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# Public Service Commission

August 16, 2019

Martin S. Friedman, Esquire  
Dean & Mead Law Firm  
420 S. Orange Avenue, Suite 700  
Orlando, FL 32801  
mfriedman@deanmead.com

VIA EMAIL & US MAIL

**Re: Docket No. 20190147-WS - Application for certificates to provide water and wastewater service in Brevard County by River Grove Utilities, Inc.**

Dear Mr. Friedman:

Staff has reviewed River Grove Utilities, Inc.'s (River Grove or Utility) application for original certificate. After reviewing this information we find the application to be deficient. The specific deficiencies are identified as:

1. **Utility information.** Rule 25-30.033(1)(c), Florida Administrative Code (F.A.C.), requires that the applicant provide specified information relating to the utility, including the utility's fax number, if available. Please provide the Utility's fax number, or state that it does not have a fax number.
2. **Florida Department of State, Division of Corporations Documentation.** Rule 25-30.033(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. Please provide the required documentation from State Corporations.
3. **Financial Statements.** Rule 25-30.033(1)(h)1., F.A.C., requires a detailed financial statement (balance sheet and income statement) audited if available, of the financial condition of the applicant, which shows all assets and liabilities of every kind and character. The applicant has only provided an income statement. Please provide a detailed balance sheet for River Grove Mobile Home Village which shows all assets and liabilities of every kind and character.
4. **Financial Ability.** Rule 25-30.033(1)(h)2., F.A.C., requires a list of all entities, including affiliates, upon which the applicant is relying to provide funding to the utility and an explanation of the manner and amount of such funding. The applicant listed paid-in

capital as part of their financial ability. However, it did not specify the sources of paid-in capital. Please provide a breakdown including any person or entity holding more than five percent ownership as well as proof of the listed entities' ability to provide funding, such as financial statements.

5. **Permits.** Rule 25-30.033(1)(i)2., F.A.C., requires that the applicant provide a copy of the Utility's current permits from the Florida Department of Environmental Protection (DEP) and the water management district. Please provide a copy of the Utility's water management district permit.
6. **DEP Reports.** Rule 25-30.033(1)(i)3., F.A.C., requires that the applicant provide a copy of the most recent DEP and/or county health department sanitary survey, compliance inspection report, and secondary standards drinking water report. The 2014 sanitary survey provided in the application does not appear to be the most recent, as the DEP records indicate a sanitary survey was completed in September 2018. Also, the application did not contain a copy of the most recent wastewater system compliance inspection report and secondary standards drinking water report. Please provide these documents.
7. **DEP Correspondence.** Rule 25-30.033(1)(i)4., F.A.C., requires that the applicant provide a copy of all correspondence with the DEP, county health department, and water management district, including consent orders and warning letters, and the utility's responses to the same, for the past five years. River Grove's application contains a copy of a 2015 DEP warning letter and a DEP consent order from 2016 that is not signed or executed, both concerning the Utility's water treatment plant. Please provide all DEP correspondence regarding both the water treatment plant and the wastewater treatment plant for the last five years, River Grove's responses to the DEP correspondence, and all correspondence from and responses to the water management district for the last five years.
8. **Legal description.** Rule 25-30.033(1)(j)1., F.A.C., requires that the applicant provide a legal description of the territory proposed to be served, in the format prescribed in Rule 25-30.029, F.A.C. In its August 2, 2019, draft notice review letter, staff requested that the legal description submitted by the Utility be amended to comply with the format prescribed in Rule 25-30.029, F.A.C. River Grove's response to staff's notice review letter is due September 3, 2019. However, until the Utility provides the legal description as requested, the requirement of Rule 25-30.033(1)(j)1., F.A.C., remains deficient and is noted as such in this letter.
9. **System map.** Rule 25-30.033(1)(j)2., F.A.C., requires that the applicant provide a detailed system map showing the proposed lines and treatment facilities, with the territory proposed to be served plotted thereon, consistent with the legal description provided. The map shall be of sufficient scale and detail to enable correlation with the description of the territory. The system maps provided do not designate the location of the wastewater treatment plant, the location of the master meter connection to the bulk water provider, a clear indication of the water distribution system with the corresponding main sizes and types, the wastewater collection system main sizes and types, other

system components, or a legend. It appears that shorthand notation is used but left undefined. Please provide a complete detailed system map, showing all system components with symbols and shorthand notations defined in a legend, that is of sufficient scale and detail to enable correlation with the description of the resulting territory as requested in Item 6.

10. **Territory map.** Rule 25-30.033(1)(j)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 25-30.033(1)(j)1. The maps provided do not contain clear township, section and range boundary markings. Also, the maps appear to show separate parcels that are contiguous with one another. Please provide a territory map that clearly designates the township, section, range boundaries, shows the perimeter of entire territory being requested, consistent with the requirements of Rule 25-30.029(2), F.A.C., and that meets all of the requirements of Rule 25-30.033(1)(j)3, F.A.C.
11. **Notice of Application.** Rule 25-30.030(6), F.A.C., states that all applications requiring noticing shall be deemed deficient until affidavits of noticing required by Sections 367.045(1)(e) and (2)(f), Florida Statutes, along with a copy of the notice, are filed with the Office of Commission Clerk. After staff has reviewed and approved the notice of application, and the notices have been distributed in accordance with Rule 25-30.030(5), F.A.C., please provide affidavits of noticing.

Your application will not be deemed filed until the deficiencies identified in this letter have been corrected. These corrections should be submitted no later than **September 16, 2019**, 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](mailto:mwatts@psc.state.fl.us) for technical questions, or Mr. Kurt Schrader by phone at (850) 413-6234 or email at [kschrade@psc.state.fl.us](mailto:kschrade@psc.state.fl.us) for legal questions. Please include the docket number on all submissions to the Commission Clerk.

Sincerely,



Melinda Watts  
Engineering Specialist

MW:jp

cc: Office of Commission Clerk (Docket No. 20190147-WS)