

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-**

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**DATE:** February 3, 2020

**TO:** Adam J. Teitzman, Commission Clerk, Office of Commission Clerk

**FROM:** Jefferson Doehling, Engineering Specialist I, Division of Engineering *JD*

**RE:** Docket No. 20190194-WS - Application for original water and wastewater certificates and approval of initial rates, charges and standard service agreements in Lee County, by CPI Citrus Park Utility TRS, L.L.C.

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Please file the attached email between staff and Bruce May, "Draft Notice Corrections," in the above mentioned docket file.

JD/jp

Attachment

## Jeff Doehling

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**From:** Jeff Doehling  
**Sent:** Friday, January 31, 2020 10:54 AM  
**To:** 'bruce.may@hklaw.com'  
**Cc:** Melinda Watts; Kristen Simmons; Bianca Lherisson  
**Subject:** RE: Application of CPI Citrus Park Utility TRS, L.L.C. for Original Water and Wastewater Certificates-- Docket No. : 20190194-WS  
**Attachments:** Docket No. 20190194 (CPI) - Draft Customer Notice.doc; 25-30.030.doc

Mr. May,

Attached is a draft notice with highlighted corrections to be made to the notice. The notice must also include the following items:

- Common name of developments served by the utility
- Common reference of street names bordering area served by the utility
- If Applicable, a statement that the utility is not requesting any changes to its rates, classifications, charges, rules, and regulations in the application

Please make these changes, along with the highlighted corrections, and resubmit the notice for approval. For reference, I have also attached a copy of Rule 25-30.030, Florida Administrative Code. Please contact me by phone or email if you have any questions.

Thank you,  
Jeff

**Jefferson Doehling**  
Engineering Specialist  
Division of Engineering  
Florida Public Service Commission  
(850) 413-6127

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**From:** Melinda Watts  
**Sent:** Friday, January 31, 2020 10:32 AM  
**To:** Jeff Doehling  
**Subject:** FW: Application of CPI Citrus Park Utility TRS, L.L.C. for Original Water and Wastewater Certificates-- Docket No. : 20190194-WS

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**From:** [bruce.may@hklaw.com](mailto:bruce.may@hklaw.com) [mailto:[bruce.may@hklaw.com](mailto:bruce.may@hklaw.com)]  
**Sent:** Monday, October 28, 2019 3:11 PM  
**To:** Melinda Watts  
**Cc:** [jennifer.gillis@hklaw.com](mailto:jennifer.gillis@hklaw.com)  
**Subject:** RE: Application of CPI Citrus Park Utility TRS, L.L.C. for Original Water and Wastewater Certificates-- Docket No. : 20190194-WS

Melinda,  
Just to be clear, the Word document is the proposed notice. Please let me know if you have any questions. Thank you.  
Bruce

**D. Bruce May, Jr. | Holland & Knight**

Equity Partner

Holland & Knight LLP

315 South Calhoun Street, Suite 600 | Tallahassee, Florida 32301

Phone 850.425.5607 | Fax 850.224.8832

bruce.may@hklaw.com | www.hklaw.com

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[Add to address book](#) | [View professional biography](#)

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**From:** Roberts, Charlene (TAL - X35677) <[Charlene.Roberts@hklaw.com](mailto:Charlene.Roberts@hklaw.com)>

**Sent:** Monday, October 28, 2019 11:58 AM

**To:** [mwatts@psc.state.fl.us](mailto:mwatts@psc.state.fl.us)

**Cc:** May, D Bruce (TAL - X35607) <[bruce.may@hklaw.com](mailto:bruce.may@hklaw.com)>; Gillis, Jennifer (TAL - X35605) <[jennifer.gillis@hklaw.com](mailto:jennifer.gillis@hklaw.com)>

**Subject:** Application of CPI Citrus Park Utility TRS, L.L.C. for Original Water and Wastewater Certificates-- Docket No. : 20190194-WS

Ms. Watts,

Please see the attached letter from Bruce May as filed today with the PSC. Also attached is a Word document of Water Service Territory Legal Description. Please feel free to call or email with any questions.

Thank you.

**Charlene Roberts | Holland & Knight**

Senior Legal Secretary

Holland & Knight LLP

315 South Calhoun Street, Suite 600 | Tallahassee, Florida 32301

Phone 850.425.5677 | Fax 850.224.8832

charlene.roberts@hklaw.com | www.hklaw.com

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**NOTICE OF APPLICATION FOR ORIGINAL CERTIFICATE OF AUTHORIZATION AND INITIAL RATES AND CHARGES FOR WATER AND WASTEWATER SERVICE**

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

**Docket No. 20190194-WS**

**Application for original water and wastewater certificates and approval of initial rates, charges and standard service agreements in Lee County, by CPI Citrus Park Utility TRS, L.L.C.**

**NOTICE**

Notice is hereby given on \_\_\_\_\_, pursuant to Rule 25-30.033, Florida Administrative Code, and Section 367.045, Florida Statutes, of the application for original water and wastewater certificates of CPI Citrus Park Utility TRS, L.L.C. (the "Utility"), to provide water and wastewater service in the following described territories in Lee County, Florida, described in Attachment "A". The Utility is not requesting any changes to its rates, classifications, charges, rules, and/or regulations.

Developments served:

Street names bordering service area:

The Utility's name and contact information are as follows:

CPI CITRUS PARK UTILITY TRS, L.L.C.  
1001 Pennsylvania Avenue, N.W.  
Suite 220  
Washington, D.C. 22004  
[Utility Email]  
[Utility Phone Number]  
[Utility Fax Number]

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, with a copy to D. Bruce May, Jr., Esq., Holland & Knight LLP, 315 S. Calhoun Street, Suite 600, Tallahassee, Florida 32301, within thirty (30) days from the date of this notice. The objection must state the grounds for the objection with particularity.

**Must include in the notice:**

- Common name of developments served by the utility
- Common reference of street names bordering area served by the utility
- If Applicable, a statement that the utility is not requesting any changes to its rates, classifications, charges, rules, and regulations in the application

## ATTACHMENT "A"

### WATER SERVICE TERRITORY LEGAL DESCRIPTION

THE EAST 150 FEET OF THE WEST 1120 FEET OF THE NORTH 260 FEET OF SECTION 19, TOWNSHIP 47 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT NORTHWEST CORNER OF SAID SECTION 19 RUN N89°16'57"E ALONG THE NORTH LINE OF SAID SECTION 19 FOR A DISTANCE OF 970.01 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N89°16'57"E ALONG SAID NORTH LINE FOR A DISTANCE OF 150.00 FEET; THENCE LEAVING SAID NORTH LINE RUN S01°00'52"E ALONG A LINE 1120 FEET EAST OF AND PARALLEL TO THE WEST LINE OF SAID SECTION 19 FOR A DISTANCE OF 260.00 FEET; THENCE RUN S89°16'57"W ALONG A LINE 260 FEET SOUTH OF AND PARALLEL TO THE NORTH LINE OF SAID SECTION 19 FOR A DISTANCE OF 150.00 FEET; THENCE RUN N01°00'52"W ALONG A LINE 970 FEET EAST OF AND PARALLEL TO THE WEST LINE OF SAID SECTION 19 FOR A DISTANCE OF 260.00 FEET TO THE POINT OF BEGINNING.

SAID LAND CONTAINING 39,000.52 SQUARE FEET OR 0.90 ACRES MORE OR LESS.

### WASTEWATER SERVICE TERRITORY LEGAL DESCRIPTION

THE WEST 440 FEET OF THE SOUTH 1070 FEET OF THE NORTH 1310 FEET OF SECTION 19, TOWNSHIP 47 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT NORTHWEST CORNER OF SAID SECTION 19 RUN S01°00'52"E ALONG THE WEST LINE OF SAID SECTION 19 FOR A DISTANCE OF 240.00 FEET TO THE POINT OF BEGINNING; THENCE LEAVING SAID WEST LINE RUN N89°16'57"E ALONG A LINE 240 FEET SOUTH OF AND PARALLEL TO THE NORTH LINE OF SAID SECTION 19 FOR A DISTANCE OF 440.01 FEET; THENCE RUN S01°00'52"E ALONG A LINE 440 FEET EAST OF AND PARALLEL TO THE SAID WEST LINE FOR A DISTANCE OF 1070.01 FEET; THENCE RUN S89°16'57"W ALONG A LINE 1370 FEET SOUTH OF AND PARALLEL TO THE NORTH LINE OF SAID SECTION 19 FOR A DISTANCE OF 440.01 FEET; THENCE RUN N01°00'52"W ALONG SAID WEST LINE FOR A DISTANCE OF 1070.01 FEET TO THE POINT OF BEGINNING.

SAID LAND CONTAINING 470,806.33 SQUARE FEET OR 10.81 ACRES MORE OR LESS.

**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.*