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DIVISION OF ENGINEERING
TOM BALLINGER
DIRECTOR
(850) 413-6910

Public Service Commission

September 20, 2017

Mr. Brian R. Keller
The Harbor
2840 West Bay Drive, #174
Belleair Bluffs, FL 33770
bk@primeincome.properties

VIA EMAIL & US MAIL

Re: Docket No. 20170178-WS - Application for original certificates of authorization for existing utility currently charging for water and wastewater service in Polk County, by The Harbor.

Dear Mr. Keller:

Florida Public Service Commission (Commission) staff has reviewed the application for an original certificate to provide water and wastewater service (application) submitted by The Harbor (Harbor, Applicant, or Utility) on August 21, 2017. After reviewing this information we find the application to be deficient. The specific deficiencies are identified as:

1. **Filing Fee.** Rule 25-30.034(1)(a), Florida Administrative Code (F.A.C.), requires that the applicant remit a filing fee pursuant to Rule 25-30.020(2)(a), F.A.C., which states:

For an original certificate application filed pursuant to Section 367.045, F.S., the amount of the fee shall be as follows:

1. For applications in which the utility to be transferred has the capacity to serve up to 500 ERCs, \$750;
2. For applications in which the utility to be transferred has the capacity to serve from 501 to 2,000 ERCs, \$1500;
3. For applications in which the utility to be transferred has the capacity to serve from 2,001 to 4,000 ERCs, \$2,250;
4. For applications in which the utility to be transferred has the capacity to serve more than 4,000 ERCs, \$3,000.

Additionally, Rule 25-30.020(1), F.A.C., states that a separate fee shall apply for water service and wastewater service. Therefore, with 150 ERCs (equivalent residential connections) for water and 124 ERCs for wastewater, the correct filing fee for the application is \$1,500. Please remit the appropriate filing fee.

2. **Notice of Application.** Rule 25-30.034(1)(b), F.A.C., requires that the applicant provide proof of noticing pursuant to Rule 25-30.030, F.A.C. The Rule requires that the notice of application be provided to the Office of Commission Clerk for Commission staff approval prior to distribution and that it contain certain specified information (paragraph 4), that the utility obtain a list of certain entities required to be noticed by the utility from Commission staff (paragraph 2), and that the utility provide affidavits of noticing as required by Sections 367.045(1)(c) and (2)(f), Florida Statutes (paragraph 6). Please provide a copy of the notice(s) required for distribution in accordance with Rule 25-30.030(4), F.A.C., to the Office of Commission Clerk for Commission staff approval.

Once Commission staff approval of the notice(s) is obtained, please submit a request for the list of entities to receive notice from Commission staff in accordance with Rule 25-30.030(2), F.A.C. Finally, once notice has been issued in accordance with Rule 25-30.030(5), F.A.C., please submit affidavits of noticing in accordance with Rule 25-30.030(6), F.A.C.

3. **Utility Information.** Rule 25-30.034(1)(c), F.A.C., requires that the applicant provide specified information relating to the utility, including the utility's name, and if available, its fax number. The utility name provided by the Applicant, The Harbor, does not match the name associated with the FEIN provided. Please file an amendment to the application showing the Utility's name as reflected in the Florida Department of State, Divisions of Corporations (State Corporations) database. If the Applicant wishes to use the name "The Harbor," for the utility, it should register the name as a fictitious name with State Corporations, and provide the information required by Rule 25-30.034(1)(d)2, F.A.C.
4. **Utility Information.** The Applicant also did not provide a fax number, as required by Rule 25-30.034(1)(c), F.A.C., if applicable. Please provide the Utility's fax number, or state that the requested information is unavailable, if applicable.
5. **Florida Department of State, Division of Corporations Documentation.** Rule 25-30.034(1)(d)1., F.A.C., requires that the applicant provide the nature of the utility's business organization, and documentation from State Corporations, showing: (1) The utility's business name and registration/document number for the business, unless operating as a sole proprietor; and, (2) The utility's fictitious name and registration number for the fictitious name, if operating under a fictitious name. Please provide the required documentation from State Corporations.
6. **Technical Ability - Permits.** Rule 25-30.034(1)(j)2., F.A.C., requires a copy of all current permits from the Department of Environmental Protection (DEP) and the water management district. Please provide a copy of the Utility's permit from the water management district.
7. **Technical Ability – Florida Department of Environmental Protection (DEP) reports.** Rule 25-30.034(1)(j)3., F.A.C., requires the Utility to provide a copy of the most recent DEP and/or county health department sanitary survey, compliance inspection report, and secondary standards drinking water report. Please provide a copy of the most recent compliance inspection report for the wastewater treatment system, and the most recent secondary standards drinking water report for the water treatment system.

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8. **Territory map.** Rule 25-30.034(1)(k)3., F.A.C., requires an official county tax assessment map or other map showing township, range, and section with a scale such as 1" = 200' or 1" = 400', with the proposed territory plotted thereon, consistent with the legal description provided pursuant to Rule 25-30.034(1)(k)1. The territory map provided does not show the township, section and range information. Please provide a territory map that meets the requirements of Rule 25-30.034(1)(k)3., F.A.C.

9. **Current rates and charges.** Rule 25-30.034(1)(n), F.A.C., requires documentation specifying on what date and under what authority the current rates and charges were established. Please provide the required documentation.

Your application will not be deemed filed until the deficiencies identified in this letter have been corrected and the filing fee paid. These corrections and the filing fee should be submitted no later than October 20, 2017, to the following address:

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

Should you have any questions concerning the information in this letter, please feel free to contact Mrs. Melinda Watts by phone at (850) 413-6952 or email at mwatts@psc.state.fl.us for technical questions, or Mr. Walter Trieweler by phone at (850) 413-6584 or email at wtrierwe@psc.state.fl.us for legal questions. Please include the docket number on all submissions to the Commission Clerk.

Sincerely,



Melinda Watts
Engineering Specialist
Division of Engineering

MW:tj

cc: Office of Commission Clerk (Docket No. 20170178-WS)

Kim Whitt, kw@primeincome.properties