

State of Florida



Public Service Commission

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

-M-E-M-O-R-A-N-D-U-M-

DATE: January 17, 2019
TO: Adam Teitzman, Commission Clerk, Office of Commission Clerk
FROM: Melinda Watts, Engineering Specialist, Division of Engineering *MW* *PZ*
RE: Docket No. 20170114-WU - Application for transfer of facilities and water Certificate No. 165-W from Allen LaFortune and Otis Fonder c/o Tropical Park Water Systems to A Utility Inc.

Please file the attached, "Response to Request for Assistance with Draft Customer Notice," in the above mentioned docket file.

Thank you.

MW/pz

Attachment

Melinda Watts

From: Melinda Watts
Sent: Thursday, January 17, 2019 12:04 PM
To: housingmanagementinc@yahoo.com
Subject: Draft customer notice example and Commission notice rule

Mr. Fonder,

As you requested, I have found an example of a customer notice that was approved by staff for you to use as an example or template for drafting A Utility Inc.'s draft customer notice. I have also provided a copy of Rule 25-30.030, Florida Administrative Code (F.A.C.), (the notice rule) with the instructions for what should be in the notice bolded and underlined. (See below for these documents) After I have reviewed and approved the draft notice, I will provide you the list referred to in paragraph (2) of the notice rule. The list is valid for 60 days after the date it was generated, so we generally do not provide it until the draft notice has been approved. After the notice has been approved, you should mail and publish the notice as required by paragraph (5) (which is underlined) of the notice rule. Finally, after you have mailed the notices and published it in a newspaper, paragraph (6) of the notice rule (also underlined) requires the utility to submit affidavits of noticing to the Office of the Commission Clerk.

After you have studied these documents, please let me know if you have any more questions or if you need additional time to prepare your draft notice.

Melinda Watts

Florida Public Service Commission
(850) 413-6952 (voice)
(850) 413-6953 (fax)

Example of an approved customer notice for a transfer:

NOTICE OF APPLICATION FOR AUTHORITY TO TRANSFER WASTEWATER CERTIFICATE OF AUTHORIZATION TO ANOTHER REGULATED UTILITY

DOCKET NO. 170018-SU

APPLICATION TO TRANSFER WASTEWATER SYSTEM AND CERTIFICATE NO. 137-S IN BREVARD COUNTY FROM COLONY WASTE SERVICES, LLC TO MERRITT ISLAND UTILITY COMPANY, INC.

DATE OF CUSTOMER NOTICE – January 30, 2017

Notice is hereby given that Merritt Island Utility Company, Inc. has filed an Application for Approval of Transfer of the Wastewater System of Colony Waste Services, LLC, *fka* Colony Park Development Utilities, LLC in Brevard County Florida pursuant to Section 367.071, Florida Statutes, and Rule 24-30.037, Florida Administrative Code.

Merritt Island Utility Company, Inc. is not requesting a change to its rates, classifications, charges, or rules and regulations; therefore your current rates will not be affected by this transfer. The Merritt Island Utility Company wastewater system provides service to the Colony Park Development and surrounding community in the following described service territory in Brevard County, Florida:

WASTEWATER LEGAL DESCRIPTION

In Township 23 South, Range 36 East, Brevard County, Florida

Section 15

Commence at the Southeast corner of said Section 15 for a Point of Beginning. Thence run North 0°39'04" West along the East line of said Section 15, 1236.97 feet; thence North 89°35'04" West, 477.46 feet; thence South 00°38'31" West, 25.00 feet; thence South 68°21'32" West, 84.30 feet; thence South 76°38'12" West, 83.63 feet; thence South 89°20'56" West, 234.00 feet; thence South 00°39'04" East, 150.00 feet; thence North 89°20'56" East, 5.00 feet; thence South 00°39'04" West, 489.79 feet; thence South 87°45'45" West, 358.30 feet; thence South 2°14'15" East, 150 feet to a point on the South boundary of St. Charles Avenue; thence Westerly 30 feet, more or less; thence South 2°14'15" East, 400 feet, more or less, to a point on the South boundary of said Section 15, thence North 87°45'45" East along the South boundary of said Section 15, 1250 feet, more or less, to the Point of Beginning.

Section 14

Commence at the Southwest corner of said Section 14; thence run North 0°39'04" West along the West boundary of Section 14, 320 feet, more or less, to the Point of Beginning which is also the Southwest corner of the aforesaid parcel; thence North 0°39'04" West along the West line of said parcel, a distance of 947.98 feet; thence North 87°05'16" East, a distance of 710.58 feet; thence North 0°48'54" West, a distance of 10 feet to the North line of said parcel; thence North 89°11'06" East along the North line of said parcel, a distance of 569.57 feet; thence South 2°00'25" East, a distance of 985.11 feet to a point on the South line of said parcel; thence South 89°13'32" West along the South line of said parcel, a distance of 1302.88 feet to the Point of Beginning.

Common Street Names Affected by Transfer: Lafite Ct.; Creole Ct.; Baker Rd.; Whaley Rd.; Laroche Rd.; Heavenly St.; St. Charles Ave.; Latour Ct.

For more information concerning this notice, please contact the Utility at the address below.

Merritt Island Utility Company, Inc.
c/o 4939 Cross Bayou Blvd.
New Port Richey, FL 34652
Office: (727) 848-8292
Fax: (727) 848-7701
E-mail: trendell@uswatercorp.net

Any objection to the said application must be made in writing and filed with the Office of Commission Clerk, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, no later than thirty (30) days after the last date that the notice was mailed or published, whichever is later.

Rule 25-30.030, Florida Administrative Code (the notice rule):

25-30.030 Notice of Application and of Customer Meeting.

(1) A utility shall provide notice of its application in the manner and to the entities described in this rule when it applies for any of the following:

(a) An original certificate of authorization and initial rates and charges as provided in Rule 25-30.033, F.A.C.;

(b) An original certificate of authorization for existing utility currently charging for service as provided in Rule 25-30.034, F.A.C.;

(c) An extension of service area as provided in subsection 25-30.036(2) or (3), F.A.C.;

(d) A deletion of service area as provided in subsection 25-30.036(4), F.A.C.;

(e) A transfer of a regulated utility to another regulated utility as provided in subsection 25-30.037(2), F.A.C.;

(f) A transfer of an exempt entity to a regulated utility or transfer of a utility in a nonjurisdictional county to a regulated utility as provided in subsection 25-30.037(3), F.A.C.;

(g) A transfer of majority organizational control of a regulated utility as provided in subsection 25-30.037(4), F.A.C.; or

(h) A transfer of a regulated utility to an exempt entity other than a governmental authority as provided in subsection 25-30.037(5), F.A.C.

(2) **After filing an application as described in subsection (1) above, and before providing notice in accordance with this section, a utility shall obtain from the Commission staff a list of the names and addresses of the governing body of the county(ies) or municipality(ies) affected, the appropriate 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 Commission and that are located within the county in which the utility or the territory proposed to be served is located. If any portion of the proposed territory is within one mile of a county boundary, the list shall include the names and addresses of the privately-owned utilities located in the bordering county and holding a certificate granted by the Commission.**

(3) The notice shall be titled, as applicable:

(a) Notice of Application for Original Certificate of Authorization and Initial Rates and Charges for Water, Wastewater, or Water and Wastewater Service;

(b) Notice of Application for Original Certificate of Authorization for Existing Utility Currently Charging for Water, Wastewater, or Water and Wastewater Service;

(c) Notice of Application for Amendment to Certificate of Authorization To Extend Service Area;

(d) Notice of Application for Amendment to Certificate of Authorization To Delete Service Area;

(e) **Notice of Application for Authority to Transfer Water, Wastewater, or Water and Wastewater Certificate(s) of Authorization to Another Regulated Utility;**

(f) Notice of Application for Authority to Transfer an Exempt Entity to a Regulated Utility or Transfer of a Utility in a Non-jurisdictional County To a Regulated Utility That Results in a System Whose Service Transverses County Boundaries;

(g) Notice of Application for Authority to Transfer Majority Organizational Control of a Regulated Utility; or

(h) Notice of Application for Authority to Transfer a Regulated Utility to an Exempt Entity Other than a Governmental Authority.

(4) **The Notice of Application shall be provided to the Office of Commission Clerk, for Commission staff approval prior to distribution and shall state the following:**

(a) **The date the notice is given;**

(b) **The name, address, telephone number, and, if available, email address, and fax number of the applicant;**

(c) **The common name of developments served by the utility;**

(d) **The application docket number and title, if available;**

(e) **The common reference of street names bordering the area served by the utility, if applicable;**

(f) A description of the service area proposed to be served, extended, deleted, or transferred as provided by Rule 25-30.029, F.A.C. An abbreviated description using section, township, and range of the subject service area may be provided so long as the notice contains a disclosure that the legal description has been simplified and that a complete legal description can be obtained from the applicant;

(g) If applicable, the notice shall include a statement that the utility is not requesting any changes to its rates, classifications, charges, rules, and regulations in the application; and,

(h) A statement that any objections to the application must be filed with the 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.

(5) The utility shall provide notice of the service area proposed to be served, extended, deleted, or transferred as follows:

(a) By regular mail to the governmental entities and utilities identified on the list described in subsection (2) above;

(b) By regular mail or personal service to each customer and owner of property located within the existing service area and the service area to be served, extended, deleted or transferred; and,

(c) By publication in a newspaper of general circulation in the proposed service area. If the utility service area crosses county lines, notice shall be published in a newspaper of general circulation in each county.

(6) All applications requiring noticing shall be deemed deficient until affidavits of noticing required by Sections 367.045(1)(e) and (2)(f), F.S., along with a copy of the notice, are filed with the Office of Commission Clerk. The affidavits shall attest that the notices were given as prescribed in paragraphs (5)(a), (b), and (c) above. The applicant shall obtain the affidavit of notice publication, pursuant to paragraph (5)(c) above, from the newspaper(s).

(7) No less than 14 days and no more than 30 days prior to the date of a customer meeting conducted by the Commission staff, the utility shall provide written notice of the date, time, location, and purpose of the customer meeting to all customers within the affected service areas. The notice shall be approved by the Commission staff prior to distribution. The notice shall be mailed to the out-of-town address of all customers who have provided the utility with an out-of-town address.

(8) This rule does not apply to applications for certificates following rescission of jurisdiction by counties filed under Section 367.171, F.S.; transfers to governmental authorities filed under Section 367.071, F.S.; or abandonments filed under Section 367.165, F.S.

Rulemaking Authority 350.127(2), 367.045(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, 1-4-16.