

FLORIDA PUBLIC SERVICE COMMISSION

INSTRUCTIONS FOR COMPLETING
INFORMATION PACKAGE TO COMPLY WITH
RULE 25-30.034, FLORIDA ADMINISTRATIVE CODE
FOR A UTILITY IN EXISTENCE AND CHARGING RATES

(Section 367.045, Florida Statutes)

General Information

The attached form has been prepared by the Florida Public Service Commission to aid utilities under its jurisdiction to file information required by Chapter 367, Florida Statutes, and Chapter 25-30, Florida Administrative Code. Any questions regarding this form should be directed to the Division of Economic Regulation, Bureau of Certification, Economics and Tariffs (850) 413-6900.

Instructions

1. Fill out the attached application form completely and accurately.
2. Complete all the items that apply to your utility. If an item is not applicable, mark it "N.A." Do not leave any items blank.
3. Notarize the completed application form.
4. Remit the proper filing fee pursuant to Rule 25-30.020, Florida Administrative Code, with the application.
5. The **original and five copies** of the completed application and attached exhibits; **one copy** of each territory and system map; the **original and two copies** of proposed tariff(s); and the proper filing fee should be mailed to:

Office of Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

**INFORMATION PACKAGE TO COMPLY WITH
RULE 25-30.034, FLORIDA ADMINISTRATIVE CODE
FOR A UTILITY IN EXISTENCE AND CHARGING RATES
(Pursuant to Section 367.045, Florida Statutes)**

To: Office of Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

The undersigned hereby wishes to comply with Rule 25-30.034, Florida Administrative Code for original certificate(s) to operate a water _____ and/or wastewater _____ utility in _____ County, Florida, and submits the following information:

PART I APPLICANT INFORMATION

A) The full name (as it appears on the certificate), address and telephone number of the applicant:

Name of utility

(_____) _____
Phone No.

(_____) _____
Fax No.

Office street address

City

State

Zip Code

Mailing address if different from street address

Internet address if applicable

B) The name, address and telephone number of the person to contact concerning this application:

(_____) _____
Name

(_____) _____
Phone No.

Street address

City

State

Zip Code

C) Indicate the organizational character of the applicant:
(circle one)

Corporation Partnership Sole Proprietorship

Other _____
(Specify)

D) If the applicant is a corporation, list names, titles and addresses of corporate officers, directors. (Use additional sheet if necessary.)

E) If the applicant is not a corporation, list names and addresses of all persons or entities owning an interest in the organization. (Use additional sheet if necessary.)

PART II SYSTEM INFORMATION

A) **WATER**

(1) Exhibit _____ - A statement describing the proposed types(s) of water service to be provided (i.e., potable, non-potable or both).

(2) Exhibit _____ - A schedule showing the number of customers currently being served by class and meter size, as well as the number of customers projected to be served when the requested service territory is fully occupied.

(3) Indicate permit numbers and dates of approval of water treatment facilities by the Department of Environmental Protection (DEP) or the agency designated by the DEP to issue permits:

(4) Indicate when the water utility system was

established.

- (5) Exhibit _____ - Evidence that the utility owns the land where the water facilities are located. If the utility does not own the land, a copy of the agreement which provides for the long term continuous use of the land, such as a 99-year lease. The Commission may consider a written easement or other cost-effective alternative.

B) **WASTEWATER**

- (1) Exhibit _____ - A schedule showing the number of customers by class and meter size, as well as the number of customers projected to be served when the requested service territory is fully occupied.

- (2) Indicate permit numbers and dates of approval of wastewater treatment facilities by the Department of Environmental Protection (DEP) or the agency designated by DEP to issue permits:
-

- (3) Indicate when the wastewater utility system was established.
-

- (4) Exhibit _____ - Evidence that the utility owns the land where the wastewater facilities are located. If the utility does not own the land, a copy of the agreement which provides for the long term continuous use of the land, such as a 99-year lease. The Commission may consider a written easement or other cost-effective alternative.

PART III FINANCIAL AND TECHNICAL INFORMATION

- A) Exhibit _____ - A statement regarding the financial and technical ability of the applicant to continue to provide service.

- B) Exhibit _____ - A statement explaining how and why the applicant began providing water and/or wastewater service prior to obtaining a PSC certificate.

PART IV RATES AND TARIFFS

- A) Exhibit _____ - A statement specifying on what date and under what authority the current rates and charges were established.
- B) Exhibit _____ - The original and two copies of water and/or wastewater tariff(s) containing all rates, classifications, charges, rules and regulations. **Sample tariffs are enclosed with the application package.**

PART V TERRITORY DESCRIPTION AND MAPS

A) **TERRITORY DESCRIPTION**

Exhibit _____ - An accurate description, using township, range and section references as specified in Rule 25-30.030(2), Florida Administrative Code, of the territory the utility is currently serving. If the water and wastewater service territories are different, provide separate descriptions.

Exhibit _____ - If the applicant is requesting territory not serviced at the time of the application provide the following:

- (1) A statement showing the need for service in the proposed area;
- (2) A statement that, to the best of the applicant's knowledge, the provision of service in this territory will be consistent with the water and wastewater sections of the local comprehensive plan as approved by the Department of Community Affairs at the time the application is filed. Or, if not consistent, a statement demonstrating why granting the territory would be in the public interest.

B) **TERRITORY MAPS**

Exhibit _____ - One copy of an official county tax

assessment map or other map showing township, range and section with a scale such as 1"=200' or 1"=400' on which the proposed territory is plotted by use of metes and bounds or quarter sections and with a defined reference point of beginning. If the water and wastewater service territories are different, provide separate maps.

C) **SYSTEM MAPS**

Exhibit _____ - One copy of detailed map(s) showing existing lines, facilities and the territory being served. **Additionally, any requested territory not served at the time of application shall be specifically identified.** Map(s) should be of sufficient scale and detail to enable correlation with a description of the territory to be served. Provide separate maps for water and wastewater systems.

PART VI NOTICE OF ACTUAL APPLICATION

A) Exhibit _____ - An affidavit that the notice of actual application was given in accordance with Section 367.045(1)(a), Florida Statutes, and Rule 25-30.030, Florida Administrative Code, by regular mail to the following:

- (1) the governing body of the municipality, county or counties in which the system or the territory proposed to be served is located;
- (2) the privately owned water and wastewater utilities that hold a certificate granted by the Public Service Commission and that are located within the county in which the utility or the territory proposed to be served is located;
- (3) if any portion of the proposed territory is within one mile of a county boundary, the utility shall notice the privately owned utilities located in the bordering counties and holding a certificate granted by the Commission;
- (4) the regional planning council;
- (5) the Office of Public Counsel;

- (6) the Public Service Commission's Office of Commission Clerk;
- (7) the appropriate regional office of the Department of Environmental Protection; and
- (8) the appropriate water management district.

Copies of the Notice and a list of entities noticed shall accompany the affidavit. THIS MAY BE A LATE-FILED EXHIBIT

- B) Exhibit _____ - An affidavit that the notice of actual application was given in accordance with Rule 25-30.030, Florida Administrative Code, by regular mail or personal delivery to each customer of the system. A copy of the notice shall accompany the affidavit. THIS MAY BE A LATE-FILED EXHIBIT.
- C) Exhibit _____ - Immediately upon completion of publication, an affidavit that the notice of actual application was published once in a newspaper of general circulation in the territory in accordance with Rule 25-30.030, Florida Administrative Code. A copy of the proof of publication shall accompany the affidavit. THIS MAY BE A LATE-FILED EXHIBIT.

PART VII FILING FEE

Indicate the filing fee enclosed with the application:

\$ _____ (for water) and/or \$ _____ (for wastewater).

Note: Pursuant to Rule 25-30.020, Florida Administrative Code, the amount of the filing fee is as follows:

- (1) For applications in which the utility has the capacity to serve up to 500 ERCs, the filing fee shall be **\$750.**
- (2) For applications in which the utility has the capacity to serve from 501 to 2,000 ERCs the filing fee shall be **\$1,500.**

- (3) For applications in which the utility has the capacity to serve from 2,001 to 4,000 ERCs the filing fee shall be **\$2,250**.
- (4) For applications in which the utility has the capacity to serve more than 4,000 ERCs the filing fee shall be **\$3,000**.

PART VIII AFFIDAVIT

I _____ (applicant) do solemnly swear or affirm that the facts stated in the forgoing application and all exhibits attached thereto are true and correct and that said statements of fact thereto constitutes a complete statement of the matter to which it relates.

BY: _____
Applicant's Signature

Applicant's Name (Typed)

Applicant's Title *

Subscribed and sworn to before me this _____ day of _____, 20__ by _____ who is personally known to me _____ or produced identification _____.

Type of Identification Produced

Notary Public's Signature

Print, Type or Stamp Commissioned
Name of Notary Public

* If applicant is a corporation, the affidavit must be made by the president or other officer authorized by the by-laws of the corporation to act for it. If applicant is a partnership or association, a member of the organization authorized to make such affidavit shall execute same.

FLORIDA PUBLIC SERVICE COMMISSION

INSTRUCTIONS FOR PREPARATION OF TERRITORY DESCRIPTION AND MAP

An accurate description of the territory served or proposed to be served is essential. The noticing requirement in Rule 25-30, Florida Administrative Code, and the territory description requirement for each of the certification applications require the territory to be described using township, range and land sections. Failure to use the required format will cause your application to be delayed and may result in your having to renotice. The following information is provided to assist you in preparing a correct legal description and plotting that territory on the service territory map.

TERRITORY DESCRIPTION

The territory description must contain the following:

- 1) A reference to a township(s), range(s), land section(s) and county.
- 2) A complete and accurate description of the territory served or proposed to be served. There are two acceptable formats which may be used.
 - a) Sections - If the territory includes complete sections, the description may only include the township, range, and section reference. If the territory includes partial sections, the description shall either identify the subsections included or excluded.
 - b) Metes and Bounds - A point of beginning which is referenced from either a section corner or a subsection corner, such as a quarter corner. The perimeter shall be described by traversing the proposed territory and closing at the point of beginning. Also, the description shall include all bearings and distances necessary to provide a continuous description.
- 3) References to interstates, state roads, and major bodies of water are acceptable.
- 4) References to government lots, local streets, recorded plats or lots, tracts, or other recorded instruments are not acceptable.

Acceptable territory description formats are shown in the attached Examples 1 and 2.

Territory maps are required in the Florida Administrative Code rules related to applications for original certificates, amendments, grandfather certificates, and in transfers to a governmental agency where only a portion of the territory is transferred. The map is used by staff to verify the location of

the existing or proposed territory. The territory maps should not be confused with the system depiction map which is used to locate existing or proposed service lines and facilities.

TERRITORY MAP

The territory map shall contain the following:

- 1) Territory shall be plotted on a Department of Transportation Map, County tax assessor map or any other map with a scale of 1 inch= 200 ft. or 1 inch = 400 ft.
- 2) Township, range, section, and county.
- 3) An accurate depiction of the existing or proposed territory. The map should clearly distinguish the existing versus the proposed territory.

An example of a acceptable territory map is attached as Example 3.

**FORMAT TO BE FOLLOWED IN PREPARING TERRITORY DESCRIPTIONS.
EXAMPLE 1 IS PREFERRED OVER METES AND BOUNDS IN EXAMPLE 2.**

EXAMPLE 1

Township 26 South, Range 29 East, Osceola County, Florida

Section 18

The South 1/2 of the Southeast 1/4 and the South 1/2 of the North 1/2 of the Southeast 1/4 of said Section 18

also

The East 1/2 of the Southeast 1/4 of the Southwest 1/4 and the Southeast 1/4 of the Northeast 1/4 of the Southwest 1/4 of said Section 18

Section 19

The North 1/2 of the Northeast 1/4 and the North 1/2 of the South 1/2 of the Northeast 1/4 of said Section 19

also

The East 1/2 of the Northeast 1/4 of the Northwest 1/4 and the Northeast 1/4 of the Southeast 1/4 of the Northwest 1/4 of said Section 19

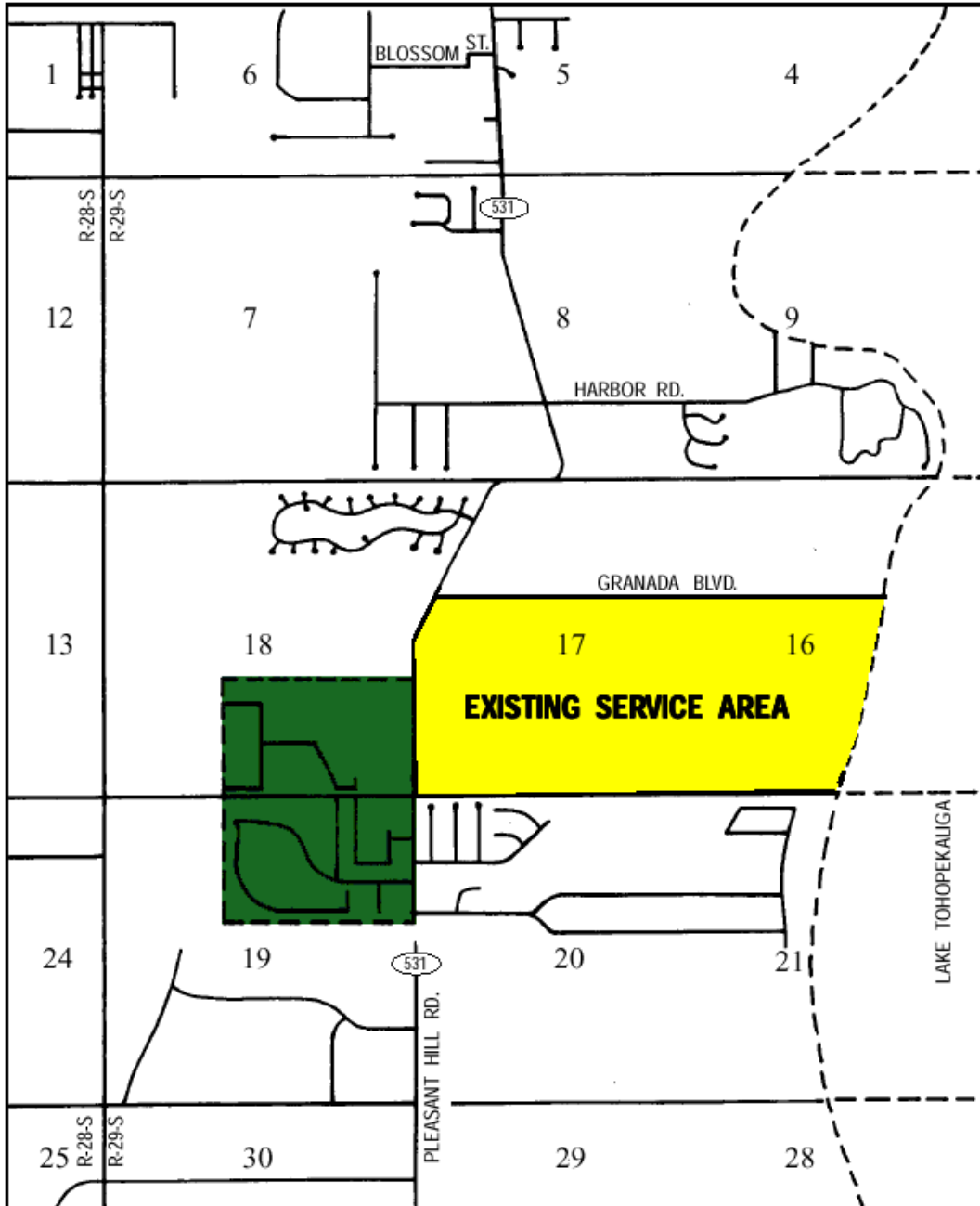
EXAMPLE 2

A portion of Section 18 and 19, Township 26 South, Range 29 East, Osceola County Florida; being more particularly described as follows: Commencing at the SE corner of Section 18, this point also being the Point of Beginning; thence run due south along the east line of Section 19 a distance of 1980 feet to a point; thence run due west a distance of 2706 feet to a point; thence run due north a distance of 3960 feet to a point; thence run due east a distance of 2706

feet to a point of east line of Section 18;
thence run due south along the east line of
Section 18 a distance of 1980 feet to the Point
of Beginning.

EXAMPLE 3

TOWNSHIP 26 SOUTH, RANGE 29 EAST, OSCEOLA COUNTY, FLORIDA



 EXISTING SERVICE AREA

 PROPOSED SERVICE AREA

SAMPLE PUBLICATION / LEGAL NOTICE FOR
APPLICATION FOR ORIGINAL CERTIFICATE
(FOR A UTILITY IN EXISTENCE AND CHARGING RATES)

(Section 367.045, Florida Statutes)

LEGAL NOTICE

Notice is hereby given on _____ (Date) _____, pursuant to Section 367.045, Florida Statutes, of the application of _____ (Name of Utility) _____ to operate a water and/or wastewater utility to provide service to the following described territory in _____ (County) _____, Florida as follows:

(Insert a brief description of the area proposed to be served. Use the Survey of Public Lands method (township, range, section, and quarter section) if possible, or a metes and bounds description, and also the subdivision or project name. The description should NOT refer to land grants or plat books, but may use geographic boundaries (i.e., road right-of-ways, railroads, rivers, creeks, etc.). The object is to make the description as brief, but as accurate as possible.)

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, within thirty (30) days from the date of this notice. At the same time, a copy of said objection should be mailed to the applicant whose address is set forth below. The objection must state the grounds for the objection with particularity.

(Utility name and address)

**SECTION 367.045, FLORIDA STATUTES
CERTIFICATE OF AUTHORIZATION; APPLICATION
AND AMENDMENT PROCEDURES**

- (1) When a utility applies for an initial certificate of authorization from the Commission, it shall:
 - (a) Provide notice of the actual application filed by mail or personal delivery to the governing body of the county or city affected, to the Public Counsel, to the Commission, and to such other persons and in such other manner as may be prescribed by Commission rule;
 - (b) Provide all information required by rule or order of the Commission, which information may include a detailed inquiry into the ability of the applicant to provide service, the area and facilities involved, the need for service in the area involved, and the existence or nonexistence of service from other sources within geographical proximity to the area in which the applicant seeks to provide service;
 - (c) File with the Commission schedules showing all rates, classifications, and charges for service of every kind proposed by it and all rules, regulations, and contracts relating thereto;
 - (d) File the application fee required by s. 367.145; and
 - (e) Submit an affidavit that the applicant has provided notice of its actual application pursuant to this section.

- (2) A utility may not delete or extend its service outside the area described in its certificate of authorization until it has obtained an amended certificate of authorization from the Commission. When a utility applies for an amended certificate of authorization from the Commission, it shall:
 - (a) Provide notice of the actual application filed by mail or personal delivery to the governing body of the county or municipality affected, to the Public Counsel, to the Commission, and to such other persons and in such other manner as may be prescribed by Commission rule;
 - (b) Provide all information required by rule or order of the Commission, which information may include a detailed inquiry into the ability or inability of the applicant to provide service, the need or lack of need for service in the area that the applicant seeks to delete or add; the existence or nonexistence of service from other sources within geographical proximity to the area that the applicant seeks to delete or add, and a description of

the area sought to be deleted or added to the area described in the applicant's current certificate of authorization;

- (c) Provide a reference to the number of the most recent order of the Commission establishing or amending the applicant's rates and charges;
 - (d) Submit an affidavit that the utility has tariffs and annual reports on file with the Commission;
 - (e) File the application fee required by s. 367.145; and
 - (f) Submit an affidavit that the applicant has provided notice of its actual application pursuant to this section.
- (3) If, within 30 days after the last day that notice was mailed or published by the applicant, whichever is later, the Commission does not receive written objection to the notice, the Commission may dispose of the application without hearing. If the applicant is dissatisfied with the disposition, it may bring a proceeding under ss. 120.569 and 120.57.
- (4) If, within 30 days after the last day that notice was mailed or published by the applicant, whichever is later, the Commission receives from the Public Counsel, a governmental authority, or a utility or consumer who would be substantially affected by the requested certification or amendment a written objection requesting a proceeding pursuant to ss. 120.569 and 120.57, the Commission shall order such proceeding conducted in or near the area for which application is made, if feasible. Notwithstanding the ability to object on any other ground, a county or municipality has standing to object on the ground that the issuance or amendment of the certificate of authorization violates established local comprehensive plans developed pursuant to ss. 163.3161-163.3211. If a consumer, utility, or governmental authority or the Public Counsel requests a public hearing on the application, such hearing must, if feasible, be held in or near the area for which application is made; and the transcript of such hearing and any material submitted at or before the hearing must be considered as part of the record of the application and any proceeding related thereto.
- (5) (a) The Commission may grant or amend a certificate of authorization, in whole or in part or with modifications in the public interest, but may not grant authority greater than that requested in the application or amendment thereto and noticed under this section; or it may deny a certificate of authorization or an amendment to a certificate of authorization, if in the public interest. The Commission may deny an application for a certificate of authorization for any new Class C

wastewater system, as defined by Commission rule, if the public can be adequately served by modifying or extending a current wastewater system. The Commission may not grant a certificate of authorization for a proposed system, or an amendment to a certificate of authorization for the extension of an existing system, which will be in competition with, or a duplication of, any other system or portion of a system, unless it first determines that such other system or portion thereof is inadequate to meet the reasonable needs of the public or that the person operating the system is unable, refuses, or neglects to provide reasonably adequate service.

- (b) When granting or amending a certificate of authorization, the Commission need not consider whether the issuance or amendment of the certificate of authorization is inconsistent with the local comprehensive plan of a county or municipality unless a timely objection to the notice required by this section has been made by an appropriate motion or application. If such an objection has been timely made, the Commission shall consider, but is not bound by, the local comprehensive plan of the county or municipality.

(6) The revocation, suspension, transfer, or amendment of a certificate of authorization is subject to the provisions of this section. The Commission shall give 30 days' notice before it initiates any such action.

History.—ss. 5, 27, ch. 89-353; s. 4, ch. 91-429; s. 95, ch. 96-410.

CHAPTER 25-30.020, F.A.C.
FEES REQUIRED TO BE PAID BY WATER AND WASTEWATER UTILITIES

- (1) When a utility files any application for a certificate of authorization pursuant to sections 367.045, 367.071 and 367.171, Florida Statutes, or files any request for a rate change pursuant to sections 367.081, 367.0814 and 367.0822, Florida Statutes (except an index or pass-through), or files for authorization to collect or change service availability charges pursuant to section 367.101, Florida Statutes, the utility shall remit a fee to the Commission's Office of Commission Clerk. A separate fee shall apply for water service and wastewater service. A separate fee shall also apply for each section listed above. For purposes of this rule, capacity is determined by combining the capacities of all systems included in the application. For purposes of this rule, an equivalent residential connection (ERC) is 350 gallons per day (gpd) for water service and 280 gallons per day (gpd) for wastewater service.
- (2) The amount of the fee to be filed pursuant to subsection (1) of this rule shall be as follows:
 - (a) For an original certificate application filed pursuant to Section 367.045, Florida Statutes, the amount of the fee shall be as follows:
 1. For utilities with the existing or proposed capacity to serve up to 500 ERCs, \$750;
 2. For utilities with the existing or proposed capacity to serve from 501 to 2,000 ERCs, \$1,500;
 3. For utilities with the existing or proposed capacity to serve from 2,001 to 4,000 ERCs, \$2,250;
 4. For utilities with the existing or proposed capacity to serve more than 4,000 ERCs, \$3,000.
 - (b) For an application for extension or deletion of territory filed pursuant to Section 367.045, Florida Statutes, the amount of the fee shall be as follows:
 1. For applications in which the area to be extended or deleted has the proposed capacity to serve up to 100 ERCs, \$100;
 2. For applications in which the area to be extended or deleted has the proposed capacity to serve from 101 to 200 ERCs, \$200;
 3. For applications in which the area to be extended or deleted has the proposed capacity to serve from

201 to 500 ERCs, \$500;

4. For applications in which the area to be extended or deleted has the proposed capacity to serve from 501 to 2,000 ERCs, \$1,000;
5. For applications in which the area to be extended or deleted has the proposed capacity to serve from 2,001 to 4,000 ERCs, \$1,750;
6. For applications in which the area to be extended or deleted has the proposed capacity to serve more than 4,000 ERCs, \$2,250.

(c) For an application for transfer or change in majority organizational control filed pursuant to Section 367.071, Florida Statutes, the amount of the fee shall be as follows:

1. For applications in which the utility to be transferred has the capacity to serve up to 500 ERCs, \$750;
2. For applications in which the utility to be transferred has the capacity to serve from 501 to 2,000 ERCs, \$1,500;
3. For applications in which the utility to be transferred has the capacity to serve from 2,001 to 4,000 ERCs, \$2,250;
4. For applications in which the utility to be transferred has the capacity to serve more than 4,000 ERCs, \$3,000.

(d) For an application for a grandfather certificate filed pursuant to Section 367.171, Florida Statutes, the amount of the fee shall be as follows:

1. For applications in which the utility has the capacity to serve up to 100 ERCs, \$100;
2. For applications in which the utility has the capacity to serve from 101 to 200 ERCs, \$200;
3. For applications in which the utility has the capacity to serve from 201 to 500 ERCs, \$500;
4. For applications in which the utility has the capacity to serve from 501 to 2,000 ERCs, \$1,000;
5. For applications in which the utility has the capacity to serve from 2,001 to 4,000 ERCs, \$1,750;

6. For applications in which the utility has the capacity to serve more than 4,000 ERCs, \$2,250.
- (e) For file and suspend rate cases filed pursuant to Section 367.081, Florida Statutes, the amount of the fee shall be as follows:
1. For utilities with the existing capacity to serve up to 500 ERCs, \$1,000;
 2. For utilities with the existing capacity to serve from 501 to 2,000 ERCs, \$2,000;
 3. For utilities with the existing capacity to serve from 2,001 to 4,000 ERCs, \$3,500;
 4. For utilities with the existing capacity to serve more than 4,000 ERCs, \$4,500.
- (f) For staff-assisted rate cases filed pursuant to Section 367.0814, Florida Statutes, the amount of the fee shall be as follows:
1. For utilities with the existing capacity to serve up to 100 ERCs, \$200;
 2. For utilities with the existing capacity to serve from 101 to 200 ERCs, \$500;
 3. For utilities with the existing capacity to serve more than 200 ERCs, \$1,000.
- (g) For an application for a limited proceeding pursuant to Section 367.0822, Florida Statutes, the amount of the fee shall be as follows:
1. For utilities with the existing capacity to serve up to 100 ERCs, \$100;
 2. For utilities with the existing capacity to serve from 101 to 200 ERCs, \$200;
 3. For utilities with the existing capacity to serve from 201 to 500 ERCs, \$500;
 4. For utilities with the existing capacity to serve from 501 to 2,000 ERCs, \$1,000;
 5. For utilities with the existing capacity to serve from 2,001 to 4,000 ERCs, \$1,750;
 6. For utilities with the existing capacity to serve more than 4,000 ERCs, \$2,250.

- (h) For an application for approval of charges or conditions for service availability filed pursuant to section 367.101, Florida Statutes, the amount of the fee shall be as follows:
1. For utilities with existing and proposed capacity to serve up to 100 ERCs, \$100;
 2. For utilities with existing and proposed capacity to serve from 101 to 200 ERCs, \$200;
 3. For utilities with existing and proposed capacity to serve from 201 to 500 ERCs, \$500;
 4. For utilities with existing and proposed capacity to serve from 501 to 2,000 ERCs, \$1,000;
 5. For utilities with existing and proposed capacity to serve from 2,001 to 4,000 ERCs, \$1,750;
 6. For utilities with existing and proposed capacity to serve more than 4,000 ERCs, \$2,250.

Specific Authority: 350.127(2) and 367.121(1), F.S.
Law Implemented: 367.045(1)(d), (2)(e), 367.071(3), 367.081(5), 367.0822(2), 367.101(2), 367.145 and 367.171(2)(b), F.S. **History:** New 10/29/80, Formerly 25-10.11, Transferred from 25-10.011 and Amended 11/9/86, 11/30/93.

**CHAPTER 25-30.025, F.A.C.
OFFICIAL DATE OF FILING**

- (1) The "official date of filing" is the date on which the Director of the Division of Economic Regulation determines the utility has filed completed sets of the minimum filing requirements (MFRs), including testimony that may be required by Rule 25-30.436(2) and payment of the appropriate filing fee to the Office of Commission Clerk.
- (2) The Director of the Division of Economic Regulation shall determine the official date of filing for any utility's application and advise the applicant. The Commission shall resolve any dispute regarding the official date of filing.

Specific Authority: 367.121(1), F.S.

Law Implemented: 367.083, F.S.

History: New 3/26/81, Formerly 25-10.12, Transferred from 25-10.012, Amended 11/9/86, 11/30/93.

**CHAPTER 25-30.030, F.A.C.
NOTICE OF APPLICATION**

- (1) When a utility applies for a certificate of authorization, an extension or deletion of its service area, or a sale, assignment or transfer of its certificate of authorization, facilities or any portion thereof or majority organizational control, it shall provide notice of its application in the manner and to the entities described in this section.
- (2) Before providing notice in accordance with this section, a utility shall obtain from the Commission a list of the names and addresses of the municipalities, the county or counties, the 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 Public Service Commission and that are located within the county in which the utility or the territory proposed to be served is located. In addition, if any portion of the proposed territory is within one mile of a county boundary, the utility shall obtain from the Commission a list of the names and addresses of the privately-owned utilities located in the bordering counties and holding a certificate granted by the Commission. The utility's request for the list shall include a complete legal description of the territory to be requested in the application that includes:
 - (a) a reference to township(s), range(s), land section(s) and county; and
 - (b) a complete and accurate description of the territory served or proposed to be served in one of the following formats. The description may reference interstates, state roads, and major bodies of water. The description shall not rely on references to government lots, local streets, recorded plats or lots, tracts, or other recorded instruments.
 1. Sections: If the territory includes complete sections, the description shall only include the township, range, and section reference. If the territory includes partial sections, the description shall either identify the subsections included or excluded.
 2. Metes and bounds: A point of beginning which is referenced from either a section corner or a subsection corner, such as a quarter corner. The perimeter shall be described by traversing the proposed territory and closing at the point of beginning. The description shall include all bearings and distances necessary to provide a continuous description.

- (3) The notice shall be appropriately styled:
 - (a) Notice of Application for an Initial Certificate of Authorization for Water, Wastewater, or Water and Wastewater Certificate;
 - (b) Notice of Application for an Extension of Service Area;
 - (c) Notice of Application for Deletion of Service Area;
 - (d) Notice of Application for a Transfer of Water, Wastewater, or Water and Wastewater Certificate(s); or
 - (e) Notice of Application for a Transfer of Majority Organizational Control.
- (4) The notice shall include the following:
 - (a) the date the notice is given;
 - (b) the name and address of the applicant;
 - (c) a description, using township, range and section references, of the territory proposed to be either served, added, deleted, or transferred; and
 - (d) 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, whichever is later.

- (5) Within 7 days of filing its application, the utility shall provide a copy of the notice by regular mail to:
 - (a) the governing body of the county in which the utility system or the territory proposed to be served is located;
 - (b) the governing body of any municipality contained on the list obtained pursuant to (2) above;
 - (c) the regional planning council designated by the Clean Water Act, 33 U.S.C. 1288(2);
 - (d) all water or wastewater utilities contained on the list(s) obtained pursuant to (2) above;
 - (e) the office of Public Counsel;
 - (f) the Commission's Office of Commission Clerk;
 - (g) the appropriate regional office of the Department of Environmental Protection; and
 - (h) the appropriate Water Management District.
- (6) No sooner than 21 days before the application is filed and no later than seven days after the application is filed, the utility shall also provide a copy of the Notice, by regular mail or personal service, to each customer of the system to be certificated, transferred, acquired, or deleted.
- (7) The Notice shall be published once in a newspaper of general circulation in the territory proposed to be served, added, deleted, or transferred. The publication shall be within seven days of filing the application.
- (8) A copy of the notice(s) and list of the entities receiving notice pursuant to this rule shall accompany the affidavit required by sections 367.045(1)(e) and (2)(f), Florida Statutes. The affidavit shall be filed no later than 15 days after filing the application.

(9) This rule does not apply to applications for grandfather certificates filed under section 367.171, Florida Statutes, or to applications for transfers to governmental authorities filed under Section 367.071, Florida Statutes, or to name changes.

Specific Authority: 367.121(1), F.S.

Law Implemented: 367.031, 367.045, 367.071, F.S.

History: New 4/5/81, formerly 25-10.061, Transferred from 25-10.0061 and Amended 11/9/86, Amended 1/27/91, Amended 11/30/93.

**CHAPTER 25-30.031, F.A.C.
WRITTEN OBJECTION**

- (1) A written objection to a Notice of Application is timely if it is filed within 30 days after the last day that the Notice is mailed or published by the applicant, whichever is later.
- (2) A written objection must state the grounds for the objection with particularity.

Specific Authority: 367.121(1), F.S.

Law Implemented: 367.045, F.S.

History: New 11/9/86. Amended 1/27/91.

**CHAPTER 25-30.032, F.A.C.
APPLICATIONS**

- (1) Each utility subject to regulation by the Commission shall apply for an initial certificate of authorization, amendment to an existing certificate of authorization, transfer, or name change by filing a completed application and 12 copies, in accordance with either Rule 25-30.033, 25-30.034, 25-30.035, 25-30.036, 25-30.037(1) or (2), or 25-30.039, F.A.C. However, a utility shall apply for a transfer to a governmental authority by filing a completed application and two copies, in accordance with Rule 25-30.037(3) and (4), F.A.C. The application shall be filed with the Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850. Sample application forms may be obtained from the Division of Economic Regulation, Bureau of Certification, Economics & Tariffs, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.
- (2) A utility may file combined applications if it is applying for certificates of authorization or any amendments thereto for both water and wastewater systems; however, the utility shall remit a separate application fee for each service. The Commission will treat a combined application as if a separate application had been filed for each service.
- (3) The official filing date of an application for an original certificate, any amendment to an existing certificate, or any transfer shall be the date a completed application is filed with the Office of Commission Clerk, except that the noticing requirements set forth in Rule 25-30.030, F.A.C., do not need to be completed at that time. If, however, the utility has not completed the noticing within the time limits prescribed by Rule 25-30.030, F.A.C., the official filing date shall be the date the noticing is complete.

Specific Authority: 367.121, F.S.

Law Implemented: 367.031, 367.045, 367.071, F.S.

History: New 1/27/91, Amended 11/30/93.

CHAPTER 25-30.034, F.A.C.
APPLICATION FOR CERTIFICATE OF AUTHORIZATION
FOR EXISTING UTILITY CURRENTLY CHARGING FOR SERVICE

- (1) Each existing utility currently charging for service, which is applying for an initial certificate of authorization, other than under section 367.171, Florida Statutes, shall provide the following information:
- (a) the utility's complete name and address;
 - (b) the nature of the utility's business organization, i.e., corporation, partnership, limited partnership, sole proprietorship, association, etc.;
 - (c) the name(s) and address(es) of all corporate officers, directors, partners, or any other person(s) owning an interest in the utility;
 - (d) a statement regarding the financial and technical ability of the applicant to continue to provide service;
 - (e) evidence that the utility owns the land upon which the utility treatment facilities are located, or a copy of an agreement which provides for the continued use of the land, such as a 99-year lease. The Commission may consider a written easement or other cost-effective alternative;
 - (f) one original and two copies of a model tariff, containing all rates, classifications, charges, rules, and regulations, which shall be consistent with Chapter 25-9, Florida Administrative Code. Model tariffs are available from the Division of Economic Regulation, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850;
 - (g) a statement specifying on what date and under what authority the current rates and charges were established;
 - (h) a description of the territory to be served, using township, range and section references as specified in Rule 25-30.030(2), F.A.C.;
 - (i) one copy of a detailed system map showing the lines, treatment facilities and the territory to be served. Any territory not served at the time of the application shall be specifically identified on the system map. The map shall be of sufficient scale and detail to enable correlation with the description of the territory to be served;
 - (j) one copy of the official county tax assessment map, or other map showing township, range, and section with a scale such as 1"=200' or 1"=400', with the proposed territory plotted thereon by use of metes and bounds or quarter sections, and with a defined reference point of beginning;

- (k) the numbers and dates of any permits issued for the systems by the Department of Environmental Protection;
 - (l) the date the utility was established;
 - (m) a statement explaining how and why applicant began providing service prior to obtaining a certificate of authorization; and
 - (n) a schedule showing the number of customers currently served, by class and meter size, as well as the number of customers projected to be served when the requested service territory is fully occupied.
- (2) If the applicant is requesting any territory not served at the time of application, provide the following:
- (a) a statement showing the need for service in the proposed area; and
 - (b) a statement that to the best of the applicant's knowledge, the provision of service in this territory will be consistent with the water and wastewater sections of the local comprehensive plan as approved by the Department of Community Affairs at the time the application is filed, or, if not consistent, a statement demonstrating why granting the territory would be in the public interest.

Specific Authority: 367.121, F.S.
Law Implemented: 367.045, F.S.
History: New 1/27/91, Amended 11/30/93.