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

DATE: September 11, 2009
TO: Dorothy E. Menasco, Chief Deputy Commission Clerk, Office of Commission Clerk
FROM: Patricia Brady, Regulatory Analyst IV, Division of Economic Regulation *Pb*
RE: Docket No. 090185-WU, Application for grandfather certificate to operate water utility in St. Johns County by Camachee Cove Yacht Harbor, Inc.

Please add the attached letter dated August 28, 2009, from Patti Daniel, Commission staff, to Marlene Upson, utility. The letter lists the deficiencies and additional information still outstanding. A response was requested by September 15, 2009. Thank you.

Attachment

cc: Robert Simpson, ECR
Lisa Bennett, GCL

DOCUMENT NUMBER-DATE

09412 SEP 11 8

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STATE OF FLORIDA

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

Public Service Commission

August 28, 2009

Ms. Marlene Upson
Camachee Cove Yacht Harbor Utility
3070 Harbor Drive
St. Augustine, FL 32084

Re: **Docket No. 090185-WU, Application for grandfather certificate to operate water utility in St. Johns County by Camachee Cove Yacht Harbor Utility.**

Dear Ms. Upson:

Enclosed is a copy of staff's May 18, 2009 deficiency letter. A response to the items listed was originally required by June 30, 2009. Prior to that date, staff was contacted for an extension of time to file the territory description, territory map, and system map as described in Item Nos. 2, 3, and 4. Maps with a partial legal description have been provided by your engineering firm. However, the legal description is not complete. Staff has contacted your engineering firm on several occasions to explain what is needed but, to date, a completed legal description has not been filed. In addition, a response to Item Nos. 1, 5, and 6 have not yet been filed by the utility.

As you are aware, a staff-assisted rate case (SARC) was filed on behalf of the utility in Docket No. 090185-WU. While staff is proceeding with the SARC, be advised that new rates cannot be approved by the Commission absent a grandfather certificate. Therefore, it is extremely important that all the information requested in the attached letter is provided on or before September 15, 2009. The transmittal letter should contain the docket number and be addressed and mailed to Ann Cole, Director, Office of Commission Clerk, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399.

If you have any questions on this matter, please contact, Ms. Patricia Brady, at (850) 413-6686 or pbrady@psc.state.fl.us or staff's legal counsel, Lisa Bennett, Esq. at (850) 413-6230 or lbennett@psc.state.fl.us.

Sincerely,

Patti Daniel
Patti Daniel
Public Utilities Supervisor

PD:kb
Enclosure
cc: Brady, Fletcher, Simpson (ECR)
Bennett (GCL)

DOCUMENT NUMBER - DATE
09412 SEP 11 09

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TIMOTHY DEVLIN, DIRECTOR
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Public Service Commission

May 18, 2009

Ms. Marlene Upson
Camachee Cove Yacht Harbor Utility
3070 Harbor Drive
St. Augustine, FL 32084

Re: Docket No. 090185-WU, Application for grandfather certificate to operate water utility in St. Johns County by Camachee Cove Yacht Harbor Utility.

Dear Ms. Upson:

Thank you for timely filing the above referenced-application for Camachee Cove Yacht Harbor Utility (Camachee Cove, utility). Staff has reviewed the application and noted the deficiencies listed below. Until the deficiencies are cured, the application can not be considered filed. Below the deficiencies are additional information needed by staff to process the application.

In responding to this letter, or any subsequent requests by staff for information, your response should clearly indicate the docket number shown above on the first page and should be directed to the Commission Clerk, only, at the address given below. All docket information is processed through the Commission Clerk and then sent electronically to staff.

DEFICIENCIES

- Utility Name.** According to the application, the name to appear on the water certificate is "Camachee Cove Yacht Harbor Utility." However, according to the Department of State, Division of Corporations (Div. of Corps), the utility name appears to be "Camachee Cove Yacht Harbor, Inc." That is also the name which appears on the utility's proposed tariff. Please verify the name of the entity in which the utility assets reside. If the name is not recorded by the Div. of Corps, please ensure that is done and provide evidence of the acceptance of the name by the Div. of Corps.
- Territory Description.** Pursuant to Rule 25-30.035(9), Florida Administrative Code (F.A.C.), the application must contain a description as specified in Rule 25-30.030(2), F.A.C., of the territory Camachee Cove was serving on the day Chapter 367, Florida Statutes (F.S.), became applicable to the utility. According to the proposed tariff provided with the application, the description of the territory served is as filed in Order No. 15801, issued March 10, 1986, in Docket No. 15801. Attached is a copy of that order. Please verify that the legal description attached to the order accurately represents the utility's current service territory.

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May 18, 2009

3. **Territory Map.** Rule 25-30.035(11), F.A.C., requires one copy of the official county tax assessment map, or other map, with the territory plotted in metes and bounds, or quarter sections, and with a defined reference point of beginning. While several maps were provided with the application, none show the service territory at a scale in which the territory description can be plotted. You should be able to get a copy of the county's tax assessment map from the County Court House. If so, you may wish to have an engineering or surveying firm plot all angles and distances for the territory served onto the map. What is important is that the scale and detail on the map is sufficient for staff to tie the legal description in Item 2, above, to the map.
4. **System Map.** Rule 25-30.035(10), F.A.C., requires a detailed system map showing the lines, treatment facilities, and territory to be served. The application contains a copy of a map which shows the water plant. However, to be complete, the application must contain a copy of the entire system showing all line and connections. If you do not have a complete system map, you may be able to locate a copy of the system map that was submitted to the Florida Department of Environmental Protection (FDEP) when the construction permit for the water treatment plant was issued. If not, perhaps an engineering firm can reconstruct the location and size the utility's lines and plant. What is important is that the system map is sufficiently detailed for staff to tie the system map to the territory map as well as to verify the legal description of the land upon which the utility plant facilities reside.

ADDITIONAL INFORMATION

5. **Environmental Compliance.** According to FDEP, the utility was issued a warning letter on February 24, 2009, indicating that the annual results for the monitoring of nitrate and nitrite had not been submitted for 2008. As result, it appears that Camachee Cove is about to enter into a proposed settlement with the FDEP. Please provide a status report with regard to the final resolution of this matter.
6. **Tariff.** Staff will be contacting you later with regard to the corrections that need to be made to the proposed tariff. Meanwhile, it appears that Sheet No. 27.0, Service Availability Policy, is missing. If so, please provide a copy of sheet No. 27.0. If, however, the utility is at build out, please indicate that in your response.

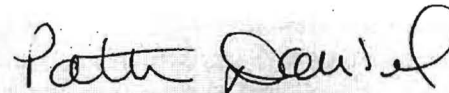
If you have any questions on the territory description, territory map, or system map, please contact a member of my staff, Mr. Robert Simpson, at (850) 413-7001 or rsimpson@psc.state.fl.us. For any other questions, please contact, Ms. Patricia Brady, at (850) 413-6686 or pbrady@psc.state.fl.us. Please try to provide the information requested above by June 30, 2009. However, should you need an extension on any of the items, please contact staff in advance of the due date.

Ms. Marlene Upson
Page 3
May 18, 2009

As noted earlier, all information provided in this docket should be addressed and mailed to:

Ann Cole, Director
Office of Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399

Sincerely,



Patti Daniel
Public Utilities Supervisor

PD:kb

Attachment: Order No. 15801

cc: Brady, Simpson (ECR)
Bennett (GCL)

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application of CAMACHEE COVE) DOCKET NO. 851107-WU
YACHT HARBOR, INC., for a certificate)
to operate a water utility pursuant) ORDER NO. 15801
to Section 367.171, Florida Statutes.)
ISSUED: 3-10-86

The following Commissioners participated in the disposition of this matter:

JOHN R. MARKS, III, Chairman
GERALD L. GUNTER
KATIE NICHOLS
MICHAEL MCK. WILSON
JOHN T. HERNDON

ORDER GRANTING CERTIFICATION AND
APPROVING PRESENT RATES AND CHARGES

BY THE COMMISSION:

On July 25, 1985, the St. Johns County Commission transferred jurisdiction of its water and sewer utilities to this Commission. On December 27, 1985, Camachee Cove Yacht Harbor, Inc., applied to this Commission for a certificate to operate its existing water system, pursuant to Section 367.171, Florida Statutes.

Camachee Cove Yacht Harbor, Inc., is a corporation, whose principal officers are: J. S. Taylor, President, and T. H. Taylor, Vice President. The utility currently provides water service on Camachee Island to 34 residential and 12 commercial customers, and to approximately 150 boat slips. We note that approval has recently been received for the construction of 182 additional condominium units in the utility's service area under a Planned Unit Development.

By this order, we will grant certification and approve the utility's present rates and charges.

CERTIFICATION

The utility's application is in compliance with the provisions of Section 367.171, Florida Statutes. Accordingly, we authorize the utility to provide water service to the area described in Appendix "A" of this order.

RATES AND CHARGES

The utility's rates and charges are those it was charging and collecting on the jurisdictional date. Residential and general service customers are charged at the same rate, regardless of meter size. Most of the condominium units are individually metered. Water is provided at the boat slips, and the cost is included in the slip rental.

The utility's rates and charges in effect on July 25, 1985, are as follows:

RESIDENTIAL AND GENERAL SERVICE

Monthly Rates

All Meter Sizes

First 3,000 gallons \$14.22

Gallonage Charge,
Per 1,000 gallons, in excess
of 3,000 gallons \$ 3.68

DOCUMENT NUMBER-DATE
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PSC COMMISSION CLERK

The utility does not charge any type of connection charge or meter installation fee. New customers are required to obtain the utility's permission to connect and then install their own meter and service line.

We have reviewed the rates and charges and determined that they will not result in an excessive rate of return.

PLANT SITE

The utility has provided evidence of ownership of the land on which the treatment facilities are located.

In consideration of the foregoing, it is

ORDERED by the Florida Public Service Commission that Water Certificate No. 464-W is hereby granted to Camachee Cove Yacht Harbor, Inc., Camachee Island, St. Augustine, Florida 32084, to authorize the utility to provide water service to the area described in Appendix "A" of this order. It is further

ORDERED that the utility's existing rates and charges for water service shall be continued as set forth in the body of this order.

By ORDER of the Florida Public Service Commission, this 10th day of MARCH, 1986.



STEVE TRIBBLE
Commission Clerk

(S E A L)

RJ

APPENDIX "A"

PARCEL ONE:

Lot Numbered Three (3) of Section Five (5); Lot Numbered Two (2) of Section Six (6) and Lot Numbered Two (2) of Section Eight (8), all in Township Seven (7), South, Range Thirty (30) East; EXCEPTING so much of Lot Two (2) of Section Eight (8) aforesaid, as is used for the Right-of-Way of State Road A1A and for the Western approach of the Vilano Beach Bridge across North River; ALSO EXCEPTING THEREFROM the property conveyed by Theodore M. Barnett and Eva D. Barnett, his wife, to J. Marion Buie, recorded in Deed Book 206, page 21. FURTHER EXCEPTING land deed to Minorcan Seafoods, Inc., a Florida corporation, recorded in Official Records Book 91, page 175, public records of St. Johns County, Florida.

*Treatment
p. 101*

ALSO DESCRIBED AS:

A survey of a portion of Government Lot 3, Section 5, and Government Lot 2, Section 8, all in Township 7 South, Range 30 East, being further described as follows: COMMENCE at the Southwest corner of Government Lot 3 and Run South 21°03'00" East 203.54 feet to the point of beginning; thence run South 21°03'00" East, 1229.32 feet; thence run North 83°57'00" East, 231.00 feet; thence run North 0°31'00" West, 1409.35 feet; thence run South 66°30'00" West 718.20 feet to the Point of Beginning. EXCEPTING THE Right of Way for State Road A1A.

PARCEL TWO:

(a) A tract of land in Government Lot 3, Section 5, Township 7 South, Range 30 East and in Government Lot 2, Section 8, Township 7 South, Range 30 East. The North boundary being described as follows: COMMENCE at an old red cedar post marking the Southwest corner of Lot 3, Section 5, Township 7 South, Range 30 East; thence East 70.4 feet along the South line of said Lot 3 to a concrete monument; thence continue East 296.03 feet; thence North 27 degrees 41 minutes West, 915.0 feet to a point on the North line of the parcel being described for the Point of Beginning; thence North 67 degrees 03 minutes East to the marsh of North River; thence from the point of beginning South 67 degrees 03 minutes West to the West line of Government Lot 3, Section 5, Township 7 South, Range 30 East. The South boundary being described as follows: COMMENCE at an old red cedar post marking the Southwest corner of Government Lot 3, Section 5, Township 7 South, Range 30 East; thence East 70.4 feet along the South line of said Lot 3 to a concrete monument; thence South 41 degrees 40 minutes East, 185.74 feet to a point on the South line of the parcel being described for the Point of Beginning; thence North 67 degrees 03 minutes East to marsh of North River; thence from the point of beginning South 67 degrees 03 minutes West to the West line of Government Lot 2, Section 8, Township 7 South, Range 30 East.

(b) A tract of land in Government Lot 3, Section 5, Township 7 South, Range 30 East. The North boundary being described as follows: COMMENCE at an old red cedar post marking the Southwest corner of Lot 3, Section 5, Township 7 South, Range 30 East, thence East 70.4 feet along the South line of said Lot 3, to a concrete monument; thence continue East 296.03 feet; thence North 27 degrees 41 minutes West, 1437.14 feet; thence North 11 degrees 45 minutes

West, 454.44 feet; thence North 82 degrees 39 minutes West, 62.56 feet to a point on the North line of the parcel being described for the Point of Beginning and also being the South line of the property described in Deed Book 213, page 263, of the public records of St. Johns County, Florida; thence North 77 degrees 44 minutes East to the marsh of North River; thence from the point of beginning South 77 degrees 44 minutes West to the West line of Government Lot 3, Section 5, Township 7 South, Range 30 East. The South boundary being described as follows: COMMENCE at an old cedar post marking the Southwest corner of Lot 3, Section 5, Township 7 South, Range 30 East; thence East 70.4 feet along the South line of said Lot 3 to a concrete monument; thence continue East 296.03 feet; thence North 27 degrees 41 minutes West 915.0 feet to a point on the South line of the parcel being described for the point of beginning; thence North 67 degrees 03 minutes East to the marsh of North River; thence from the point of beginning South 67 degrees 03 minutes West to the West line of Government Lot 3, Section 5, Township 7 South, Range 30 East.

AND

All of Government Lot 3 of Section 5, Township 7 South, Range 30 East, and all of Government Lot 2 of Section 6, Township 7 South, Range 30 East, situate, lying and being North of a line running across that certain land now commonly known as Barnett's Island, formerly known as Comatchie Island, which line is particularly described as follows:

Beginning at a concrete monument 1712.84 feet due North and 442.63 feet due West of the Southwest corner of said Government Lot 3 of said Section 5, Township 7 South, Range 30 East (Said Southwest corner of said Government Lot 3 of said Section 5, Township 7 South, Range 30 East is marked by a red cedar post and is on the South line of said Section 5, Township 7 South, Range 30 East); from said point of beginning run South 77 degrees, 44 minutes West to the marsh lying Westerly of said island; thence returning to said point of beginning run North 77 degrees, 44 minutes East therefrom to the marsh of North River.

ALSO:

All that part of the unsurveyed portion of Section 6 of Township 7 South, Range 30 East, which is adjacent to said Lot 2 of said Section 6, Township 7 South, Range 30 East, and lies East and South of Rio Moze or Robinson Creek.