

COMMISSIONERS:  
ART GRAHAM, CHAIRMAN  
LISA POLAK EDGAR  
RONALD A. BRISÉ  
EDUARDO E. BALBIS  
JULIE I. BROWN

STATE OF FLORIDA



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

# Public Service Commission

April 18, 2011

RECEIVED-FPSC  
11 APR 19 AM 8:56  
COMMISSION  
CLERK

Mr. Michael G. Cooke  
Ruden McClosky  
215 S. Monroe Street  
Suite 815  
Tallahassee, FL 32301

**Re: Docket No. 110022-WU - Application for certificate to operate water utility in Pasco County by Equity LifeStyle Properties, Inc., Hacienda Village**

Dear Mr. Cooke:

Staff has reviewed HV Utility Systems, L.L.C.'s (HV Utility or Utility) March 18, 2011, filing in response to staff's February 10, 2011, notice of deficiencies in the above-referenced docket. We have determined that the following items remain deficient. Please submit the following requested documentation in order to meet the requirements of Commission rules and to clarify the application.

## Deficiencies

- 1. Land Ownership.** As noted in staff's February 10, 2011, notice of deficiencies, Exhibit E of HV Utility's January 7, 2011, filing (application) contains a warranty deed dated December 2002 that transferred the specified property to MHC Hacienda Village, L.L.C. Pursuant to Rule 25-30.033(1)(j), Florida Administrative Code (F.A.C.), please provide a copy of the agreement executed by MHC Hacienda Village, L.L.C., that permits the certificated utility's long-term continuous use of the land on which the water facility is located, such as a 99-year lease.
- 2. Legal Description.** As noted in staff's February 10, 2011, notice of deficiencies, staff is unable to determine whether the legal description provided in Exhibit I matches the service territory depicted on the maps provided in Exhibits J and K. As a result, staff is also unable to determine whether the proposed legal notice describes the requested service territory. Pursuant to Rules 25-30.030 and 25-30.033(1)(l), F.A.C., please provide a complete legal description of the territory that includes a reference to township(s), range(s), land section(s) and county, as well as a complete and accurate description of the territory using either the sections format or the metes and bounds format.
- 3. Territory Maps.** Rule 25-30.033(1)(n), F.A.C., requires that the application include a map showing township, range, and section with a scale such as 1" = 200' or 1" = 400', with the proposed territory plotted thereon by use of metes and bounds or quarter sections, and with a defined reference point of beginning. As noted in staff's February 10, 2011, notice of deficiencies, the maps submitted in Exhibits J and K do not display the territory using the scale as specified by the rule, do not meet the metes and bounds or quarter sections requirement, and do not provide a

DOCUMENT NUMBER - DATE  
02651 APR 19 =

FPSC-COMMISSION CLERK

defined reference point of beginning. Staff is unable to determine whether the legal description provided in Exhibit I matches the service area depicted on the maps. Please provide a regular-sized copy of the territory map from Indian River Survey, Inc., that meets these rule requirements and clearly illustrates the territory border using a bold line with sufficient contrast for easy reading. Please ensure that the drawing is not reduced in size so as to make the print illegible.

4. **Notice of Application.** Pursuant to Rule 25-30.030, F.A.C., the Utility must provide notice of the application to those parties named on the list provided by the Commission and to each customer of the systems to be certificated. The notice must also be published in a newspaper of general circulation in the territory, as prescribed by this rule. Attached, please find the Commission's list of parties to be noticed. Please submit to the Commission the affidavits required by Section 367.045(1)(e), Florida Statutes (F.S.), with a copy of the notice attached. As noted in staff's February 10, 2011 notice of deficiencies, please be aware that the legal notice must be revised to reflect the correct complete legal description, as addressed in Item 2 above.

**Additional Information**

5. **Tariff – Description of Territory Served.** Staff's February 10, 2011, notice of deficiencies requested that the Utility update Original Sheet No. 3.1 of the Water Tariff to reflect the correct legal description of the proposed service territory, as addressed in Item 2 above. However, the Utility may defer this to a later date as staff deems appropriate, as the Tariff will need to be revised to reflect the name of the corporate entity under which the water utility will operate, HV Utility.

To ensure timely processing of your application, the above-referenced documents and statements should be filed on or before May 18, 2011. Please ensure that your transmittal references Docket No. 110022-WU and that it is mailed directly to:

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

Should you have any questions concerning the above-referenced items, please feel free to contact Ms. Melissa Jones-Alexis, of my staff, by phone at (850) 413-6997 or [mjonesal@psc.state.fl.us](mailto:mjonesal@psc.state.fl.us).

Sincerely,



Patti Daniel  
Public Utilities Supervisor  
Bureau of Certification, Economics, and Tariffs

PD:mkja

cc: Division of Economic Regulation (Jones-Alexis, Walden)  
Office of the General Counsel (Williams)  
Office of Commission Clerk (Docket No. 110022-WU)