

Michael Cooke
T +1 813.318.5728
F +1 813.318.5900
cookem@gtlaw.com

*Board Certified attorney in State & Federal
Government & Administrative Practice.

August 5, 2022

Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399

**RE: Application for a Staff Assisted Rate Case for BE Utility Systems, LLC in Lee
County, Florida**

Dear Mr. Teitzman:

Enclosed is an application for a Staff-Assisted Rate Case for BE Utility Systems, LLC, in Lee County, Florida. In this Docket, the utility also asks the Commission for interim rates while the Staff-Assisted Rate Case is processed.

The filing fee, in the amount of \$1,000.00, is being forwarded by mail to the Commission Clerk.

Respectfully submitted on behalf of the utility,



Michael Cooke

MGC: man
Enclosures

GREENBERG TRAUIG, P.A. | ATTORNEYS AT LAW
101 E. Kennedy Blvd | Suite 1900 | Tampa, Florida 33602
T +1 813.318.5700 | F +1 813.318.5900 | www.gtlaw.com

ACTIVE 681206907v1

ALBANY
AMSTERDAM
ATLANTA
AUSTIN
BERLIN¹
BOSTON
CHARLOTTE
CHICAGO
DALLAS
DELAWARE
DENVER
FORT LAUDERDALE
HOUSTON
LAS VEGAS
LONDON²
LONG ISLAND
LOS ANGELES
MEXICO CITY³
MIAMI
MILAN
MINNEAPOLIS
NEW JERSEY
NEW YORK
NORTHERN VIRGINIA
ORANGE COUNTY
ORLANDO
PHILADELPHIA
PHOENIX
PORTLAND
SACRAMENTO
SALT LAKE CITY
SAN FRANCISCO
SEOUL⁴
SHANGHAI
SILICON VALLEY
TALLAHASSEE
TAMPA
TEL AVIV⁵
TOKYO⁶
WARSAW⁷
WASHINGTON, D.C.
WEST PALM BEACH
WESTCHESTER COUNTY

¹ OPERATES AS GREENBERG TRAUIG GERMANY, LLP
² OPERATES AS A SEPARATE UK REGISTERED LEGAL ENT
³ OPERATES AS GREENBERG TRAUIG, S.C.
⁴ OPERATES AS GREENBERG TRAUIG LLP FOREIGN LEGAL CONSULTANT OFFICE
⁵ A BRANCH OF GREENBERG TRAUIG, P.A., FLORIDA, USA
⁶ OPERATES AS GT TOKYO HORITSU JIMUSHO
⁷ OPERATES AS GREENBERG TRAUIG GRZEŚIAK SP. J.

FLORIDA PUBLIC SERVICE COMMISSION

APPLICATION FOR A
STAFF ASSISTED RATE CASE

I. GENERAL DATA

A. Name of Utility: **BE Utility Systems, LLC d/b/a Buccaneer Water Service**

B. Address: **2210 North Tamiami Trail**
North Fort Myers, FL 33903

1. Telephone Nos.: **(239) 731 5155**

2. County: **Lee**

Nearest City: **North Fort Myers, FL**

3. General Area Served: **Buccaneer Mobile Home Park**

C. Authority:

1. Water Certificate No. **366-W**

Date Received: **10/25/1982**

2. Wastewater Certificate No. **N/A**

Date Received: **N/A**

3. Date Utility Started Operations: Water: **10/01/1981**

Wastewater: **N/A**

D. How System Was Acquired: **Utility was included in purchase of Buccaneer Mobile Home Park.**

If utility was
purchased, give
date

05/09/1994

Amount Paid \$ **\$16,315,226**

1. Name of Seller: **DeAnza Properties XI, Ltd.**

2. Was seller affiliated with present owners? Yes No

3. Did you purchase: Stock or assets only

E. Type of Legal Entity:

Corporation

Partnership

Sole Proprietorship

F. Ownership & Officers:

	Name	Title	Percent Ownership
1.	BE Utility Systems, LLC	Owner	100%
2.	_____	_____	_____
3.	_____	_____	_____
4.	_____	_____	_____

G. List of Associated Companies and Addresses:

H. If you have retained an attorney and/or a consultant to represent the utility for this application, furnish the name(s) and address(es):

Name:

Michael Cooke- GreenbergTaurig, P.A.

Address:

**101 E. Kennedy Boulevard, Suite 1900 Tampa, FL
33602**

II. ACCOUNTING DATA

A. Outside Accountant

1. Name: **Benjamin Simmons, CPA**
2. Firm: **Jones & Company LLC**
3. Address: **161 W. Main St Lancaster, OH 43130**
4. Telephone: **(740) 653 6900**

B. Individual To Contact On Accounting Matters:

1. Name: **Sushmita Koyanagi**
2. Telephone: **(312) 279-1565**

Location of Books

C. and Records: **2 N Riverside Plaza Chicago, IL 60606**

D. Have you filed an Annual Report with the Commission? Yes No

Date Last Filed: **05/27/2022**

E. Has your latest Regulatory Assessment Fee Payment been made? **Yes, payment was submitted in March, 2022**
(January 30 or July 30 whichever is applicable) Jan 30 July 30

F. Basic Rate Base Data: (Most recent two years)

	Year Ending 12/31/2021	Year Ending 12/31/2020
1. <u>Water:</u>		
Cost of Plant In Service	\$ <u>759,898</u>	\$ <u>428,164</u>
Less Accumulated Depreciation	<u>415,278</u>	<u>395,903</u>
Less Contributed Plant	<u>0</u>	<u>0</u>
Net Owner's Investment	\$ 344,620	\$ 32,261

	Year Ending 12/31/2021	Year Ending 12/31/2020
2. <u>Wastewater:</u>		
Cost of Plant In Service	\$ N/A	\$ N/A
Less Accumulated Depreciation	N/A	N/A
Less Contributed Plant	N/A	N/A
Net Owner's Investment	\$ N/A	\$ N/A

G. Basic Income Statement: *(Most recent two years)*

	Year Ending 12/31/2021	Year Ending 12/31/2020
1. <u>Water:</u>		
Revenues (By Class)		
a. Residential	\$ 178,970	\$ 190,407
b. Commercial	1,255	1,693
c. Other	0	0
Total Operating Revenues:	\$ 180,225	\$ 192,100
Less Expenses:	0	0
a. Salaries & Wages - Employees		
b. Salaries & Wages - Officers, Directors, & Majority Stockholders	0	0
c. Employee Pensions & Benefits	0	0
d. Purchased Water	116,233	114,404
e. Purchased Power	0	0
f. Fuel for Power Production	0	0
g. Chemicals	0	0
h. Materials & Supplies	0	0
i. Contractual Services	39,495	39,495
j. Rents	0	0
k. Transportation Expenses	0	0
l. Insurance Expense	707	660
m. Regulatory Commission Expense	0	0
n. Bad Debt Expense	0	0
o. Miscellaneous Expense	21,898	19,945
p. Depreciation Expense	19,375	9,863
q. Property Taxes	0	0
r. Other Taxes	13,244	13,384
s. Income Taxes	0	0

Operating Income (Loss)

\$ (30,727) \$ (5,651)

2. Wastewater

Revenues (By Class):

Year Ending 12/31/2021 Year Ending 12/31/2020

a. Residential

\$ N/A \$ N/A

b.

N/A N/A

c.

0 0

0 0

Total Operating Revenues:

\$ N/A \$ N/A

Less Expenses:

a. Salaries & Wages - Employees

0 0

b. Salaries & Wages - Officers, Directors, & Majority Stockholders

0 0

c. Employee Pensions & Benefits

0 0

d. Purchased Wastewater Treatment

0 0

e. Sludge Removal Expense

0 0

f. Purchased Power

0 0

g. Fuel for Power Production

0 0

h. Chemicals

0 0

i. Materials & Supplies

0 0

j. Contractual Services

0 0

k. Rents

0 0

l. Transportation Expenses

0 0

m. Insurance Expense

0 0

n. Regulatory Commission Expense

0 0

o. Bad Debt Expense

0 0

p. Miscellaneous Expense

0 0

q. Depreciation Expense

0 0

r. Property Taxes

0 0

s. Other Taxes

0 0

t. Income Taxes

0 0

Operating Income (Loss)

\$ 0 \$ 0

H. Outstanding Debt:

	Creditor	Date Borrowed	Balance Due	Interest Rate	Expiration Date
1.	N/A				
2.					
3.					
4.					

I. Indicate Type of Tax Return Filed:

- Form 1120 - Corporation
- Form 1120S - Subchapter S Corporation
- Form 1065 - Partnership
- Form 1040 - Schedule C - Individual (Proprietorship)

III. ENGINEERING DATA

A. Outside Engineering Consultant:

- 1. Name: **Steve Romano**
- 2. Firm: **Kimley-Horn**
- 3. Address: **189 South Orange Avenue, Suite 1000, Orlando, FL 32801**
- 4. Telephone: **(407) 427 1673**

B. Individual to contact on engineering matters:

- 1. Name: **Steve Romano- Kimley Horn**
- 2. Telephone: **(407) 427 1673**

C. Is the utility under citation by the Department of Environmental Protection (DEP) or County Health Department? If yes, explain: **No**

D. List any known service deficiencies and steps taken to remedy problems: **N/A**

E. Name of plant operator(s) and DEP operator certificate number(s) held: **N/A**

F. Is the utility serving customers outside of its certificated area? **No**
If yes, explain:

G. Wastewater:

- 1. Gallons per day capacity of treatment facilities:
 - a. Existing: **N/A**
 - b. Under Construction: **N/A**
 - c. Proposed: **N/A**
- 2. Type and make of present treatment facilities: **N/A**

3. Approximate average daily flow of treatment plant effluent: **N/A**
N/A

4. Approximate length of wastewater mains:

Size (diameter):	N/A				
Linear feet:					

- 5. Number of manholes: **N/A**
- 6. Number of lift stations: **N/A**
- 7. How do you measure treatment plant effluent?
N/A

8. Is the treatment plant effluent chlorinated? Yes No
If yes, what is the normal dosage rate?
9. Tap in fees – Wastewater: \$
10. Service availability fees – Wastewater: \$
11. Note DEP Treatment Plant Certificate Number and date of expiration:
Number Expiration Date:
12. Total gallons treated during most recent twelve months:
13. Wastewater treatment purchased during most recent twelve months:

H. Water:

1. Gallons per day capacity of treatment facilities:
a. Existing: **82,773** b. Under Construction : **0** c. Proposed: **0**
2. Type of treatment: **N/A**
3. Approximate average daily flow of treated water: **82,773**
4. Source of water supply: Purchased
5. Types of chemicals used and their normal dosage rates: **N/A**

6. Number of wells in service: **0**
Total capacity in gallons per minute (gpm): **0**

Diameter/Depth:	N/A /	/	/
Motor horsepower:			
Pump capacity (gpm):			

7. Reservoirs and/or hydropneumatic tanks:

Description:	N/A		
Capacity:			

8. High service pumping:

Motor horsepower:	N/A			
Pump capacity (gpm):				

9. How do you measure treatment plant production? **Purchased Water**

10. Approximate feet of water mains:

Size (diameter):	N/A			
Linear feet:				

11. Note any fire flow requirements and imposing government agency: **None**

12. Number of fire hydrants in service: **1**

13. Do you have a meter change out program? No Yes
14. Meter installation or tap in fees - Water \$ 55
15. Service availability fees - Water \$ N/A
16. Has the existing treatment facility been approved by DEP? No Yes
17. Total gallons pumped during most recent twelve months: 31,192,670 (May 2021-April 2022)
18. Total gallons sold during most recent twelve months: 24,089,350 (May 2021-April 2022)
19. Gallons unaccounted for during most recent twelve months: 0
20. Gallons purchased during most recent twelve months: 31,192,670 (May 2021-April 2022)

IV. RATE DATA

A. Individual to contact on tariff matters:

1. Name: Nancy Ostrowski
2. Telephone Number: (813) 282 5940

B. Schedule of present rates: (Attach additional sheets if more space is needed)

1. Water:

- a. Residential Water See Appendix
- b. General Service See Appendix
- c. Special Contract See Appendix
- d. Other - Specify See Appendix

2. Wastewater:

- a. Residential Wastewater N/A
- b. General Service N/A
- c. Special Contract N/A
- d. Other - Specify N/A

C. Number of Customers: (Most recent two years)

	Year Ending 12/31/2021	Year Ending 12/31/2020
1. Water Metered		
a. Residential	<u>945</u>	<u>949</u>
b. General Service	<u>8</u>	<u>8</u>
c. Special Contract	<u>0</u>	<u>0</u>
d. Other - Specify	<u>953</u>	<u>957</u>
2. Water Unmetered		
a. Residential	<u>0</u>	<u>0</u>
b. General Service	<u>0</u>	<u>0</u>
c. Special Contract	<u>0</u>	<u>0</u>
d. Other - Specify	<u>0</u>	<u>0</u>
3. Wastewater		
a. Residential	<u>N/A</u>	<u>N/A</u>
b. General Service	<u>N/A</u>	<u>N/A</u>

- c. Special Contract
- d. Other - Specify

N/A	N/A
N/A	N/A

V. AFFIRMATION

I, **Everett Butler** the undersigned owner, officer, or partner of the above named public utility, doing business in the State of Florida and subject to the control and jurisdiction of the Florida Public Service Commission, certify that the statements set forth herein are true and correct to the best of my information, knowledge, and belief.

Signed 

Title Vice President

Notice: Section 837.06, Florida Statutes, provides that any person who knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his duty shall be guilty of a misdemeanor of the second degree.

Appendix:

BE Utility Systems, LLC
d/b/a Buccaneer Water Service
Schedule of Present and Proposed Rates
For the Year Ended December 31, 2010

Line No.	Monthly Rates		
	Present Rates	Proposed Rates	
1	<u>Water (0.48% Increase)</u>		
2	<u>Residential and General Service</u>		
3	Base facility charges:		
4	6/8" x 3/4"	8.35	8.39
5	3/4"	12.49	12.56
6	1"	20.86	20.88
7	1 1/2"	41.70	41.80
8	2"	66.72	67.05
9	3"	133.46	134.11
10	4"	208.63	209.55
11	6"	417.08	419.12
12	Gallage charge per 1,000 gallons	3.60	3.62