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DIVISION OF ECONOMIC REGULATION
(850) 413-6900

Public Service Commission

October 5, 2009

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COMMISSION
CLERK

Mr. W. Larry O'Steen
Neighborhood Utilities, Inc.
300 West Adams Street, Suite 540
Jacksonville, FL 32202

Re: Docket No. 090441-WU; Application for amendment of Certificate No. 430-W to add territory in Duval County by Neighborhood Utilities, Inc.

Dear Mr. O'Steen:

After reviewing the application filed in this docket, staff has identified the following deficiencies and additional information that is needed to complete the filing.

Deficiencies

1. Evidence must be provided that shows ownership by the Utility of the land where the plant is situated. See Rule 25-30.036(3)(d), Florida Administrative Code, (F.A.C.).
2. Provide numbers and dates of any permits issued to the Utility for the plant and/or distribution system by the Department of Environmental Protection. See Rule 25-30.036(3)(k), F.A.C.
3. Exhibit 6 includes a statement, rather than an affidavit, that the utility has tariffs and annual reports on file with the Commission. See Rule 25-30.046,(6)(q), F.A.C.
4. Noticing must be given as required by Rule 25-30.030, F.A.C. The Commission staff has historically interpreted this rule to require noticing to all customers of the Utility and not only those being deleted. See Rule 25-30.030(6), F.A.C.

Additional information

1. Please state when Neighborhood began serving the customers that were added as a result of the exchange in service territory with JEA.
2. Please state when JEA began serving the customers that were deleted as a result of the exchange in service territory with JEA.

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To assist you in meeting the noticing requirements, enclosed is the list of entities which should be noticed of the Utility's intent to add and delete territory. An example of the notice is contained in the application package which I believe you already have. I will review the notice that you prepare prior to mailing if you desire.

Please send your response to the Commission on or before November 6, 2009 and file that response with:

Office of the Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Refer to the docket number of the filing in your response.

Should you have any questions, please call me at 850-413-6950 or contact me at twalden@psc.state.fl.us which is my e-mail address.

Sincerely yours,



Thomas Walden,
Engineer Specialist

TW
enclosures

cc: Office of the Commission Clerk

25-30.030 Notice of Application.

(1) When a utility applies for a certificate of authorization, an extension or deletion of its service area, or a sale, assignment or transfer of its certificate of authorization, facilities or any portion thereof or majority organizational control, it shall provide notice of its application in the manner and to the entities described in this section.

(2) Before providing notice in accordance with this section, a utility shall obtain from the Commission a list of the names and addresses of the municipalities, the county or counties, the regional planning council, the Office of Public Counsel, the Commission's Office of Commission Clerk, the appropriate regional office of the Department of Environmental Protection, the appropriate water management district, and 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. In addition, if any portion of the proposed territory is within one mile of a county boundary, the utility shall obtain from the Commission a list of the names and addresses of the privately-owned utilities located in the bordering counties and holding a certificate granted by the Commission. The utility's request for the list shall include a complete legal description of the territory to be requested in the application that includes:

(a) A reference to township(s), range(s), land section(s) and county; and

(b) A complete and accurate description of the territory served or proposed to be served in one of the following formats. The description may reference interstates, state roads, and major bodies of water. The description shall not rely on references to government lots, local streets, recorded plats or lots, tracts, or other recorded instruments.

1. Sections: If the territory includes complete sections, the description shall only include the township, range, and section reference. If the territory includes partial sections, the description shall either identify the subsections included or excluded.

2. Metes and bounds: A point of beginning which is referenced from either a section corner or a subsection corner, such as a quarter corner. The perimeter shall be described by traversing the proposed territory and closing at the point of beginning. The description shall include all bearings and distances necessary to provide a continuous description.

(3) The notice shall be appropriately styled:

(a) Notice of Application for an Initial Certificate of Authorization for Water, Wastewater, or Water and Wastewater Certificate;

(b) Notice of Application for an Extension of Service Area;

(c) Notice of Application for Deletion of Service Area;

(d) Notice of Application for a Transfer of Water, Wastewater, or Water and Wastewater Certificate(s); or

(e) Notice of Application for a Transfer of Majority Organizational Control.

(4) The notice shall include the following:

(a) The date the notice is given;

(b) The name and address of the applicant;

(c) A description, using township, range and section references, of the territory proposed to be either served, added, deleted, or transferred; and

(d) A statement that any objections to the application must be filed with the Director, Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, no later than 30 days after the last date that the notice was mailed or published, whichever is later.

(5) Within 7 days of filing its application, the utility shall provide a copy of the notice by regular mail to:

(a) The governing body of the county in which the utility system or the territory proposed to be served is located;

(b) The governing body of any municipality contained on the list obtained pursuant to subsection (2) above;

(c) The regional planning council designated by the Clean Water Act, 33 U.S.C. 1288(2);

(d) All water or wastewater utilities contained on the list(s) obtained pursuant to subsection (2) above;

(e) The office of Public Counsel;

(f) The Commission's Office of Commission Clerk;

(g) The appropriate regional office of the Department of Environmental Protection; and

(h) The appropriate Water Management District.

(6) No sooner than 21 days before the application is filed and no later than 7 days after the application is filed, the utility shall also provide a copy of the Notice, by regular mail or personal service, to each customer, of the system to be certificated, transferred, acquired, or deleted.

(7) The Notice shall be published once in a newspaper of general circulation in the territory proposed to be served, added,

deleted, or transferred. The publication shall be within 7 days of filing the application.

(8) A copy of the notice(s) and list of the entities receiving notice pursuant to this rule shall accompany the affidavit required by Sections 367.045(1)(e) and (2)(f), F.S. The affidavit shall be filed no later than 15 days after filing the application.

(9) This rule does not apply to applications for grandfather certificates filed under Section 367.171, F.S., or to applications for transfers to governmental authorities filed under Section 367.071, F.S., or to name changes.

Specific Authority 350.127(2), 367.121(1) FS. Law Implemented 367.031, 367.045, 367.071 FS. History—New 4-5-81, Formerly 25-10.061, 25-10.0061, Amended 11-10-86, 1-27-91, 11-30-93.

**LIST OF WATER AND WASTEWATER UTILITIES IN DUVAL COUNTY
(VALID FOR 60 DAYS)
10/02/2009 - 11/30/2009**

UTILITY NAME

MANAGER

DUVAL COUNTY

COMMERCIAL UTILITIES, DIVISION OF GRACE AND COMPANY, INC. (WS090)
865 SOUTH LANE AVENUE
JACKSONVILLE, FL 32205-4420

ANNE LEE
(904) 781-0970

NEIGHBORHOOD UTILITIES, INC. (WU383)
300 WEST ADAMS STREET, SUITE 540
JACKSONVILLE, FL 32202-4343

W. LARRY O'STEEN
(904) 350-9824

REGENCY UTILITIES, INC. (WS919)
ONE INDEPENDENT DRIVE, SUITE 3120
JACKSONVILLE, FL 32202-5023

MARTIN S. FRIEDMAN
(407) 830-6331

**LIST OF WATER AND WASTEWATER UTILITIES IN DUVAL COUNTY
(VALID FOR 60 DAYS)
10/02/2009 - 11/30/2009**

UTILITY NAME

STATE OFFICIALS

MANAGER

OFFICE OF PUBLIC COUNSEL
111 WEST MADISON STREET
SUITE 812
TALLAHASSEE, FL 32399-1400

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