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June 15, 2022

VIA Electronic Filing to the Office of Commission Clerk

Florida Public Service Commission  
Office of Commission Clerk  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850  
Attn: Ms. Melinda Watts

**Re: Docket No. 20220064-WS - Application for transfer of water and wastewater facilities of Tymber Creek Utilities, Inc., water Certificate No. 303-W, and wastewater Certificate No. 252-S to CSWR-Florida Utility Operating Company, LLC, in Volusia County.**

Dear Ms. Watts:

On behalf of CSWR-Florida Utility Operating Company, LLC (“CSWR-Florida UOC”), the following are the company’s responses to the Commission’s May 16, 2022 deficiency letter:

- 1. Notice of Application.** Rule 25-30.030(6), Florida Administrative Code, (F.A.C.), incorporated by reference in Rule 25-30.037(2)(b), 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.

**Response:** Application Exhibit O is a proposed draft notice, which has not yet been approved by staff. When the form of the notice is approved by staff and an entities list provided, CSWR-Florida UOC will distribute and publish the notices and then provide affidavits of noticing as required by rule.



2. **Legal Description.** Rule 25-30.037(2)(n), F.A.C., requires a legal description of the proposed service area in the format prescribed in Rule 25-30.029, F.A.C. The legal description provided is not complete in that it describes only the portion of the service territory that was added to the certificated territory pursuant to Order No. PSC-12-0571-FOF-WS, issued on October 24, 2012, in Docket No. 20120191-WS. Please provide the complete legal description for the currently certificated service territory for the Utility.

**Response:** Please see the attached legal description provided to CSWR-Florida UOC by Tymber Creek Utilities, Inc.

Thank you for the opportunity to provide additional information in support of the application. Please feel free to contact our office at your convenience with any additional questions or concerns.

Sincerely,

*/s/ Thomas A. Crabb*

Thomas A. Crabb

Susan F. Clark

Attorneys for Applicant CSWR-Florida Utility

Operating Company, LLC

cc: Stephanie Morse, Esq., Office of Public Counsel ([morse.stephanie@leg.state.fl.us](mailto:morse.stephanie@leg.state.fl.us))  
Tymber Creek Utilities ([tymbercreekutil@aol.com](mailto:tymbercreekutil@aol.com))

*Timber Creek Utilities, Incorporated*

#11

ALL OF TYMBER CREEK SUBDIVISION AND LOST CREEK SUBDIVISION, DEVELOPED OR UNDEVELOPED, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Parcel #1- The South 1/4 of the East 1/2 of the Northwest 1/4 except the west 25 feet in Hull Road, and the Northeast 1/4 of the Southwest 1/4 North of creek (Little Tomoka River) except the west 25 feet in Hull Road, Section 25, Township 14 South, Range 31 East, Volusia County, Florida containing 41 Acres, more or less.

Parcel #2- The North 1/2 of the South 1/2 of the East 1/2 of the Northwest 1/4 except the west 25 feet in Hull Road, Section 25, Township 14 South, Range 31 East, Volusia County, Florida, containing 19.462 Acres..

Parcel #3- The Northeast 1/4 of the Northwest 1/4 except the west 25 feet in Hull Road, Section 25, Township 14 South, Range 31 East, Volusia County, Florida, being 39.021 Acres.

Parcel #4- A portion of the Northeast 1/4 of Section 25, Township 14 South, Range 31 East, described as follows:

As a point of reference, commence at the Northeast corner of Section 25 Township 14 South, Range 31 East; Thence South 88 degrees 03 minutes 10 seconds West a distance of 1306.37 feet to a point in the Westerly right-of-way line of Interstate 95 (a 300 foot right-of-way as used) which is the point of beginning of the following described parcel; Thence South 16 degrees 57 minutes 20 seconds East along the Westerly right-of-way line of said interstate 95 a distance of 1333.37 feet to a point; Thence South 86 degrees 26 minutes 21 seconds West a distance of 2034.63 feet to a point; Thence North 0 degrees 44 minutes 20 seconds West a distance of 1296.89 feet to a point; Then North 86 degrees 22 minutes 40 seconds East a distance of 1661.89 feet to the point of beginning. Said parcel contains 55.0 Acres.

Parcel #5- A portion of the Southeast 1/4 of Section 24, Township 14 South, Range 31 East, described as follows:

As a point of reference, commence at the Southeast corner of said Section 24, Township 14, South, Range 31 East; Thence South 88 degrees 3 minutes 10 seconds West a distance of 1306.37 feet to a point in the Westerly right-of-way line of Interstate 95 (a 300 foot right-of-way as used) which is the point of beginning of the following described parcel; Thence South 86 degrees 22 minutes 40 seconds West a distance of 1661.89 feet to a point; Thence North 0 degrees 58 minutes 06 seconds West a distance of 1383.16 feet to a point; Thence North 88 degrees 29 minutes 30 seconds East a distance of 1282.47 feet to a point in the Westerly right-of-way line of said Interstate 95; Thence South 16 degrees 57 minutes 20 seconds East along said Westerly right-of-way line of Interstate 95 a distance of 1371.34 feet to the point of beginning. Said parcel contains 45.8 Acres.

Parcel #6- That part of the following described parcel that lies Westerly of Interstate 95 (a 300 foot right-of-way). The easterly 264 feet of the Northwest 1/4 of the Southeast 1/4 and the Westerly 792 feet of the northeast 1/4 of the Southeast 1/4 of Section 24, Township 14 South, Range 31 East, Volusia County, Florida, excepting therefrom these portions used for Hull Road and for Interstate "I-95" Highway. Said parcel contains 2.10 Acres.

Parcel #7-(Lost Creek) A Part of the Southwest 1/4 of the Northeast 1/4 of Section 25, Township 14 South, Range 31 East, lying North of the Tomoka River and East of Groover Branch Creek, in Volusia County, Florida.

### Lost Creek Legal Description

That portion of the southwest one-quarter of the northeast one-quarter of section 25, Township 14 south, range 31 east, Lying north of the northerly top of bank of the Tomoka River and easterly of Groover Branch Creek. In Volusia County, Florida, being more particularly described as follows:

Commence at the southwest corner of lot 326, after lot 326 as measured along the W line of the NE one-quarter of section 25 1319.05 south from the NW corner of the NE one-quarter of section 25, Township 14, Range 31. Tymber Creek Phase II subdivision. As recorded in map book 35, pages 116 thru 136 of the public records of Volusia County, Florida. Said point being the point of beginning; thence N.  $87^{\circ}26'54''$  E. Along the southerly line of said Tymber Creek Phase II Subdivision. 1330.09 feet to the east line of the said southwest one-quarter of the northeast one-quarter of section 25; Thence S.  $01^{\circ}25'04''$  E along the said east line a distance of 516.82 feet to a meander line along the northerly top of bank of the Tomoka River; Thence along the said top of bank of the Tomoka River the following courses and distances: S.  $56^{\circ}53'33''$  W 163.94 feet; S.  $58^{\circ}00'47''$  W 100.98 feet; S.  $41^{\circ}45'18''$  W. 109.66 feet; S.  $63^{\circ}07'13''$  W. 100.12 feet; S.  $82^{\circ}40'55''$  W. 104.40 feet; S.  $46^{\circ}41'34''$  W. 105.94 feet; S.  $76^{\circ}08'56''$  W 32.10 feet; S  $44^{\circ}55'10''$  W. 107.70 feet; S.  $32^{\circ}45'58''$  W. 101.43 feet; S.  $20^{\circ}15'20''$  W. 100.12 feet; S.  $28^{\circ}52'54''$  W. 81.18 feet; S.  $71^{\circ}09'07''$  W. 40.26 feet to a meander line along the easterly top of bank of said Groover Branch Creek; Thence along said top of Bank of Groover Branch Creek the following courses and distances: N.  $81^{\circ}16'40''$  W. 57.20 feet; N.  $18^{\circ}23'19''$  W. 34.56 feet; N.  $17^{\circ}18'38''$  W. 38.01 Feet; N.  $04^{\circ}51'59''$  W. 56.40 feet; N.  $23^{\circ}33'35''$  W. 23.18 feet; N.  $03^{\circ}39'21''$  W. 52.53 feet; N.  $13^{\circ}17'07''$  E 45.99 feet; S.  $83^{\circ}41'27''$  E. 38.88 feet; N.  $39^{\circ}20'57''$  E. 56.10 feet; N.  $29^{\circ}00'26''$  W. 36.31 feet; N.  $55^{\circ}22'42''$  W. 47.25 feet; N.  $56^{\circ}00'28''$  W. 51.45 feet; N.  $15^{\circ}18'09''$  W. 72.15 feet; N.  $29^{\circ}53'10''$  W. 69.49 feet; S.  $66^{\circ}30'02''$  W. 33.57 feet; S.  $08^{\circ}08'31''$  W. 36.56 feet; S.  $43^{\circ}31'28''$  W. 41.66 feet; S.  $84^{\circ}11'30''$  W. 65.49 feet; N.  $80^{\circ}37'26''$  W. 40.34 feet; N.  $48^{\circ}25'21''$  W. 61.62 feet; N.  $12^{\circ}00'14''$  W. 26.80 feet; N.  $28^{\circ}07'04''$  E. 80.59 feet; N.  $15^{\circ}29'07''$  E. 85.50 feet; N.  $27^{\circ}46'29''$  W. 19.83 feet; S.  $72^{\circ}57'24''$  W. 70.77 feet; S.  $46^{\circ}51'09''$  W. 64.30 feet; S.  $29^{\circ}10'55''$  W. 42.53 feet; S.  $51^{\circ}45'35''$  W. 22.87 feet to the west line of the said southwest one-quarter of the northeast one-quarter of section 25; Thence N  $01^{\circ}20'57''$  W. 610.00 feet to the point of beginning.

Said parcel containing 23.7 acres, more or less. MB 44 pgs 12 & 13 PRVC