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tcrabb@radeylaw.com

January 17, 2023

VIA Electronic Filing to the Office of Commission Clerk

Attn: Melinda Watts, Engineering Specialist
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Re: Docket 20220203; C.F.A.T. H2O, Inc.

Dear Ms. Watts:

This letter and its exhibits are submitted as an amendment to the application originally filed in this docket on November 18, 2022. This docket was originally opened to request a quick-take extension of the wastewater territory only, Wastewater Certificate 481-S, to add only a few bulk commercial wastewater-only connections west of the existing territory. Through subsequent investigation of the territory with your assistance, it was determined that such extension was not needed, but that a different territory issue dating back decades needed to be addressed, relating to both the water and wastewater territories, Water Certificate 552-W and Wastewater Certificate 481-S, in Marion County.

C.F.A.T. H2O, Inc.'s approved water and wastewater territories are currently the same, established by the Commission in 1994 Order number PSC-94-0701-FOF-WS in docket 19931080. That has been C.F.A.T. H2O, Inc.'s only territory Order. By that docket and Order, the Commission approved the transfer of Certificate numbers 552-W and 481-S from the Resolution Trust Corporation to C.F.A.T. H2O, Inc. The Order established territory in portions of Sections 16 and 21, Township 14 South, Range 22 East, in Marion County. The portion in Section 21 is described in the 1994 Order as the "East 1/2 of Northeast 1/4." That is in error as it should have been instead described as the "West 1/2 of Northeast 1/4." The origin of that scrivener's error is unknown, whether it arose in that docket (19931080) or its predecessors when the system was owned by the Resolution Trust Corporation, or the owner(s) before it.

In the decades since, C.F.A.T. H2O, Inc. has been serving customers in the "West" portion of the described area, specifically to an apartment complex called Hilltop Manor and a gas station. Hilltop Manor is located on N.E. Jacksonville Road north of N.E. 70th Street and the gas station



is located at the intersection of N.E. Jacksonville Road and N.E. 70th Street, as shown in the maps attached and referenced below. C.F.A.T. H2O, Inc. does not have any system infrastructure or customers in the “East” portion of the described area, nor has anyone in that area ever requested service from C.F.A.T. H2O, Inc. That area is rural in character and the few homes in that area (approximately 5) are believed to be served by wells and septic. There are no other water and/or wastewater utilities in the vicinity.

Accordingly, by this docket the applicant C.F.A.T. H2O, Inc. now requests that the territories of its Water Certificate 552-W and Wastewater Certificate 481-S in Marion County be amended to delete the “East” portion of the described area and add the “West” portion, limited to the areas of the Hilltop Manor apartments and gas station currently being served. C.F.A.T. H2O, Inc. submits the following additional information in support of this request:

Need For Service

There are no new customers proposed to be served. The related customers (those residing in Hilltop Manor plus the gas station) have been customers of the utility for many years, reflected in the utility’s annual reports and other books and records. There are no pending requests for service from property owners or developers in areas not currently served. In the Marion County 2045 Future Land Use Map (attached as Exhibit G)¹ the extension area appears to be a mix of low residential and commercial. No revisions to the comprehensive plan are needed as this extension involves no new proposed development. There are no known land use restrictions, such as environmental restrictions imposed by governmental authorities.

Territory Description, Maps, Facilities, and Technical Ability

C.F.A.T. H2O, Inc. is not planning to build a new water or wastewater treatment plant or other facilities to serve the extension territory. The utility already has an existing lift station off N.E. Jacksonville Road inside the extension territory.

Exhibit H contains legal descriptions of the extension area, deletion area (described below), and complete resulting territory in the format prescribed in Rule 25-30.029, F.A.C.

Attached as Exhibit I is a map showing the existing territory as well as the extension and deletion areas. Attached as Exhibit J is a map showing the resulting territory. Large format hard copies of these maps will be separately hand-delivered to your attention.

Exhibit C to the original application contains C.F.A.T. H2O, Inc.’s FDEP Domestic Wastewater Facility Permit (FLA010722). Attached as Exhibit K is C.F.A.T. H2O, Inc.’s St. Johns River Water Management District consumptive use permit. The potable water system’s FDEP ID number is 3424690. Additional information relating to the compliance history of the

¹ The exhibits to this amendment start with G, continuing from the original application which includes exhibits A through F.



water and wastewater systems is available through the FDEP information portal at <https://prodenv.dep.state.fl.us/DepNexus/public/searchPortal>.

Financial Ability

This extension does not involve any construction or otherwise any impact on the utility's capital structure, monthly rates and service availability charges.

Proposed Tariff And Rate Information

Exhibit D to the original application contains the water and wastewater tariffs containing all rates, classifications, charges, rules, and regulations. The last Commission Order revising rates is Order No. PSC-11-0366-PAA-WU in 2011. Since then, rates have been changed via applications for price index rate adjustments. Exhibit E to the original application is an affidavit that the utility has tariffs and annual reports on file with the Commission.

Territory Deletion Additional Information

As further described above, the territory proposed to be deleted is and has been unserved and is currently in the territory only because of a decades-old error in the legal description. There are no customer connections within the territory to be deleted. Attached as Exhibit H is a legal description of the territory proposed to be deleted and resulting legal description after the extension and deletion. Attached as Exhibits I and J are maps showing the deletion area and resulting territory. Large format hard copies of these maps will be separately hand-delivered to your attention.

Noticing Requirements

Attached as Exhibit L is a proposed customer notice. After the form of the notice is approved, in addition to all applicable governmental entities, it will be sent to all existing customers and landowners in the extension area and all landowners in the deletion area.

Thank you for your time and assistance with this docket. If additional information is needed, please let us know.

Sincerely,

/s/ Thomas A. Crabb

Thomas A. Crabb
Susan F. Clark
Attorneys for Applicant C.F.A.T. H2O, Inc.

EXHIBIT G
Marion County 2045 Future Land Use Map

Map 1: Marion County 2045 Future Land Use Map

August 28, 2019



Future Land Use Designation

- Rural Land (1 du/10 ac)
- Low Residential (0 - 1 du/ac)
- Medium Residential (1 - 4 du/ac)
- High Residential (4 - 8 du/ac)
- Urban Residential (8 - 16 du/ac)
- Rural Activity Center (0 - 2 du/ac; FAR 0.35)
- Commercial (0 - 6 du/ac; FAR 1.0)
- Employment Center (0 - 12 du/ac; FAR 2.0)
- Commerce District (N/A; FAR 2.0)
- Public (N/A; FAR 1.0)
- Preservation (N/A; N/A)
- Municipality
- OTOW_DRI
- UGB
- Farmland Preservation Area
- Waterbodies

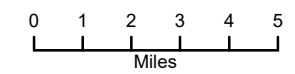
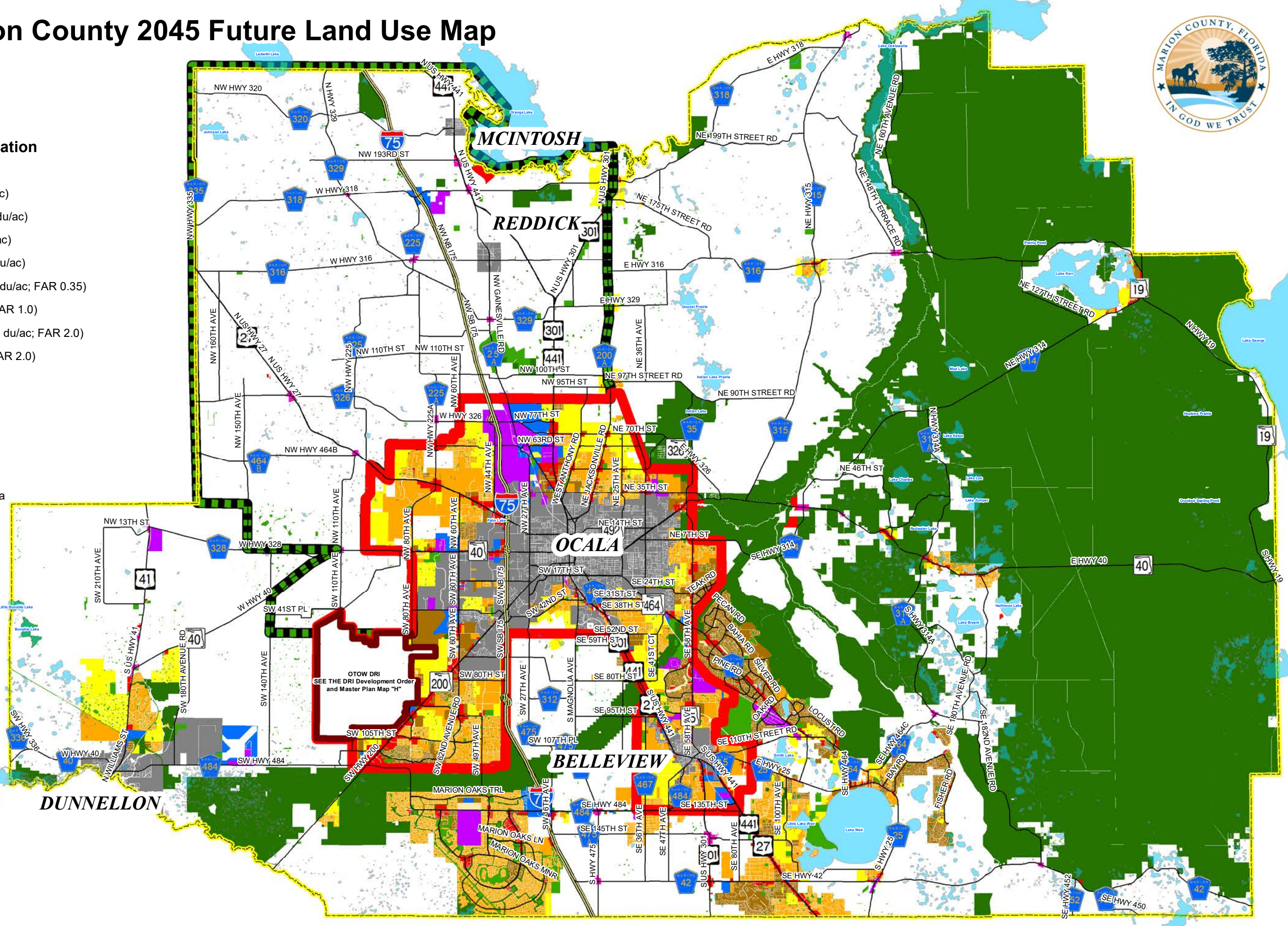


EXHIBIT H

Legal Descriptions - extension area, deletion area, and complete resulting territory

EXHIBIT H
C.F.A.T. H2O, Inc. Legal Descriptions

Legal Description Of The Extension Territory

A parcel of land being part of the NE 1/4 of NW 1/4 and the SE 1/4 of NW 1/4 of Section 21, Township 14 South, Range 22 East, Marion County, Florida and being more particularly described as follows:

Beginning at the NE corner of said Section 21, thence run South 00°12'41" West along the east line of the West 1/2 of said Section 21 for 2555.69 feet to the northern right-of-way of NW 70th Street; thence run North 89°36'04" West for 674.92 feet to the western right-of-way of Jacksonville Road; thence run North 13°51'04" East along said right-of-way for 611.53 feet; thence run North 76°23'09" West for 450.97 feet; thence run North 13°36'58" East for 899.69 feet; thence run South 76°33'41" East for 453.52 feet back to said western right-of-way of Jacksonville Road; thence run North 13°46'51" East along said right-of-way for 1114.14 feet to the north line of said NE 1/4 of NW 1/4 of Section 21; thence run East along the north line of said Section 21 for 57.94 feet back to the Point of Beginning. Containing 30.8 acres, more or less.

Legal Description Of The Territory Deleted

All of the East 1/2 of the NE 1/4 of Section 21, Township 14 South, Range 22 East, Marion County, Florida. Containing 80 acres, more or less.

Legal Description Of The Resulting Territory

A parcel of land being part of the SE 1/4 of SE 1/4, the SW 1/4 of SE 1/4, and the NE 1/4 of SE 1/4 of Section 16; and the NE 1/4 of NW 1/4 and the SE 1/4 of NW 1/4 of Section 21, all in Township 14 South, Range 22 East, Marion County, Florida and being more particularly described as follows:

Beginning at the SE corner of said Section 16, thence run West along the south line of said Section 16 for 2640.00 feet to the NE corner of the NE 1/4 of NW 1/4 of Section 21; thence run South 00°12'41" West along the east line of the W 1/2 of said Section 21 for 2555.69 feet to the northern right-of-way of NW 70th Street; thence run North 89°36'04" West for 674.92 feet to the western right-of-way of Jacksonville Road; thence run North 13°51'04" East along said right-of-way for 611.53 feet; thence run North 76°23'09" West for 450.97 feet; thence run North 13°36'58" East for 899.69 feet; thence run South 76°33'41" East for 453.52 feet back to said western right-of-way of Jacksonville Road; thence run North 13°46'51" East along said right-of-way for 1114.14 feet to the north line of said NE 1/4 of NW 1/4 of Section 21; thence run East along the north line of said Section 21 for 57.94 feet to the SW corner of the SW 1/4 of SE 1/4 of Section 16; thence run North along the west line of said SW 1/4 of SE 1/4 for 849.32 feet; thence run East for 1320.00 feet; thence run North for 671.05 feet; thence run East for 1320.00 feet to the east line of Section 16; thence run South along the east line of said Section 16 for 1520.37 feet back to the Point of Beginning. Containing 102.6 acres, more or less.

EXHIBIT I

Map of the existing territory, as well as the extension and deletion areas

C.F.A.T. H2O INC, MARION COUNTY, FL SERVICE TERRITORY MAP

SECTION 17

SECTION 15

SECTION 16

EXISTING

FL T14S R22E

DELETE

ADD

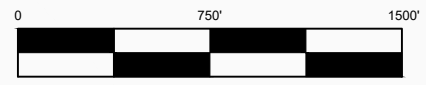
326

326

SECTION 20

SECTION 21

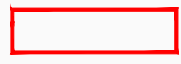
SECTION 22



SCALE: 1" = 750'



CFAT EXISTING APPROVED
TERRITORY TO REMAIN



CFAT EXISTING APPROVED
TERRITORY TO BE REMOVED



ADDITIONAL AREA TO ADD



PUBLIC LAND SURVEY/
SECTION LINES

Old US Hwy 301

CSX RAILROAD

200A

NE 36th Ave

EXHIBIT J
Map of the Resulting Territory

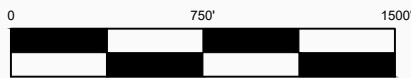
C.F.A.T. H2O INC, MARION COUNTY, FL SERVICE TERRITORY MAP

SECTION 17

SECTION 15

SECTION 16

FL T14S R22E



SCALE: 1" = 750'



CFAT RESULTING TERRITORY



PUBLIC LAND SURVEY/
SECTION LINES

SECTION 20

SECTION 21

SECTION 22

326

326

200A

NE 36th Ave

CSX RAILROAD

Old US Hwy 301

Old US Hwy 301

JUMBOLAIR

EXHIBIT K

C.F.A.T. H2O, Inc.'s St. Johns River Water Management District Consumptive Use Permit



St. Johns River Water Management District

Kirby B. Green III, Executive Director • David W. Fisk, Assistant Executive Director

4049 Reid Street • P.O. Box 1429 • Palatka, FL 32178-1429 • (386) 329-4500
On the Internet at www.sjrwmd.com.

May 12, 2004

CFAT H2O INC
PO Box 5220
Ocala, FL 34478

SUBJECT: Consumptive Use Permit Number 3077
Landfair

Dear Sir/Madam:

Enclosed is your permit and the forms necessary for submitting information to comply with conditions of the permit as authorized by the St. Johns River Water Management District on May 12, 2004.

Please be advised that the period of time within which a third party may request an administrative hearing on this permit may not have expired by the date of issuance. A potential petitioner has twenty-six (26) days from the date on which the actual notice is deposited in the mail, or twenty-one (21) days from publication of this notice when actual notice is not provided, within which to file a petition for an administrative hearing pursuant to Sections 120.569 and 120.57, Florida Statutes. Receipt of such a petition by the District may result in this permit becoming null and void.

Permit issuance does not relieve you from the responsibility of obtaining permits from any federal, state and/or local agencies asserting concurrent jurisdiction over this work.

The enclosed permit is a legal document and should be kept with your other important records. Please read the permit and conditions carefully since the referenced conditions may require submittal of additional information. All information submitted as compliance with permit conditions must be submitted to the nearest District Service Center and should include the above referenced permit number.

Sincerely,



Gloria Lewis, Director
Permit Data Services Division

Enclosures: Permit, Conditions for Issuance, Compliance Forms, Map, Well Tags

cc: District Permit File

Agent: Miles Christian Anderson Consulting Engineers, Inc
2300 SE 17th St Suite 200
Ocala, FL 34471

GOVERNING BOARD

Ometrias D. Long, CHAIRMAN APOPKA	David G. Graham, VICE CHAIRMAN JACKSONVILLE	R. Clay Albright, SECRETARY OCALA	Duane Ottenstroer, TREASURER JACKSONVILLE	
W. Michael Branch FERNANDINA BEACH	John G. Sowinski ORLANDO	William Kerr MELBOURNE BEACH	Ann T. Moore BUNNELL	Susan N. Hughes JACKSONVILLE

PERMIT NO. 3077
PROJECT NAME: Landfair

DATE ISSUED: May 12, 2004

A PERMIT AUTHORIZING:

The District authorizes, as limited by the attached permit conditions, the use of 21.9 million gallons per year of ground water from the Floridan aquifer for the household use of 1223 people, 1.7 million gallons per year of ground water from the Floridan aquifer to irrigate 2 acres of urban landscape, 0.6 million gallons per year of ground water from the Floridan aquifer for water utility and 0.4 million gallons per year of ground water from the Floridan aquifer for commercial/industrial type use.

LOCATION:

Site: Landfair
Marion County

Section(s): 16 Township(s): 14S Range(s): 22E

ISSUED TO:

CFAT H2O INC
PO Box 5220
Ocala, FL 34478

Permittee agrees to hold and save the St. Johns River Water Management District and its successors harmless from any and all damages, claims, or liabilities which may arise from permit issuance. Said application, including all maps and specifications attached thereto, is by reference made a part hereof.

This permit does not convey to permittee any property rights nor any rights of privileges other than those specified herein, nor relieve the permittee from complying with any law, regulation or requirement affecting the rights of other bodies or agencies. All structures and works installed by permittee hereunder shall remain the property of the permittee.


This permit may be revoked, modified or transferred at any time pursuant to the appropriate provisions of Chapter 373, Florida Statutes and 40C-1, Florida Administrative Code.

PERMIT IS CONDITIONED UPON:

See conditions on attached "Exhibit A", dated May 12, 2004

AUTHORIZED BY: St. Johns River Water Management District
Department of Resource Management

By: _____



Dwight Jenkins
Division Director

"EXHIBIT A"
CONDITIONS FOR ISSUANCE OF PERMIT NUMBER 3077
CFAT H2O INC
DATED MAY 12, 2004

1. District Authorized staff, upon proper identification, will have permission to enter, inspect and observe permitted and related facilities in order to determine compliance with the approved plans, specifications and conditions of this permit.
2. Nothing in this permit should be construed to limit the authority of the St. Johns River Water Management District to declare a water shortage and issue orders pursuant to Section 373.175, Florida Statutes, or to formulate a plan for implementation during periods of water shortage, pursuant to Section 373.246, Florida Statutes. In the event a water shortage, is declared by the District Governing Board, the permittee must adhere to the water shortage restriction as specified by the District, even though the specified water shortage restrictions may be inconsistent with the terms and conditions of this permit.
3. Prior to the construction, modification, or abandonment of a well, the permittee must obtain a Water Well Construction Permit from the St. Johns River Water Management District, or the appropriate local government pursuant to Chapter 40C-3, Florida Administrative Code. Construction, modification, or abandonment of a well will require modification of the consumptive use permit when such construction, modification or abandonment is other than that specified and described on the consumptive use permit application form.
4. Leaking or inoperative well casings, valves, or controls must be repaired or replaced as required to eliminate the leak or make the system fully operational.
5. Legal uses of water existing at the time of the permit application may not be interfered with by the consumptive use. If unanticipated interference occurs, the District may revoke the permit in whole or in part to curtail or abate the interference unless the permittee mitigates for the interference. In those cases where other permit holders are identified by the District as also contributing to the interference, the permittee may choose to mitigate in a cooperative effort with these other permittees. The permittee must submit a mitigation plan to the District for approval prior to implementing such mitigation.
6. Off-site land uses existing at the time of permit application may not be significantly adversely impacted as a result of the consumptive use. If unanticipated significant adverse impacts occur, the District shall revoke the permit in whole or in part to curtail or abate the adverse impacts, unless the impacts can be mitigated by the permittee.
7. The District must be notified, in writing, within 30 days of any sale, conveyance, or other transfer of a well or facility from which the permitted consumptive use is made or within 30 days of any transfer of ownership or control of the real property at which the permitted consumptive use is located. All transfers of ownership or transfers of permits are subject to the provisions of section 40C-1.612, Florida Administrative Code.
8. A District-issued identification tag shall be prominently displayed at each withdrawal site by permanently affixing such tag to the pump, headgate, valve or other withdrawal facility as provided by Section 40C-2.401, Florida Administrative Code. Permittee shall notify the District in the event that a replacement tag is needed.
9. Landscape irrigation is prohibited between the hours of 10:00 a.m. and 4:00 p.m., except as follows:
 - (a) Irrigation using a micro-irrigation system is allowed anytime.
 - (b) The use of reclaimed water for irrigation is allowed anytime, provided appropriate signs

are placed on the property to inform the general public and District enforcement personnel of such use. Such signs must be in accordance with local restrictions.

(c) Irrigation of, or in preparation for planting, new landscape is allowed any time of day for one 30 day period provided irrigation is limited to the amount necessary for plant establishment.

(d) Watering in of chemicals, including insecticides, pesticides, fertilizers, fungicides, and herbicides when required by law, the manufacturer, or best management practices is allowed anytime within 24 hours of application.

(e) Irrigation systems may be operated anytime for maintenance and repair purposes not to exceed ten minutes per hour per zone.

10. All submittals made to demonstrate compliance with this permit must include the CUP number 3077 plainly labeled thereon.

11. This permit will expire 20 years from the date of issuance.

12. Maximum annual withdrawals from the Floridan Aquifer for household type uses, must not exceed:

11.0 million gallons annual withdrawal for 2004

12.0 million gallons annual withdrawal from 2005 through year 2006

13.8 million gallons annual withdrawal from 2007 through year 2009

15.5 million gallons annual withdrawal from 2010 through year 2012

17.3 million gallons annual withdrawal from 2013 through year 2015

19.0 million gallons annual withdrawal from 2016 through year 2018

21.9 million gallons annual withdrawal from 2019 through the duration of the permit

13. Maximum annual withdrawals from the Floridan Aquifer for water utility uses, must not exceed:

0.33 million gallons annual withdrawal for 2004

0.36 million gallons annual withdrawal from 2005 through year 2006

0.41 million gallons annual withdrawal from 2007 through year 2009

0.46 million gallons annual withdrawal from 2010 through year 2012

0.52 million gallons annual withdrawal from 2013 through year 2015

0.57 million gallons annual withdrawal from 2016 through year 2018

0.60 million gallons annual withdrawal from 2019 through the duration of the permit

14. Maximum annual withdrawals from the Floridan Aquifer for commercial establishments, must not exceed 0.4 million gallons.

15. Maximum annual withdrawals from the Floridan aquifer for irrigation/chemigation of urban landscape, must not exceed 0.85 million gallons per acre and must not exceed a total of 1.7 million gallons.

16. Wells N (GRS ID 11113) and S (GRS ID 11114) (as listed on the application) are equipped with totalizing flow meters. These meters must maintain 95% accuracy, be verifiable and be installed according to the manufacturer's specifications.

17. Total withdrawals from wells N (GRS ID 11113) and S (GRS ID 11114) (as listed on the application) must be recorded continuously, totaled monthly, and reported to the District at least every six months from the initiation of the monitoring using Form No. EN-50. The

reporting dates each year will be as follows for the duration of the permit:

Reporting Period	Report Due Date
January - June	July 31
July - December	January 31

18. Permittee must have all flow meters checked for accuracy at least once every 3 years within 30 days of the anniversary date of permit issuance, and recalibrated if the difference between the actual flow and the meter reading is greater than 5%. District Form No. EN-51 must be submitted to the District within 10 days of the inspection/calibration.
19. The permittee must maintain all flow meters. In case of failure or breakdown of any meter, the District must be notified in writing within 5 days of its discovery. A defective meter must be repaired or replaced within 30 days of its discovery.
20. The permittee must implement the Water Conservation Plan submitted to the District on October 16, 2003, and maintain these practices for the duration of the permit.
21. The lowest quality water source, such as reclaimed water and surface/storm water, must be used as irrigation water when deemed feasible pursuant to District rules and applicable state law.

EXHIBIT L
Proposed Customer Notice

**NOTICE OF APPLICATION FOR AMENDMENT TO CERTIFICATES
OF AUTHORIZATION TO EXTEND AND DELETE SERVICE AREA**

DOCKET NO. 20220203

**APPLICATION OF C.F.A.T. H2O, INC. FOR AMENDMENT OF WATER CERTIFICATE 552-W
AND WASTEWATER CERTIFICATE NO. 481-S IN MARION COUNTY**

DATE OF NOTICE — ____/____/____

C.F.A.T. H2O, Inc. has filed with the Florida Public Service Commission an Application for Amendment of Water Certificate No. 552-W and Wastewater Certificate No. 481-S to modify its approved service area, pursuant to Section 367.045, Florida Statutes, and Rule 25-30.036, Florida Administrative Code.

C.F.A.T. H2O, Inc. is not requesting a change to its rates, classifications, charges, or rules and regulations by this Application. Therefore current rates will not be affected. The C.F.A.T. H2O, Inc. water and wastewater systems provide service to Landfair and Hilltop Manor and the surrounding community. No current C.F.A.T. H2O, Inc. customer will lose service as the result of the proposed service area deletion.

The following are simplified legal descriptions of the requested modifications to C.F.A.T. H2O, Inc.'s approved service area. For the full legal descriptions, please contact C.F.A.T. H2O, Inc. at the contact information below.

SIMPLIFIED LEGAL DESCRIPTION OF THE PROPOSED SERVICE AREA DELETION

A parcel of land being the East 1/2 of the NE 1/4 of Section 21, Township 14 South, Range 22 East, Marion County, Florida.

Common Street Names Affected by the Service Area Deletion: NE 22nd Ct. Rd., NE 25th Ave. Rd., NE 26th Ave., NE 70th Street.

SIMPLIFIED LEGAL DESCRIPTION OF THE PROPOSED SERVICE AREA EXTENSION

A parcel of land being a portion of the West 1/2 of the NE 1/4 of Section 21, Township 14 South, Range 22 East, Marion County, Florida.

Common Street Names Affected by the Service Area Extension: NE Jacksonville Road, NE 70th Street.

For more information concerning this Notice, please contact the Utility at the address below:

C.F.A.T. H2O, Inc.
12601 SE Sunset Harbor Road
Weirsdale, FL 32195
Phone: (352) 843-7790
Fax: (352) 732-4366
Email: charlie@altfo.com

Any objection to the application must be 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.