

Shawna Senko

From: Bronwyn Ferrell <bferrell@sfflaw.com>
Sent: Tuesday, September 17, 2013 11:15 AM
To: Filings@psc.state.fl.us; Daniel Lee
Cc: John Wharton
Subject: Docket No. 130230-SU
Attachments: Letter to Daniel Lee.pdf

I have attached a letter to Daniel Lee.

BRONWYN R. FERRELL
Legal Assistant

**SUNDSTROM,
FRIEDMAN & FUMERO, LLP**
Attorneys | Counselors



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September 17, 2013

Mr. Daniel Lee
Division of Engineering
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Re: Forest Utilities, Inc.; Application for Amendment of Certificate; Docket No. 130230-SU
Our File No. 25052.10

Dear Daniel,

Thank you for your call today. The notice for Exhibit M to the application was filed under letter dated August 29 to Ann Cole. The notice for Exhibit N is the same. I have attached a copy of this for your ready reference.

Addressing your second question, please disregard the reference under Part VI of the application of \$1,750 for the filing fee. The appropriate filing fee is that filing fee which was filed -- \$1,000. This application is to extend Forest's territory to provide service to a single large customer -- the Jamaica Bay Manufactured Home Community. The Community is built out and has been built out since the execution of the Bulk Service Agreement in 2005 (which is on file with the Commission). The rule provides that the appropriate filing fee for applications in which the area to be extended has a capacity to serve from 501 to 2,000 ERCs is \$1,000. The Community is comprised of 1,417 manufactured homes, well within the 2,000 ERCs as referenced within the rule (excerpt from Bulk Service Agreement attached).

Should you have any questions in this regard, please let me know.

Sincerely,

JOHN L. WHARTON
For The Firm

JLW/brf
Enclosures
cc: Ms. Ann Cole, Commission Clerk

SUNDSTROM,
FRIEDMAN & FUMERO, LLP
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August 29, 2013

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

Re: Forest Utilities, Inc.; Application for Amendment of Certificate
Docket No. 130230-SU
Our File No. 25052.10

Dear Ms. Cole,

Please find attached the Notice and list of Water and Wastewater Utilities in Lee County to be included within Exhibit M to the application to extend Forest Utilities, Inc.'s certificated territory to include the Jamaica Bay Manufactured Home Community in Lee County, Florida.

Should you have any questions in this regard, please let me know.

Sincerely,



JOHN L. WHARTON
For The Firm

JLW/brf
Enclosures

Notice of Application for an Extension of Service Area

NOTICE IS HEREBY GIVEN on this 27th day of August, 2013, pursuant to Section 367.045, Florida Statutes, of the application of Forest Utilities, Inc. to amend its Wastewater Utility Certificate No. 300-S to add territory in Lee County, Florida as follows:

The Jamaica Bay Manufactured Home Community Development, lying within Sections 25 and 36, Township 45 South, Range 24 East, Lee County, Florida

Any objection to said application must be made in writing and filed with the Office of the Commission Clerk, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850 within thirty (30) days from the date of this Notice. At the same time, a copy of said objection should be mailed to the applicant whose address is set forth below. The objection must state the grounds for the objection with particularity.

Forest Utilities, Inc.
6000 Forest Boulevard
Fort Myers, FL 33908-4318

**LIST OF WATER AND WASTEWATER UTILITIES IN LEE COUNTY
(VALID FOR 60 DAYS)
08/19/2013 - 10/17/2013**

<u>UTILITY NAME</u>	<u>MANAGER</u>
<u>LEE COUNTY</u>	
BE UTILITY SYSTEMS, L.L.C. D/B/A BUCCANEER WATER SERVICE (WU730) % EQUITY LIFESTYLE PROPERTIES, INC. 2 NORTH RIVERSIDE PLAZA, SUITE 800 CHICAGO, IL 60606-2682	BRAD NELSON (813) 282-6754 EXT 40
ENVIRONMENTAL PROTECTION SYSTEMS OF PINE ISLAND, INC. (SU287) 3039 YORK ROAD ST. JAMES CITY, FL 33956-2303	KEVIN J. CHERRY (239) 283-1144
FOREST UTILITIES, INC. (SU293) 6000 FOREST BLVD. FORT MYERS, FL 33908-4318	DAVID SWOR (239) 481-0111
MOBILE MANOR WATER COMPANY, INC. (WU167) % HAYDEN & ASSOCIATES 8359 BEACON BLVD., SUITE 313 FORT MYERS, FL 33907-3062	HAYDEN & ASSOCIATES (239) 489-4890
MSKP TOWN AND COUNTRY UTILITY, LLC D/B/A TOWN & COUNTRY UT (SU904) P. O. BOX 31841 PALM BEACH GARDENS, FL 33420-1841	CHARLES DESANTI (941) 235-6900
MSKP TOWN AND COUNTRY UTILITY, LLC D/B/A TOWN & COUNTRY UT (WU811) 17837 MURDOCK CIRCLE PORT CHARLOTTE, FL 33948-4000	CHARLES DESANTI (941) 235-6900
NI FLORIDA, LLC (WU920) 10913 METRONOME DRIVE HOUSTON, TX 77043-2201	MARSHA RULE (850) 681-6788
PINE ISLAND COVE HOMEOWNERS ASSOCIATION, INC. (SU724) 7290 LADYFISH DRIVE ST. JAMES CITY, FL 33956-2723	ROBERT EAMES (239) 283-3100
USEPPA ISLAND UTILITY, INC. (WS249) P. O. BOX 640 BOKEELIA, FL 33922-0640	TIM FITZSIMMONS (239) 283-1061
UTILITIES, INC. OF EAGLE RIDGE (SU749) 200 WEATHERSFIELD AVENUE ALTAMONTE SPRINGS, FL 32714-4027	PATRICK C. FLYNN (407) 869-1919 EXT 1359

**LIST OF WATER AND WASTEWATER UTILITIES IN LEE COUNTY
(VALID FOR 60 DAYS)
08/19/2013 - 10/17/2013**

UTILITY NAME

MANAGER

GOVERNMENTAL AGENCIES

CHAIRMAN, BOARD OF COUNTY COMMISSIONERS, LEE COUNTY
P. O. BOX 398
FT. MYERS, FL 33902-0398

CLERK OF THE CIRCUIT COURT, LEE COUNTY
P. O. BOX 2469
FORT MYERS, FL 33902-2469

DEP SOUTH DISTRICT
2295 VICTORIA AVE., SUITE 364
FORT MYERS, FL 33901

MAYOR, CITY OF CAPE CORAL
P. O. BOX 150027
CAPE CORAL, FL 33915-0027

MAYOR, CITY OF FT. MYERS
P. O. BOX 2217
FORT MYERS, FL 33902-2217

MAYOR, CITY OF SANIBEL
800 DUNLOP ROAD
SANIBEL, FL 33957-4021

S.W. FLORIDA REGIONAL PLANNING COUNCIL
1926 VICTORIA AVENUE
FT. MYERS, FL 33901

SO. FLORIDA WATER MANAGEMENT DISTRICT
P.O. BOX 24680
WEST PALM BEACH, FL 33416-4680

**LIST OF WATER AND WASTEWATER UTILITIES IN LEE COUNTY
(VALID FOR 60 DAYS)
08/19/2013 - 10/17/2013**

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

BULK SERVICE AGREEMENT

THIS BULK SERVICE AGREEMENT is made and entered into as of the 27th day of September, 2005, between Forest Utilities, Inc., a Florida corporation (hereinafter the "Utility"), and Jamaica Bay West Association, Limited Partnership, a Florida limited partnership (hereinafter the "Developer")

W I T N E S S E T H

WHEREAS, Developer has determined that it would be in the best interest of the Developer and the residents of the Jamaica Bay Community to obtain bulk wastewater treatment services from the Utility; and

WHEREAS, the Utility is willing to provide bulk wastewater service under the terms and conditions outlined in this Bulk Service Agreement (the "Agreement"); and

WHEREAS, for the time being, Developer will continue to operate and maintain the onsite sewage treatment collection facilities and to continue to own the wastewater treatment facility located within the Jamaica Bay Community; and

WHEREAS, upon interconnection of the Developer's sewage collection system located within the Jamaica Bay Community with the collection system of the Utility, Developer will begin receiving bulk wastewater service from the Utility and will retire Developer's existing wastewater treatment facility; and

WHEREAS, Developer will contribute the sum of ONE HUNDRED THOUSAND and 00/100 DOLLARS (\$100,000) toward the interconnection of its collection system with the collection system of the Utility, at a location to be specified by the Utility; and

WHEREAS, Developer will pay to the Utility the sum of THREE HUNDRED FIFTY THOUSAND and 00/100 DOLLARS (\$350,000) toward service availability and connection fees due under the Utility's approved tariff; and

WHEREAS, Developer will reimburse the Utility for professional service costs incurred to date and will reimburse the Utility for any future costs incurred in effectuating this Agreement; and

WHEREAS, the Utility will acquire the necessary easements located outside of Developer's property to effectuate the interconnections and the provisions of this Agreement; and

WHEREAS, the Utility will file a request with the Florida Public Service Commission for approval of a bulk service rate in the amount of \$3.14 per thousand, which rate shall be based upon metered water usage and such rates shall be charged to Developer on a monthly basis for sewage services provided;

NOW THEREFORE, in consideration of the premises and mutual covenants and conditions outlined herein which shall be deemed an integral part of this Agreement, and other good and valuable consideration, the Developer and the Utility, intending to be legally bound hereby, agree as follows:

1. Definitions. The following definitions and references are given for the purpose of interpreting terms as used in this Bulk Service Agreement.

(a) "Agreement" – This Bulk Service Agreement for the provision of bulk sanitary sewer service to the Jamaica Bay Community.

(b) "Contributions-in-aid-of-construction (CIAC)" – The Developer will pay to the Utility the sum of ONE HUNDRED THOUSAND and 00/100 (\$100,000) as

contribution towards construction costs as a condition of the Utility's agreement to provide utility service to the Jamaica Bay Community. Such term does not refer to charges agreed to herein for reimbursement for professional or consulting fees or similar charges.

(c) "The property" or the "Jamaica Bay Community" – The Jamaica Bay Manufactured Home Community located at 15235 S. Tamiami Trail, Fort Myers, Lee County, Florida 33908, comprised of approximately 1,417 manufactured homes, as more fully described in Exhibit "1" attached hereto.

(d) "Developer" and "Utility" – These terms are used to identify Jamaica Bay West Associates, Limited Partnership, and Forest Utilities, Inc., respectively and are intended by both parties to include the successors and assigns of the parties as well as any subsequent owners of the Utility or the wastewater facilities located within the Jamaica Bay Community. Both parties intend that those successors, assigns and later owners are to be notified of the terms of this Agreement and to be bound by the terms of this Agreement to the extent this Agreement affects those parties.

(e) "Onsite System" or "Jamaica Bay facility" – All sewer or wastewater utility transmission and collection facilities located within the Jamaica Bay Community and all of those such facilities located outside the Jamaica Bay Community which are currently in existence or to be constructed in the future, in order to interconnect the sewage system within the Jamaica Bay Community to the facilities owned by the Utility that are within its existing sewer service territory.