

LAW OFFICES
ROSE, SUNDBSTROM & BENTLEY, LLP
2548 BLAIRSTONE PINES DRIVE
TALLAHASSEE, FLORIDA 32301

CK# 42769
\$ 700.00
5-19-10
BT

FREDERICK L. ASCHAUER, JR.
CHRIS H. BENTLEY, P.A.
ROBERT C. BRANNAN
F. MARSHALL DETERDING
JOHN R. JENKINS, P.A.
KYLE L. KEMPER
STEVEN T. MINDLIN, P.A.
CHASITY H. O'STEEN
WILLIAM E. SUNDBSTROM, P.A.
DIANE D. TREMOR, P.A.
JOHN L. WHARTON

(850) 877-6555
FAX (850) 656-4029
www.rsbattoorneys.com

CENTRAL FLORIDA OFFICE
SANLANDO CENTER
2180 W. STATE ROAD 434, SUITE 2118
LONGWOOD, FLORIDA 32779
(407) 830-6331
FAX (407) 830-8522

REPLY TO CENTRAL FLORIDA OFFICE

MARTIN S. FRIEDMAN, P.A.
BRIDGET M. GRIMSLEY
CHRISTIAN W. MARCELLI
BRIAN J. STREET

ROBERT M. C. ROSE (1924-2006)

DEPOSIT DATE

May 19, 2010

0 4 5 MAY 24 2010

VIA HAND DELIVERY

100301-WS

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

RE: Docket No.: _____; Lake Placid Utilities, Inc.'s Application for an
Amendment to Water Certificate No. 414-W and Wastewater Certificate No. 347-S
in Highlands County, Florida
Our File No.: 30057.187

Dear Ms. Cole:

Enclosed for filing are the original and twelve (12) copies of the Application of
Lake Placid Utilities, Inc., for an Amendment to its Water and Wastewater Certificates to
Extend its Service Area in Highlands County, Florida. Also, enclosed is this firm's check
in the amount of \$700.00 representing the appropriate filing fee.

Should you have any questions regarding this filing, please do not hesitate to give
me a call.

Very truly yours,

CHRISTIAN W. MARCELLI
For the Firm

DOCUMENT NUMBER-DATE
04326 MAY 21 09
FPSC-COMMISSION CLERK

COM _____
APA CWM/mp
ECR Enclosures

GCL ee: Steven M. Lubertozi, Executive Dir. of Regulatory Accounting & Affairs (w/enc.)
RAD _____ Patrick C. Flynn, Regional Director (w/enc.)
SSC _____ Stan Reiger, Division on Economic Regulation (w/enc.) (via ~~hand delivery~~)

ADM _____
OPC _____
CLK Grant

~~04242 MAY 19 09~~
FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Application of
LAKE PLACID UTILITIES, INC. ,
for amendment to water and wastewater
certificates in Highlands County, Florida

DOCKET NO. _____

APPLICATION FOR AMENDMENT TO
CERTIFICATES OF AUTHORIZATION

LAKE PLACID UTILITIES, INC. ("Applicant"), by and through its undersigned attorneys, and pursuant to Section 367.045, Florida Statutes, and Rule 25-30.036, Florida Administrative Code, files this Application for Amendment of Certificate No. 414-W and Certificate No. 347-S to extend its water and wastewater service areas to include the land more fully described in Exhibit "A" ("Extension Area"), in Highlands County, and in support thereof states:

GENERAL INFORMATION

1. The exact name of the Applicant and the address of its principal business offices are:

Lake Placid Utilities, Inc.
200 Weathersfield Avenue
Altamonte Springs, Florida 32714

and

c/o Utilities, Inc.
2335 Sanders Road
Northbrook, IL 60062

2. The names and address of the persons authorized to receive notices and

DOCUMENT NUMBER-DATE
04326 MAY 21 9
FPSC-COMMISSION CLERK

Communications with respect to this application are:

Martin S. Friedman, Esquire
Christian W. Marcelli, Esquire
Rose, Sundstrom & Bentley, LLP
2180 W. State Road 434, Suite 2118
Longwood, FL 32779
PHONE: (407)830-6331
FAX: (407)830-8522
mfriedman@rsbattorneys.com
cmarcelli@rsbattorneys.com

3. The purpose of this application is to extend the Applicant's certificated water and wastewater service areas to include the Extension area described in Exhibit "A". The Extension Area is adjacent to the Applicant's existing certificated water and wastewater service areas.

4. The approval of this Application is in the public interest because there (a) is a need for water and wastewater service to the Extension Area; (b) the applicant has the financial, technical and managerial ability to provide water and wastewater service at reasonable rates to the area; (c) it is in the public interest for the Applicant, as the utility whose certificated water and wastewater service area adjoins the Extension Area, to provide water and wastewater service to such area; and (d) the approval of the Application to amend the Applicant's water and wastewater certificates to include the Extension Area within its certificated water and wastewater service areas will not interrupt, curtail or otherwise affect the provision of water and wastewater service to existing customers.

INFORMATION REQUIRED BY
RULE 25-30.036(3), FLORIDA ADMINISTRATIVE CODE

(a) The Applicant's complete name and address is as shown above.

- (b) The Applicant is an established water and wastewater utility which has been providing service for many years. It has both the financial and technical ability to render reasonably sufficient, adequate and efficient service. A copy of the financial sections of the Applicant's most recent Annual Report filed with the Commission is attached hereto as Exhibit "B". With respect to the Applicant's technical ability, attached as Exhibit "C" is a schedule listing the operators and their license numbers. There are no outstanding Consent Orders or Notices of Violation from DEP. The Applicant's regulatory accountants are Milian, Swain & Associates, and its attorneys are the law firm of Rose, Sundstrom & Bentley, LLP. The need to expand is driven by a request for service by the developer of Village Del Mar Townhomes (Coronado Custom Homes) to obtain water and wastewater service to its 52-unit development which is in a location where no other water or wastewater facilities are available.
- (c) To the best of Applicant's knowledge, the provision by the Applicant of water and wastewater service to the Extension Area is consistent with the water and wastewater sections of the Highlands County Comprehensive Plan at the time this Application is filed, as approved by the Department of Community Affairs.
- (d) Documentary evidence of the Applicant's ownership of the land on which its plants are constructed is attached hereto as Exhibit "D".
- (e) A description of the Extension Area is attached as Exhibit "A".

- (f) Detailed system maps of the water and wastewater systems, including the proposed Extension Area, are attached hereto as Exhibit "E".
- (g) No new WWTP construction or updates are needed or planned in order to provide service to the Extension Area.
- (h) N/A
- (i) A copy of the official county tax assessment map or other map showing township, range and section, is attached hereto as Exhibit "F".
- (j) The existing lines and treatment facilities currently serving the Applicant's certificated water and wastewater service areas have sufficient capacity to serve the Extension Area. The Lake Placid WTP has a permitted capacity of 288,000 gpd. The average day production is less than 20,000 gpd and the peak day demand is less than 40,000 gpd over the last 14 months, which indicates that the WTP has adequate capacity available to serve this project. The Lake Placid WWTP has a permitted capacity of 90,000 gpd, an annual average daily flow of less than 40,000 gpd, and a maximum monthly average flow of 52,000 gpd over the last 14 months. This indicates that the Lake Placid WWTP has adequate capacity available to serve the project. The water and sewer line extensions to this project were adequately designed by a Florida registered professional engineer to accommodate the hydraulic requirements of the 52 units built within Village Del Mar.
- (k) The Utility's wells are too small to require a consumptive use permit from

the Southwest Florida Water Management District; the Utility holds DEP Domestic Wastewater Facility Permit No. FLA014386, issued October 17, 2005, expiring October 16, 2010.

- (l) The water and wastewater facilities constructed to serve Village Del Mar were contributed by the developer of the project. Therefore, there is no impact to the Utility's capital structure.
- (m) The Village Del Mar project consists of 52 townhomes that are individually metered.
- (n) The inclusion of the Extension Area within the Applicant's certificated water and wastewater service areas will not have any impact on the Applicant's rates or service availability charges.
- (o) The original and two (2) copies of the tariff sheets reflecting the Extension Area are attached hereto as Exhibit "G".
- (p) The Utility cannot locate its certificates and such certificates are no longer issued by the Commission.
- (q) The Utility's current rates were established by Order No. PSC-07-0287-PAA-WS, issued April 2, 2007, in Docket No. 060260-WS. The Utility has an open proceeding to determine rates in a Staff Assisted Rate Case, Docket No. 090531-WS.
- (r) Attached hereto as Exhibit "H" is an Affidavit regarding the current status of the Applicant's current Tariff and Annual Report on file with the Public Service Commission ("PSC").

REQUIRED NOTICES

1. Attached hereto is Exhibit "I" is 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(5), Florida Administrative Code, by regular mail to the following:

- (a) the governing body of the municipality, county or counties in which the system or territory to be served is located;
- (b) the privately owned water and wastewater utility that holds a certificate granted by the PSC and that is located within the county in which the utility or the territory proposed to be served is located;
- (c) 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;
- (d) the regional planning council;
- (e) the Office of Public Counsel;
- (f) the Public Service Commission's Director of Records and Reporting;
- (g) the appropriate regional office of the Department of Environmental Protection ("DEP"); and
- (h) the appropriate water management district;

Copies of the Notice and a list of entities noticed accompany the affidavit.

2. Late Filed Exhibit "J" is the affidavit that notice of actual application was given in accordance with Rule 25-30.030(6), Florida Administrative Code, by regular mail or personal delivery to each property owner in the Extension Area.

3. Late Filed Exhibit "K" will be an affidavit that the notice of application was published once a week 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 will accompany the affidavit.

FILING FEE

The number of ERCs in the Extension Area is 162 for water and 215 for wastewater. Pursuant to Rule 25-30.020, Florida Administrative Code, the appropriate filing fee is \$700.00 (\$200.00 for water and \$500.00 for wastewater). A check for the amount of the filing fee is included with this Application.

Respectfully submitted on this 19th day
of May, 2010, by:

ROSE, SUNDSTROM & BENTLEY, LLP
2180 W. State Road 434, Suite 2118
Longwood, Florida 32779
Telephone: (407) 830-6331
Facsimile: (407) 830-8522

BY: 
CHRISTIAN MARCELLI
For the Firm