

January 27, 2025

E-Portal

Mr. Adam Teitzman, Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Re: Docket No. 20240144-SU – Application for amendment of Certificate No. 104-S to extend service to Oak Stone Development in DeSoto County and petition for approval of special developer agreement and service availability charges, by Ni Florida, Inc.

Dear Mr. Teitzman:

On November 19, 2024, the Commission Staff issued to Ni Florida, Inc. (“Ni”) a deficiency letter regarding Ni’s Application initiating this docket. Below are Ni’s responses to the following deficiencies identified by Commission Staff:

1. Proof of Noticing – Exhibit 6 of the Company’s Petition and Application (page 153 of the full document) is a draft Notice submitted for staff approval prior to distribution. Given the identified issues with the legal description of the territory, the Company is submitting a revised draft Notice with the revised territory description. Upon approval of the notice by Commission Staff, the Company will issue and publish the notice as required, and thereafter, submit an updated, late-filed Exhibit 6 in the docket that notice has been given, and published, in accordance with Section 367.045, F.S. and Rule 25-30.030, F.A.C., as noted at Paragraph 15 of the Company’s October 4, 2024 Application.

2. Applicant Information – The Contact Information for the Company has been updated with the Clerk’s office and is now consistent with that reflected in the Application. In addition, the correct FEI number is: 90-0348898. The number originally provided is for the holding company, Florida Utility Systems, Inc.

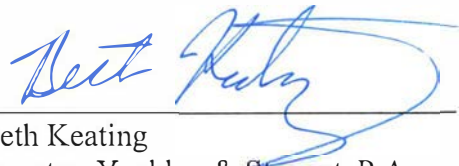
3. Customer Type – The development is currently designed to serve only single family detached residential housing, low-rise multi-family residential housing, and high-rise multi-family residential housing. There is currently no planned commercial development and no plan to install sewer meters.

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4. **Requests for Service** – The referenced Developer Agreement is actually reflected at Attachment B to the Application filing, rather than Exhibit B. Attachment B is located at page 105 of the compiled document.
5. **Legal Description** – Attached, please find an updated, revised legal description.
6. **System Map** – Please see attached, revised System Map.
7. **Territory Map** – Exhibit H was inadvertently mislabeled as Exhibit F and is reflected at page 54 of the compiled document. The map included is a map obtained from the Tax Assessor's office. However, an updated, clearer map is attached hereto.
8. **Installation Policy** - The required installation policy is attached hereto and includes current Ni tariff sheets No. 17.0 and 17.1.

Thank you for your assistance with this filing.

Kind regards,



Beth Keating
Gunster, Yoakley & Stewart, P.A.
215 South Monroe St., Suite 601
Tallahassee, FL 32301
(850) 521-1706

Enclosure

NOTICE OF APPLICATION OF NI FLORIDA, INC. FOR AUTHORITY
TO AMEND ITS WASTEWATER CERTIFICATE TO
PROVIDE SERVICE IN DESOTO COUNTY TO THE OAKSTONE DEVELOPMENT

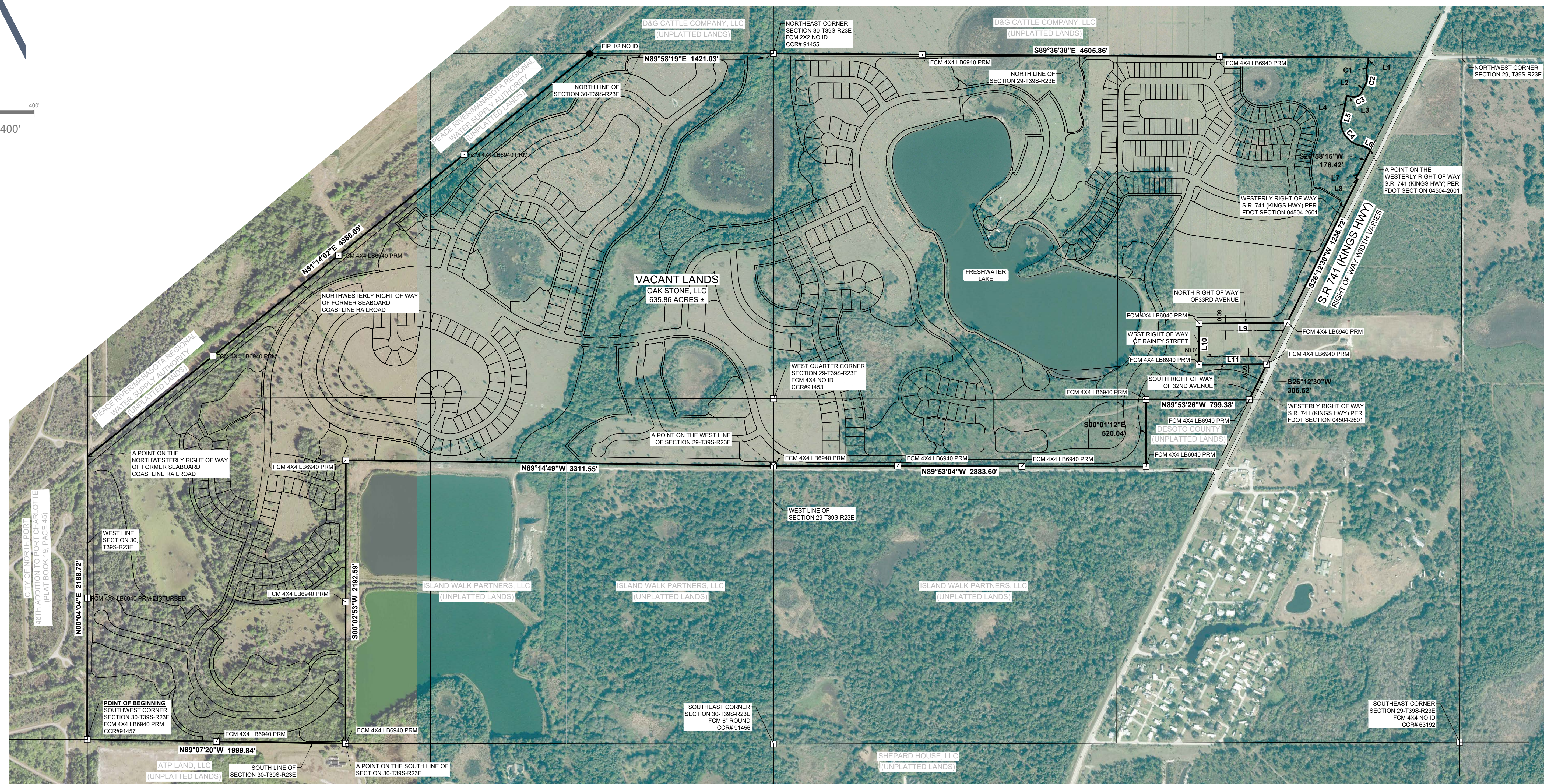
Notice is hereby given this ____ day of January, 2025 that Ni Florida, Inc., pursuant to Section 366.071, Florida Statutes, has filed an application with the Florida Public Service Commission requesting to amend its wastewater certificate to enable it to provide wastewater service in DeSoto County, Florida, to a new development, referred to as Oak Stone in the area described as follows:

A tract of land located in Section 29 and 30, Township 39 South, Range 23 East, DeSoto County, Florida, being more particularly described as follows:

BEGINNING at the Southwest corner of said Section 30, run thence N. 00°04'04" E., along the West line of said Section 30, 2188.72 feet to a point on the Northwesterly right of way of former Seaboard Coastline Railroad; thence N. 51°14'02" E., along said Northwesterly right of way, 4986.09 feet to the North line of said Section 30; thence N. 89°58'19" E., along said North line, 1421.03 feet to the Northeast corner of said Section 30; thence S.89°36'38" E., along the North line aforesaid Section 29 4605.86 feet; thence leaving said North line, run S.00°23'20" W., 34.71 feet; thence 100.85 feet in a southerly direction along a non-tangent curve turning to the left, having a central angle of 30°24'43", with a radius of 190.00 feet, having a chord bearing of S.06°48'06" W. and a chord distance of 99.67 feet; thence 83.35 feet in a southerly direction along a reverse tangent curve turning to the right, having a central angle of 35°22'29", with a radius of 135.00 feet, having a chord bearing of S.09°16'59" W. and a chord distance of 82.03 feet; thence S.26°58'15" W., 61.41 feet; thence 82.82 feet in a southwesterly direction along a tangent curve turning to the right, having a central angle of 73°00'14", with a radius of 65.00 feet, having a chord bearing of S.63°28'22" W. and a chord distance of 77.33 feet; thence N. 79°34'21" W., 46.99 feet; thence S.10°01'10" W., 120.33 feet; thence S.16°33'09" W., 80.52 feet; thence 285.38 feet in a southeasterly direction along a non-tangent curve turning to the left, having a central angle of 86°03'29", with a radius of 190.00 feet, having a chord bearing of S.41°37'10" E. and a chord distance of 259.30 feet; thence S.63°01'45" E., 65.00 feet to the Westerly right of way of State Road S-741 (Kings Highway) (County Road 769); thence along said Westerly right of way the following four (4) courses: 1) S.26°58'15" W., 176.42 feet; 2) S.29°13'31" W., 74.10 feet; 3) S.63°47'30" E., 17.90 feet; 4) S.26°12'30" W., 1236.72 feet to the North right of way of 33rd Avenue, thence S.89°36'40" W., along said North right of way 681.34 feet to the West right of way of Rainey Street; thence S.00°06'22" W., along said West right of way 320.01 feet to the South right of way of 32nd Avenue; thence N. 89°36'40" E., along said North right of way 523.88 feet to aforesaid Westerly right of way of State Road S-741; thence S.26°12'30" W., along said Westerly right of way 305.52 feet; thence leaving said Westerly right of way, run N. 89°53'26" W., 799.38 feet; thence S.00°01'12" E., 520.04 feet; thence N. 89°53'04" W., 2883.60 feet to a point on the West line aforesaid Section 29; thence N. 89°14'49" W., 3311.55 feet; thence S.00°02'53" W., 2192.59 feet to the South line aforesaid Section 30; thence N. 89°07'20" W., 1999.84 feet to the **POINT OF BEGINNING.**

The title is: Application for Amendment to Certificate 104S by Ni Florida, Inc. to Include Service to Oak Stone Development in DeSoto County, Florida. The Docket number for the application is Docket No. 20240144-SU. Any objections to the Application must be made in writing and filed with the Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399- 0850, no later than 30 days from the last date this Notice was mailed or published, with a copy to Beth Keating, Esquire, Gunster Law Firm, 215 S. Monroe St., Florida 32301. The objection must state the grounds for the objection with particularity.

BOUNDARY EXHIBIT - OAKSTONE OVERALL



LINE TABLE		
LINE #	DIRECTION	LENGTH
L1	S00°23'20"W	34.71'
L2	S26°58'15"W	61.41'
L3	N79°34'21"W	46.99'
L4	S10°01'10"W	120.33'
L5	S16°33'09"W	80.52'
L6	S63°01'45"E	65.00'
L7	S29°13'31"W	74.10'
L8	S63°47'30"E	17.90'

CURVE TABLE					
CURVE #	LENGTH	RADIUS	DELTA	CHORD DIRECTION	CHORD LENGTH
C1	100.85'	190.00'	030°24'43"	S06°48'06"W	99.67'
C2	83.35'	135.00'	035°22'29"	S09°16'59"W	82.03'
C3	82.82'	65.00'	073°00'14"	S63°28'22"W	77.33'
C4	285.38'	190.00'	086°03'29"	S41°37'10"E	259.30'

Survey Datum
Horizontal Datum NAD83
Vertical Datum NAVD88

Surveyor's Certificate		Survey History	
This survey not valid without the original signature and seal of a Florida Professional Surveyor and Mapper, or a digital signature complying with 51-17 Florida Statutes		Date	By
Matthew C. Kneeland, LS 7092		12/6/2022	NCC
		Description	
		Last field data acquisition	

701 S. Howard Avenue, Suite 106-320
Tampa, FL 33606
813-515-0821
MRICspatial.com
Licensed Business #8325

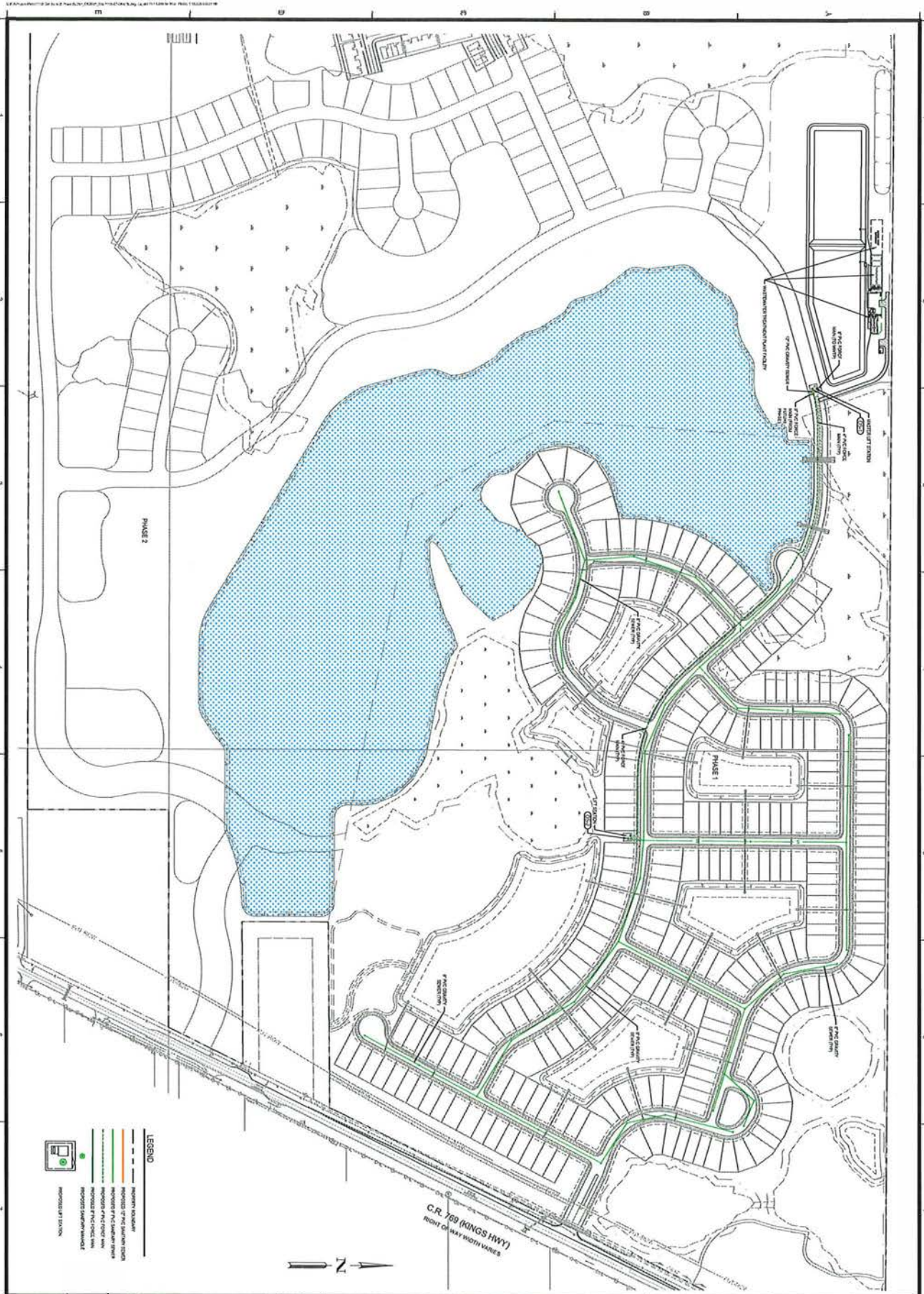
Oakstone
Boundary Survey
Kings Highway
Prepared for:
BGE, Inc.
Section 29 & 30, Township 39 South, Range 23 East,
DeSoto County, FL

Project Number: 220185 Sheet 1 of 1

DESCRIPTION

A tract of land located in Section 29 and 30, Township 39 South, Range 23 East, DeSoto County, Florida, being more particularly described as follows:

BEGINNING at the Southwest corner of said Section 30, run thence N. $00^{\circ}04'04''$ E., along the West line of said Section 30, 2188.72 feet to a point on the Northwestern right of way of former Seaboard Coastline Railroad; thence N. $51^{\circ}14'02''$ E., along said Northwestern right of way, 4986.09 feet to the North line of said Section 30; thence N. $89^{\circ}58'19''$ E., along said North line, 1421.03 feet to the Northeast corner of said Section 30; thence S. $89^{\circ}36'38''$ E., along the North line aforesaid Section 29 4605.86 feet; thence leaving said North line, run S. $00^{\circ}23'20''$ W., 34.71 feet; thence 100.85 feet in a southerly direction along a non-tangent curve turning to the left, having a central angle of $30^{\circ}24'43''$, with a radius of 190.00 feet, having a chord bearing of S. $06^{\circ}48'06''$ W. and a chord distance of 99.67 feet; thence 83.35 feet in a southerly direction along a reverse tangent curve turning to the right, having a central angle of $35^{\circ}22'29''$, with a radius of 135.00 feet, having a chord bearing of S. $09^{\circ}16'59''$ W. and a chord distance of 82.03 feet; thence S. $26^{\circ}58'15''$ W., 61.41 feet; thence 82.82 feet in a southwesterly direction along a tangent curve turning to the right, having a central angle of $73^{\circ}00'14''$, with a radius of 65.00 feet, having a chord bearing of S. $63^{\circ}28'22''$ W. and a chord distance of 77.33 feet; thence N. $79^{\circ}34'21''$ W., 46.99 feet; thence S. $10^{\circ}01'10''$ W., 120.33 feet; thence S. $16^{\circ}33'09''$ W., 80.52 feet; thence 285.38 feet in a southeasterly direction along a non-tangent curve turning to the left, having a central angle of $86^{\circ}03'29''$, with a radius of 190.00 feet, having a chord bearing of S. $41^{\circ}37'10''$ E. and a chord distance of 259.30 feet; thence S. $63^{\circ}01'45''$ E., 65.00 feet to the Westerly right of way of State Road S-741 (Kings Highway) (County Road 769); thence along said Westerly right of way the following four (4) courses: 1) S. $26^{\circ}58'15''$ W., 176.42 feet; 2) S. $29^{\circ}13'31''$ W., 74.10 feet; 3) S. $63^{\circ}47'30''$ E., 17.90 feet; 4) S. $26^{\circ}12'30''$ W., 1236.72 feet to the North right of way of 33rd Avenue, thence S. $89^{\circ}36'40''$ W., along said North right of way 681.34 feet to the West right of way of Rainey Street; thence S. $00^{\circ}06'22''$ W., along said West right of way 320.01 feet to the South right of way of 32nd Avenue; thence N. $89^{\circ}36'40''$ E., along said North right of way 523.88 feet to aforesaid Westerly right of way of State Road S-741; thence S. $26^{\circ}12'30''$ W., along said Westerly right of way 305.52 feet; thence leaving said Westerly right of way, run N. $89^{\circ}53'26''$ W., 799.38 feet; thence S. $00^{\circ}01'12''$ E., 520.04 feet; thence N. $89^{\circ}53'04''$ W., 2883.60 feet to a point on the West line aforesaid Section 29; thence N. $89^{\circ}14'49''$ W., 3311.55 feet; thence S. $00^{\circ}02'53''$ W., 2192.59 feet to the South line aforesaid Section 30; thence N. $89^{\circ}07'20''$ W., 1999.84 feet to the **POINT OF BEGINNING**.



 CALL BEFORE YOU DIG	C7-0	OAK STONE EAST COMMUNITY DEVELOPMENT DISTRICT OAK STONE - PHASE 1 SECTION 29 & 30, TWP. 39 S., RGE. 23 E. - DESOTO COUNTY, FL CONSTRUCTION PLANS OVERALL UTILITY PLAN		 BCE Inc. State-100 5408 Bay Center Court Jacksonville, FL 32256 Tel: 904-450-0001 www.bce.com FL Registry No. 28116
		SHEET NO. 11135-02 DATE 06/24	DESIGNED BY AH CHECKED BY JW DRAWN BY KG	

SERVICE AVAILABILITY POLICY

1.0 GENERAL POLICY

The terms and conditions of the availability of utility services by the Company are subject to Chapter 25-30, Florida Administrative Code ("F.A.C.").

2.0 AVAILABILITY

The provisions of this policy are available throughout the territory subject to matters of economic feasibility as defined by Rule 25-30.515(7), F.A.C.

3.0 ON-SITE AND OFF-SITE FACILITIES

On-site and off-site facilities may be provided by the Contributor pursuant to the requirements and specifications of the Company. Any facilities which may be constructed by the Contributor on the Company's side of the Point of Delivery as defined by Rules 25-30.210, (7), F.A.C., shall be conveyed to the Company by a bill of sale together with perpetual right-of-way and easements for necessary maintenance and replacement, and appropriate access to facilities as well as complete as-built plans for all such lines and facilities together with accurate cost records, to include material, labor, engineering, administrative and other related costs establishing the construction costs of all utility facilities, as a condition precedent to their acceptance by the Company and the Initiation of service.

4.0 ADVANCE

If the off-site or on-site facilities can serve other areas than those of the Contributor, the Company may require that they be oversized to enable service to be provided to additional territory and that the Contributor advances the cost of such oversized facilities. So much of the cost as exceeds the hydraulic share of the Contributor will be refunded by the Company as refundable advances over a period not to exceed eight years, from extension fees paid by other Contributors connecting to the main or mains in accordance with their hydraulic share.

5.0 SERVICE AVAILABILITY CHARGES

In addition to the foregoing fees, customer shall pay service availability charges as set forth in the Tariff based upon the estimated wastewater demand consistent with the permitted capacity.

6.0 INSPECTIONS FEES

Engineering plans or designs for, or construction of facilities by a Contributor which are to become a part of Company's system will be subject to review and inspection by the Company. For this service, Pursuant to Rule 25-30.540(7), F.A.C., the Company may charge an inspection and plan review fee based upon the actual cost of the Company for review of plans and inspection of facilities constructed by Contributor or independent contractors for connection with the facilities of the Company. Such inspection fees shall be paid by a Contributor in addition to all other charges above stated, as a condition precedent to service.

(Continued on Sheet 17.1)

(Continued from Sheet 17.0)

7.0 INSPECTION OF PLUMBER'S HOOK-UP.

It shall be the responsibility of the Contributor, Customer, or its plumbing contractor to connect Contributor's or Customer's plumbing installation with the utility system. Company reserves the right to inspect all such connections to be assured that the same are properly made in accordance with Company's rules governing such connections, as made, is free from leakage.