida Statutes)

SPECIAL INSTRUCTIONS: None

FILE NAME AND LOCATION: S:\PSC\ECR\WP\080272.RCM.DOC

RECEIVED-FPSC
AUG -6 AM 11:55
COMMISSION CLERK

Case Background

On May 14, 2008, Sun River Utilities, Inc. (Sun River or utility) filed an original certificate application to provide water and wastewater service in Charlotte and DeSoto Counties. This utility, which had previously operated solely within Charlotte County, was regulated by the Public Service Commission¹ until Charlotte County rescinded the Commission's

¹ Order No. PSC-99-0756-FOF-WS, issued April 19, 1999, in Docket No. 980731-WS, In re: Application for certificate to provide water and wastewater service in Charlotte County by Hunter Creek Utilities, LLC.; Order No. PSC-05-0147-PAA-WS, issued February 7, 2005, in Docket No. 031042-WS, In re: Application for transfer of Certificate Nos. 611-W and 527-S in Charlotte County from Hunter Creek Utilities, LLC to MSM Utilities, LLC, in Charlotte County.; Order No. PSC-06-0129-FOF-WS, issued February 16, 2006, in Docket No. 050820-WS, In re:

DOCUMENT NUMBER - DATE
08091 AUG -6 09
FPSC-COMMISSION CLERK

jurisdiction on September 25, 2007.² With this application, however, Sun River intends to provide service territory in both Charlotte and DeSoto Counties. Sun River, therefore, seeks recertification from the Commission pursuant to Section 367.171(7), Florida Statutes (F.S.).

On June 10, 2008, DeSoto County timely filed an objection to the application for original certificates. On June 12, 2008, Charlotte County timely filed an objection to the Sun River application. Four motions for abatement were filed to allow the objections to be discussed, and the Commission granted these motions.³ Sun River corrected all application deficiencies on July 28, 2008. On September 12, 2008, DeSoto County filed a notice of voluntary dismissal of objection to Sun River's application. On June 12, 2009, Charlotte County also filed a notice of voluntary dismissal of objection to Sun River's application. Thus, the official filing date for this application occurred on June 12, 2009, when the final objection to Sun River's application was withdrawn. Pursuant to Section 367.031, F.S., applications for original certificates must be acted upon within 90 days of the application being determined to be complete and officially filed. Therefore, this application must be ruled upon by September 10, 2009.

Sun River currently provides water and wastewater service to approximately 120 customers. The service area is located in the Southern Water Use Caution Area of the Southwest Florida Water Management District (SWFWMD).

This recommendation addresses Sun River's application for certificates to provide water and wastewater service in Charlotte and DeSoto Counties. The Commission has jurisdiction pursuant to Sections 367.031, 367.045, and 367.171, F.S.

Application for amendment of Certificates 611-W and 527-S to extend water and wastewater service areas to include territory in Charlotte County by MSM Utilities, LLC.; Order No. PSC-06-1064-FOF-WS, issued December 26, 2006, in Docket No. 060628-WS, In re: Application for quick-take amendment of Certificates 611-W and 527-S for new territory in Charlotte County, by MSM Utilities, LLC.; Order No. PSC-07-0163-FOF-WS, issued February 23, 2007, in Docket No. 060820-WS, In Re: Application for transfer of majority organizational control and Certificate No. 611-W and 527-S of MSM Utilities, LLC in Charlotte County to Sun River Utilities, Inc.; and Order No. PSC-08-0243-FOF-WS, issued April 16, 2008, in Docket No. 070109-WS, In re: Application for amendment of Certificates 611-W and 527-S to extend water and wastewater service areas to include certain land in Charlotte County by Sun River Utilities, Inc. (f/k/a MSM Utilities, LLC).

² Order No. PSC-07-0984-FOF-WS, issued December 10, 2007, in Docket No. 070643-WS, In re: Resolution No. 2007-143 by Charlotte County Board of Commissioners, in accordance with Section 367.171, F.S., rescinding Florida Public Service Commission jurisdiction over private water and wastewater systems in Charlotte County.

³ Four abatement orders were issued in this docket. See Order Nos. PSC-08-0678-PCO-WS, issued October 13, 2008; PSC-08-0819-PCO-WS, issued December 12, 2008; PSC-09-0117-PCO-WS, issued February 26, 2009; and PSC-09-0352-PCO-WS, issued May 22, 2009.

Discussion of Issues

Issue 1: Should the application of Sun River for water and wastewater certificates be approved?

Recommendation: Yes. Staff recommends that it is in the public interest, pursuant to Section 367.031, F.S., to grant Sun River Utilities, Inc. Certificate Nos. 646-W and No. 554-S to serve the territory described in Attachment A, effective the date of the Commission's vote. The resultant order should serve as Sun River's water and wastewater certificates and it should be retained by the utility. (Clapp, Walden, Marsh, Klancke, Saylor)

Staff Analysis: As discussed in the case background, Sun River filed an original certificate application to provide water and wastewater service in DeSoto and Charlotte Counties on May 14, 2008. Subsequent objections were filed by DeSoto County and Charlotte County. On September 12, 2008, DeSoto County withdrew its objection and submitted a copy of the settlement agreement reached between DeSoto County and Sun River. The agreement provides that Sun River will provide water, wastewater, and reclaimed water to its certificated service territory, known as DeSoto Park, in DeSoto County. Sun River shall be responsible for the design, permitting, construction, and operation of the central potable water, wastewater, and reclaimed water utility facilities needed in order to provide such services to its certificated service territory in Charlotte and DeSoto Counties. Sun River agrees to reserve for DeSoto County 250,000 gallons per day of wastewater treatment capacity in its new wastewater treatment plant for a period of three years at no cost to DeSoto County. In addition, Sun River and DeSoto County will enter into a bulk water service agreement wherein Sun River will purchase potable water from DeSoto County.

On June 12, 2009, Charlotte County withdrew its objection and submitted a copy of the settlement agreement reached between the County and Sun River. Similarly, Charlotte County and Sun River have signed a settlement agreement wherein Charlotte County withdrew its objection to the territory requested by Sun River and agreed to allow Sun River further expansion at a later time to land areas that are not part of this application. These other land areas are depicted in a map attached to the settlement agreement. The agreement provides that Sun River will design, permit, construct, and operate the water system, the wastewater system, and the reclaimed water facilities to serve the Charlotte and DeSoto County land areas in this application. The infrastructure will be built in accordance with engineering standards, and construction plans shall be submitted to Charlotte County for review. The County may conduct periodic inspections during construction. Charlotte County and Sun River will enter into a bulk water service agreement where in Sun River will purchase potable water from Charlotte County.

The application is in compliance with the governing statute, Sections 367.031, 367.045, and 367.171, F.S., and other pertinent statutes and administrative rules concerning an application for an existing utility that transverses county boundaries. Pursuant to Section 367.171(7), Florida Statutes, the Commission has exclusive jurisdiction over "all utility systems whose service transverses county boundaries," whether or not the counties are jurisdictional. The term "system" is defined in Section 367.021(11), F.S., as "facilities and land used or useful in providing service, and upon a finding by the [C]ommission, may include a combination of functionally related facilities and land."

Sun River indicates water and wastewater service will be provided in DeSoto and Charlotte Counties. Water service in Charlotte County will be backed up with water from DeSoto County and a large wastewater treatment plant in DeSoto County will provide service for both DeSoto and Charlotte Counties. The lines for both water and wastewater service will physically transverse county boundaries. Sun River is comprised of existing water and wastewater facilities which provide service to approximately 120 current customers. While development plans of the landowners within Sun River's service territory are not yet finalized, when Sun River's requested service territory is fully occupied, Sun River projects that it will serve as many as 1,850 residential, commercial, and industrial customers. It is anticipated that the residential units will consist of single family homes, mobile homes, duplexes, and apartments. In Charlotte County, the commercial and industrial development can be predicted due to the widening of US 17 to a four-lane divided highway. In DeSoto County, the proposed territory is within a general mixed use enterprise zone that will accommodate higher densities of residential, commercial, and industrial uses. Additional facilities will need to be constructed to serve all of the territory requested in this application. Staff believes that Sun River's water and wastewater facilities constitute a system for purposes of Section 367.171(7), F.S. Therefore, staff believes that Sun River's provision of water and wastewater service across county boundaries invokes this Commission's jurisdiction over the entire water and wastewater system.

In addressing a similar situation in Order No. 22459, issued January 24, 1990, in Docket No. 891190-WS, In re: Petition of General Development Utilities, Inc. for Declaratory Statement Concerning Regulatory Jurisdiction over its Water and Wastewater System in DeSoto, Charlotte, and Sarasota Counties, the Commission stated:

We do not believe that the legislature intended . . . to perpetuate a situation where a utility would be subject to several regulators. On the contrary, we believe that the Legislature intended to eliminate the regulatory problems that exist when utility systems provide service across political boundaries and are subject to regulation by two or more regulatory agencies. . . . This duplicative economic regulation is inefficient and results in potential inconsistency in the treatment of similarly situated customers. Inefficiency stems from the need for multiple rate filings and multiple rate hearings. It also stems from the need to perform jurisdictional cost studies to attempt to allocate the costs of a single system across multiple jurisdictions. These inefficiencies could result in unnecessary and wasteful effort which would translate into higher rate case expense and higher rates to customers. Inconsistency can occur when regulators apply different ratemaking principles to the same system or make inconsistent determinations on the same issue.

The Legislature chose to promote efficient, economic regulation of multi-county systems by giving the Commission exclusive jurisdiction over all utilities whose service crosses county boundaries. . . . By concentrating exclusive jurisdiction over these systems in the Commission, the Legislature has corrected the problem of redundant, wasteful, and potentially inconsistent regulation.

Sun River's application for certification includes a request for territory it currently serves and served while under Commission jurisdiction. In addition, the application includes a request for additional territory in Charlotte and DeSoto Counties, which both Counties have agreed to. Sun River has indicated in its application that it has requests for water and wastewater service territory expansion from a property owner with approximately 546 acres and another with approximately 1200 acres to develop in Charlotte County. The utility also has a request for water and wastewater service territory expansion from a property owner with approximately 420 acres to be developed in DeSoto County. The stipulations between Sun River and Charlotte and DeSoto Counties provide that Sun River will provide water and wastewater service to these areas.

Adequate service territory and system maps and a territory description have been provided as prescribed by Rule 25-30.033(1)(l),(m) and (n), F.A.C. A description of the territory requested by the applicant is appended to this memorandum as Attachment A. Sun River submitted a recorded executed 99-year lease agreement for the water and wastewater treatment facilities in Charlotte County. The lease, executed in 2003, has been assigned and assumed twice since it was originally executed.

The applicant appears to have the financial and technical ability to provide water and wastewater service to the proposed service area. In Order No. PSC-08-0243-FOF-WS, the Commission found that Sun River had the financial and technical ability to render service. Sun River is a wholly-owned subsidiary of North Fort Myers Utility, Inc. (NFMU). NFMU was first certificated by the Commission in Order No. 8025 in 1977, has undergone a steady and controlled growth, to today it is the primary wastewater utility provider in unincorporated northern Lee County. NFMU's parent or Sun River's grandparent corporation is Old Bridge Corporation. Both NFMU and Old Bridge stated that they will provide any additional capital needs which may arise as the result of Sun River's expanded service area.

The utility's day-to-day management is handled by an employee with over 30 years experience in the operation and management of water and wastewater utility systems. In addition, the utility contracts with regulatory accountants and attorneys with many years of water and wastewater regulatory experience. The water and wastewater facilities are in compliance with the Department of Environmental Protection.

Based on the above information, staff recommends that it is in the public interest, pursuant to Section 367.031, F.S., to grant Sun River Certificate Nos. 646-W and No. 554-S to serve the territory described in Attachment A, effective the date of the Commission's vote. The resultant order should serve as Sun River's water and wastewater certificates and it should be retained by the utility.

Issue 2: What rates and charges should be approved for Sun River Utilities, Inc?

Recommendation: The rates and charges as detailed in the staff analysis should be approved. Staff recommends that Sun River be required to continue to charge these rates and charges until authorized to change by the Commission. The tariff should be effective for service rendered or connections made on or after the stamped approval date on the tariff sheets. (Clapp, Walden, Klancke, Saylor)

Staff Analysis: The Commission established rates and charges for Sun River, formerly known as MSM Utilities, LLC., by Order No. PSC-06-0684-PAA-WS, in a staff-assisted rate case when the utility was previously regulated by the Commission.⁴ Although Sun River has been operating under Charlotte County's jurisdiction since 2008, it has been collecting the same rates and charges as previously established by the Commission. Staff recommends that the utility's existing rates and charges, shown on Attachment B, be continued.

The rates and charges as detailed in the staff analysis should be approved. Staff recommends that Sun River be required to continue to charge these rates and charges until authorized to change by the Commission. The tariff should be effective for service rendered or connections made on or after the stamped approval date on the tariff sheets.

⁴ Order No. PSC-06-0684-PAA-WS, issued August 8, 2006, in Docket No. 050587-WS, In re: Application for staff-assisted rate case in Charlotte County by MSM Utilities, LLC.

Docket No. 080272-WS
Date: August 6, 2009

Issue 3: Should this docket be closed?

Recommendation: Yes. If the Commission approves staff's recommendations in Issues 1 and 2, this docket should be closed because no further action is necessary. (Klancke, Saylor)

Staff Analysis: If the Commission approves staff's recommendations in Issues 1 and 2, this docket should be closed because no further action is necessary.

Sun River Utilities, Inc
Charlotte and DeSoto Counties
Description of Water and Wastewater Territory

In Township 40 South, Range 23 East, Charlotte County, Florida:

The NE 1/4 of the NW 1/4 of the SW 1/4 of the SW 1/4 of Section 12.

The SE 1/4 of the NW 1/4 of the SW 1/4 of the SW 1/4 of Section 12.

The NW 1/4 of the SW 1/4 of Section 12.

The SW 1/4 of the NW 1/4 of Section 12, lying South of Lee Branch Creek.

The Westerly 30 feet of the SW 1/4 of the SW 1/4 of Section 12.

Less and except:

The East 1/2 of the NE 1/4 of the SW 1/4 of the NW 1/4 of Section 12.

All of Section 11, lying East of Hunter's Creek and lying South of Lee Branch Creek.

The NE 1/4 of the SE 1/4 of Section 11, lying East of Hunter's Creek.

Together with:

The North 1/4 of Section 12, lying East of the Seaboard Coastline Railroad and North of the Southern Right-of-Way of Turbak Road.

A portion of Section 12, being more specifically described as follows:

Beginning at the Southeast corner of said Section 12, thence West along the South line of said Section 12, a distance of 2577.55 feet; thence North, a distance of 385.34 feet; thence West, a distance of 531.75 feet; thence North, a distance of 897.20 feet; thence West, a distance of 511.21 feet; thence North, a distance of 438.40 feet; thence East a distance of 511.21 feet; thence North, a distance of 178.65 feet; thence East, a distance of 606.14 feet; thence South, a distance of 600 feet more or less; thence East, a distance of 2860 feet more or less to the East line of said Section 12; thence South along the East line of said Section 12 to the Point of Beginning.

The South 1/4 of Section 1, lying East of the Seaboard Coastline Railroad.

The North 1/4 of Section 14, lying East of Hunter's Creek.

Together with:

The South 1/2 of the Southeast 1/4 of the Southwest 1/4 of the Southwest 1/4 of Section 12.

The South 1/2 of the Northeast 1/4 of the Southwest 1/4 of the Southwest 1/4, and the North 1/2 of the Southeast 1/4 of the Southwest 1/4 of the Southwest 1/4 of Section 12.

The Northeast 1/4 of the Northeast 1/4 of the Northeast 1/4 of the Northeast 1/4 of Section 13. Less and except the Right-of-Way for a public highway along the East side of said land, and Less and except the Right-of-Way for a public road along the North line of said land, and Less and except the following:

Commence at the Northeast corner of said Section 13; thence along the North boundary of said Section 13, North 88°26'45" West, 45.15 feet, to the Westerly maintained Right-of-Way line of State Road 35 (US 17) for a Point of Beginning; thence along said Westerly maintained Right-of-Way line, South 00°23'35" West, 330.28 feet; thence North 88°24'16" West, 8.00 feet; thence North 00°23'35" East, 330.28 feet, to said North boundary of Section 13; thence along said North boundary, South 88°26'45" East, 8.00 feet to the Point of Beginning.

Together with:

A portion of Section 13, being more specifically described as follows:

Commence at the Southeast corner of said Section 13; thence South 87°21'06" West along the South line of said Section 13, a distance of 91.87 feet to the West right-of-way of State Road #35 (U.S. Highway #17) and the Point of Beginning; thence continue South 87°21'06" West a distance of 646.51 feet; thence North 01°58'09" West a distance of 2383.80 feet; thence North 88°27'53" East a distance of 337.71 feet; thence North 01°32'01" West a distance of 277.75 feet; thence North 30°58'39" West a distance of 125.00 feet; thence North 69°19'18" West a distance of 312.50 feet; thence North 01°32'07" West a distance of 80.00 feet; thence South 88°27'53" West a distance of 22.82 feet; thence North 01°32'07" West a distance of 330.00 feet; thence North 02°46'04" West a distance of 1,700.17 feet; thence North 88°23'07" East a distance of 329.07 feet; thence North 02°47'31" West a distance of 635.34 feet to the South right-of-way of Palm Shores Boulevard; thence North 88°20'46" East a distance of 275.52 feet to the West right-of-way of State Road #35 (U.S. Highway #17); thence South 02°47'57" East along said right-of-way a distance of 2,006.62 feet; thence South 88°18'40" West along said right-of-way a distance of 5.28 feet to the point of curvature of a curve to the left having as elements a radius of 11,333.16 feet and a central angle of 03°02'06.1"; thence along arc of said curve a distance of 600.33 feet to the point of compound curvature of a curve to the left having as elements a radius of 11,585.16 feet and a central angle of 04°34'53.3"; thence along arc of said curve a distance of 926.37 feet; thence South 02°38'54" East along said right-of-way a distance of 23.40 feet; thence North 87°21'06" East along said right-of-way a distance of 36.00 feet; thence South 02°38'54" East along said right-of-way a distance of 300.00 feet; thence North 87°21'06" East along said right-of-way a distance of 10.00 feet; thence South 02°38'54" East along said right-of-way a distance of 1,439.06 feet to the Point of Beginning.

And

In Township 40 South, Range 24 East, Charlotte County, Florida:

Parcel 1

Section 4.

Together with:

Parcel 2

All of Section 5, less and except a strip 100 feet wide running Northerly from the S line of the N 1/2 to the N line of the N 1/2 in the W 1/2 of the W 1/2.

Together with:

Parcel 3

The Northeast 1/4 of the Northeast 1/4 of Section 6.

Together with:

Parcel 4

The Northeast 1/4 of Section 9, less the South 815.85 feet.

Together with:

Parcel 5

The South 1/2, and the Northeast 1/4 of Section 8, which parcel includes all of said Section 8, less and except a strip 100 feet wide running northerly from the S line of the S 1/2 to the N line of the S 1/2 in the E 1/2 of the W 1/2.

Together with:

Parcel 6

All of Section 9, less and except the NE 1/4 of said Section 9.

Plus

The South 815.85 feet of the NE 1/4 of Section 9.

Together with:

Parcel 7

The West 1/2 of Section 10.

Together with:

Parcel 8

The Southerly 150 feet of Sections 7 and 8.

And

A parcel of land lying in Sections 5, 6, 7, and 8, described as follows:

Begin at the NW corner of said Section 6, thence S 89°43'07" E, along N line of said Section 6, 1,786.20 feet to Point of Beginning; thence S 01°06'38" W along easterly line of Ann H. Ryals property as described in O.R. Book 1435, Pages 1513 and 1514, of the Public Records of Charlotte County, Florida, 1287.30 feet; thence S 73°2'33" E along said easterly line, 919.56 feet; thence S 00°41'16" E along said easterly line, 1,116.55 feet to SE corner of said Ryals property; thence N 89°41'03" W along S line of said Ryals property, 2,475.81 feet to the E right-of-way line of State Road 35 (U.S. Highway 17) as monumented; thence S 00°26'53" W along said E right-of-way line, 1,844.49 feet to the N line of William E. Roe property as described in O.R. Book 855, Page 1941, Public Records of Charlotte County, Florida; thence S 89°45'11" E along said N line, 1,883.20 feet to the NE corner of said Roe property; thence S 00°31'12" W along E line of said Roe property, 118.50 feet to the SE corner of said Roe property; thence N 89°45'11" W along the S line of said Roe property, 1,585.05 feet to the E right-of-way of State Road 35 (U.S. Highway 17) as monumented; thence S 00°20'17" W along said E right-of-way line, 670.37 feet to a point on the S line of said Section 6; thence N 89°49'39" W along said S line and on said right-of-way line of State Road 35 (U.S. Highway 17), 298.00 feet; thence S 00°20'17" W along said E right-of-way line, 677.88 feet; thence S 00°24'44" W along said E right-of-way line, 652.61 feet to the N line of Raymond Smith property as described in O.R. Book 963, Pages 2090 and 2091, Public Records of Charlotte County, Florida; thence S 89°32'33" E along the N line of said Smith property as monumented by ABS & Associated, Inc., Registered Land Surveyors, 1,138.93 feet to an iron rod set by said registered surveyors for the NE corner of Lot 11 of FLORADONIA SUBDIVISION, as recorded in Plat Book 1, Page 44, Public Records of Charlotte County, Florida; thence S 00°27'48" W along the E line of said Smith property and also the E line of said Lot 11, 1,326.85 ft. to an iron rod set by said registered surveyors for the SE corner of said Lot 11 in centerline of Catalpa Avenue; thence S 89°08'19" E along said centerline of Catalpa Avenue and along the S line of the N 1/2 of Section 7, 4,675.89 feet to the E 1/4 corner of said Section 7; thence S 88°40'35" E, along said centerline and along the S line of N 1/2 of Section 8, 3,406.06 feet; thence N 5,380.44 feet to a point on the N line of the S 1/2 of Section 5; thence N 89°00'36" W along said N line, 2,545.405 feet; thence N 07°47'49" W along said W line, 988.17 feet; thence N 39°33'51" W, 1,397.205 feet.; thence N 46°23'45" W, 875.12 feet to the N line of said Section 6; thence N 89°43'07" W along said N line, 3372.19 feet to Point of Beginning. LESS and except a 100 foot wide strip running northerly from the S line of the N 1/2 of Section 8 to the N line of the S 1/2 of Section 5.

And

The South 1/2 of Section 7, less the right-of-way to State Road No. 35 (U.S. Highway No. 17) along the West side and less the South 150.00 feet and also less the South 1/8 of the Northwest 1/4 of the Southwest 1/4.

Also that part of the Southwest 1/4 of Section 8, less the South 150.00 feet.

And

A part of Section 6, described as follows:

Begin at the NW corner of Section 6, thence S 89°38'49" E along the North line of said Section 6, 50 feet to the East right-of-way of U.S. Highway 17; thence S 0°30'10" W along said East right-of-way, 50 feet to Point of Beginning; thence S 89°38'33" E, 1735.61 feet; thence S 01°10'26" W, 1237.08 feet; thence S 73°23'45" E, 919.56 feet; thence S 0°37'28" E, 1116.55 feet; thence N 89°37'15" W, 2626.59 feet to the East right-of-way of U.S. Highway 17; thence N 0°30'10" E along said East right-of-way, 2,609.46 feet to Point of Beginning, all lying and being in Township 40 South, Range 24 East, Charlotte County, Florida.

LESS AND EXCEPT PARCEL 105

That portion of the Northwest quarter and the Southwest quarter of Section 6, being described as follows:

Commence at the Northwest Corner of Section 6, Township 40 South, Range 24 East; thence along the north line of said Section 6, S 89°43' 07" E, 0.39 feet to the survey base line of State Road 35 (U.S. Highway No. 17); thence along said survey base line S 00°29'34" W, 50.00 feet; thence S 89°42'41" E, 49.85 feet for a Point of Beginning, said point lying on the easterly existing right of way line of State Road 35 (U.S. Highway 17) (per deed exception, Official Records Book 836, Page 595); thence continue S 89°42'41" E, 152.35 feet; thence S 00°29'34" W, 1,533.83 feet; thence S 00°26'93" W, 1,075.70 feet; thence N 59°41'03" W, 150.74 feet to said easterly existing right of way line; thence along said existing right of way line, N 00°21'54" E, 13.93 feet to the south line of the Northwest quarter of said Section 6; thence continue along said easterly existing right-of-way line, N 00°36'22" E, 2,595.52 feet to the Point of Beginning.

Together with (Zachariah parcel):

A portion of Sections 17 & 18, being more particularly described as follows:

Beginning at the Northwest corner of said Section 17, thence South 89°12'01" East, a distance of 3670.96 feet along the North line of Section 17; thence South 00°34'08" West, a distance of 1319.39 feet; thence North 89°10'55" West, a distance of 400.63 feet; thence South 00°35'02" West a distance of 2562.50 feet; thence North 88°36'17" West, a distance of 961.33 feet; thence North 01°38'32" East, a distance of 10.23 feet; thence North 88°37'57" West, a distance of 700.15 feet; thence South 01°26'04" West, a distance of 10.00 feet; thence North 88°31'23" West, a distance of 47.79 feet; thence North 89°00'58" West, a distance of 1345.95 feet; thence North 00°20'43" West, a distance of 269.02 feet; thence North 89°09'14" West, a

distance of 159.92 feet; thence North 00°14'38" West, a distance of 964.18 feet; thence North 88°49'13" West, a distance of 654.72 feet; thence South 00°09'14" East, a distance of 620.47 feet; thence South 88°53'32" West, a distance of 1425.59 feet; thence South 00°44'50" West, a distance of 628.61 feet; thence North 89°05'26" West, a distance of 53.45 feet; thence North 01°06'14" East, a distance of 9.92 feet; thence North 89°10'01" West, a distance of 308.04 feet; thence North 89°10'07" West a distance of 357.08 feet; thence North 00°34'59" East, a distance of 622.09 feet; thence North 88°53'32" West, a distance of 476.00 feet; thence North 00°06'42" West, a distance of 3268.77 feet to the North line of Section 18, Township 40 South, Range 24 East; thence South 88°29'58" East, along the North line of Section 18, a distance of 3271.22 feet to the Point of Beginning.

Less and Except the following described abandoned railroad right-of-way:

A 100 foot wide strip of land lying with Section 17, Township 40 South, Range 24 East, Charlotte County Florida, said strip of land lying 50 feet each side of the following described Centerline:

Beginning at the Northwest corner of said Section 17, Township 40 South, Range 24 East, thence South 89°12'01" East, a distance of 1568.05 feet, to the Centerline; thence South 00°12'53" West, a distance of 3855.30 feet along said Centerline to a point on the Northerly right-of-way line of State Road 764, also known as Washington Loop Road.

Together with (Ryals Parcel):

All of Section 3.

Together with portions of Sections 10, 11, and 2, more particularly described as follows:

Commencing at the Southeast corner of said Section 10, thence N 88°35'55" W, along the South line of said Section 10, a distance of 2711.65 feet to the South 1/4 corner of said Section 10; thence N 01°16'01" E, leaving said South line of Section 10, a distance of 2868.63 feet to a Point of Beginning; thence N 55°38'29" E, a distance of 813.61 feet; thence N 32°31'48" E, a distance of 1070.25 feet; thence S 72°17'21" E, a distance of 2065.42 feet; thence N 21°02'51" E, a distance of 405.77 feet; thence N 08°23'14" E, a distance of 26.47 feet; thence N 40°01'38" E, a distance of 1212.23 feet; thence N 90°00'00" E, a distance of 165.03 feet; thence N 37°31'10" E, a distance of 179.97 feet; thence N 44°14'18" E, a distance of 153.32 feet; thence N 06°13'24" E, crossing the South line of said Section 2, a distance of 474.86 feet; thence N 26°19'16" W, a distance of 1554.13 feet; thence N 78°25'26" E, a distance of 1535.88 feet; thence N 31°07'54" E, a distance of 682.02 feet; thence S 82°30'42" E, a distance of 339.94 feet; thence N 19°50'47" E, a distance of 822.67 feet; thence N 23°37'01" E, a distance of 69.24 feet; thence N 29°18'40" E, a distance of 929.37 feet; thence N 02°52'17" W, a distance of 34.64 feet; thence N 24°11'12" W, a distance of 242.50 feet; thence N 13°29'12" E, a distance of 1111.94 feet to a point on the North line of said Section 2; thence N 89°36'54" W, along said North line of Section 2, a distance of 4291.62 to the Northwest corner of said Section 2; thence S 00°09'15" W, along the West line of said Section 2, a distance of 5289.16 feet to the Southwest corner of said Section 2; thence N 88°35'55" W along the North line of said Section 10, a distance of

2711.65 feet to the North 1/4 corner of said Section 10; thence S 01°16'01" W, a distance of 2554.67 feet to the Point of Beginning.

In Township 39 South, Range 24 East, DeSoto County, Florida (DeSoto Park, LLC):

All of Section 31.

Along with:

The South 1/2 of the South 1/2 of Section 30.

Less and Except:

A portion of Section 30 & 31, being more specifically described as follows:

Commence at the Southwest corner of said Section 31, thence South 89°41'45" East along the South line of said Section 31, a distance of 50.39 feet to the East of right-of-way line of U.S. Highway #17 (100 feet wide); thence North 0°24'39" East along said East right-of-way line, a distance of 3728.32 feet to the intersection of the East right-of-way of U.S. Highway #17 and the North right-of-way of Enterprise Blvd., said point being the Point of Beginning; thence South 89°34'59" East along the North right-of-way of said Enterprise Blvd., a distance of 2138.80 feet; thence North 0°11'34" East along said right-of-way, a distance of 55.00 feet; thence South 89°34'59" East along said right-of-way, a distance of 441.24; thence North 00°11'14" East, a distance of 1524.75 feet to the North line of Section 31; thence North 00°34'13" East, a distance of 1333.50 feet to the North line of the South 1/2 of the South 1/2 of said Section 30; thence North 89°30'57" West along the North line of the South 1/2 of the South 1/2 of said Section 30, a distance of 2563.24 feet to the East right-of-way of U.S. Highway #17; thence South 00°52'15" West along said right-of-way, a distance of 1793.74 feet; thence South 00°25'15" West, along said right-of-way, a distance of 586.65 feet; thence South 00°23'47" West along said right-of-way, a distance of 535.91 feet to the Point of Beginning.

Less and Except (Tower Site):

A portion of Section 31, more specifically described as follows:

Commence at the Southwest corner of said Section 31; thence South 89°41'45" East along the South line of said Section 31, a distance of 50.39 feet to a point on the East right-of-way of U.S. Highway #17; thence North 0°24'39" East along said right-of-way, a distance of 126.12 feet; thence South 89°41'45" East, a distance of 197.83 feet to the Point of Beginning; thence continue South 89°41'45" East, a distance of 270.00 feet; thence North 0°18'15" East, a distance of 396.55 feet; thence North 89°41'45" West, a distance of 270.00 feet; thence South 0°18'15" West, a distance of 396.55 feet to the Point of Beginning.

FLORIDA PUBLIC SERVICE COMMISSION
authorizes
Sun River Utilities, Inc.
pursuant to
Certificate Number 646-W

to provide water service in Charlotte and DeSoto Counties in accordance with the provisions of Chapter 367, Florida Statutes, and the Rules, Regulations, and Orders of this Commission in the territory described by the Orders of this Commission. This authorization shall remain in force and effect until superseded, suspended, cancelled or revoked by Order of this Commission.

<u>Order Number</u>	<u>Date Issued</u>	<u>Docket Number</u>	<u>Filing Type</u>
*	*	080272-WS	Original Certificate

***Order Number and date to be provided at time of issuance.**

**FLORIDA PUBLIC SERVICE COMMISSION
authorizes
Sun River Utilities, Inc.
pursuant to
Certificate Number 554-S**

to provide wastewater service in Charlotte and DeSoto Counties in accordance with the provisions of Chapter 367, Florida Statutes, and the Rules, Regulations, and Orders of this Commission in the territory described by the Orders of this Commission. This authorization shall remain in force and effect until superseded, suspended, cancelled or revoked by Order of this Commission.

<u>Order Number</u>	<u>Date Issued</u>	<u>Docket Number</u>	<u>Filing Type</u>
*	*	080272-WS	Transfer of Certificate

***Order Number and date to be provided at time of issuance.**

Sun River Utilities, Inc.

Monthly Service Rates

Water

Residential Service, and General Service

Meter Size:	
5/8" x 3/4"	\$ 21.17
3/4"	31.76
1"	52.93
1 1/2"	105.85
2"	169.36
3"	338.72
4"	529.25
6"	1,058.50

Residential Service Gallonage Charge

Per 1,000 gallons	
0 – 7,000 gallons	\$7.38
7,001 – 14,000 gallons	9.23
Over 14,000 gallons	11.07

General Service Gallonage Charge

Per 1,000 gallons	\$8.08
-------------------	--------

Wastewater

Meter Size:	Residential Service
All Meter Sizes	\$ 25.68

Gallonage Charge	
Per 1,000 Gallons (10,000 Gallon Cap)	\$4.39

Meter Size:	General Service
5/8" x 3/4"	\$ 25.68
3/4"	38.52
1"	64.20
1 1/2"	128.40
2"	205.44
3"	410.88
4"	642.00
6"	1,284.00

Gallonage Charge	
Per 1,000 gallons	\$5.27

Water Miscellaneous Service Charges

	Normal Hours	After Hours
Initial Connection Fee	\$20.00	N/A
Normal Reconnection Fee	20.00	40.00
Violation Reconnection Fee	20.00	40.00
Premises Visit Fee	20.00	40.00

Wastewater Miscellaneous Service Charges

	Normal Hours	After Hours
Initial Connection Fee	\$20.00	N/A
Normal Reconnection Fee	20.00	40.00
Violation Reconnection Fee	Actual Cost	Actual Cost
Premises Visit Fee	20.00	40.00

Service Availability Charges

	Water	Wastewater
Meter Installation Fee		
5/8"x3/4" meter	\$180.00	N/A
All Others	Actual Cost	
System Capacity Charge		
Per residential ERC*	638.10	1,762.40
All others – per gallon	2.55	8.81

*Water ERC = 250 GPD, Wastewater ERC = 200 GPD

Customer Deposits

	Water	Wastewater
Residential Customer Deposits		
5/8"x3/4" meter	\$113.70	\$85.70
All Others	2 x average bill	2 x average bill
General Service Customer Deposits		
5/8"x3/4" meter	90.02	101.62
All Others	2 x average bill	2 x average bill