

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for Name ) DOCKET NO. 960095-WS  
Change on Certificates Nos. ) ORDER NO. PSC-97-0206-FOF-WS  
517-W and 450-S in Brevard ) ISSUED: February 21, 1997  
County from Aquarina )  
Developments, Inc. to Service )  
Management Systems, Inc. )  
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ORDER ACKNOWLEDGING REORGANIZATION OF  
AQUARINA DEVELOPMENTS, INC. AND CLOSING DOCKET

BY THE COMMISSION:

On January 26, 1996, Aquarina Developments, Inc. (Aquarina) filed an application with this Commission requesting to change the name on Certificates Nos. 517-W and 450-S to Service Management Systems, Inc. (Service Management). Aquarina was granted Certificates Nos. 517-W and 450-S by Order No. 22075, issued on November 19, 1989, to provide water and wastewater service in Brevard County.

Upon review of the application and Aquarina's annual report, it appeared that the application was more accurately a transfer because Aquarina and Service Management are two separate entities. Upon closer review of the application and from information provided by Mr. James H. Bates, Vice President of Operations of Aquarina, what has occurred is more accurately a reorganization which resulted in the transfer of utility assets from one corporation to another within the organization.

According to the annual report, Aquarina is owned by Albert Cramer (20 percent) and TransNation Properties, Inc. (80 percent). TransNation Properties, Inc. is 100 percent owned by Albert Cramer. There has been no change in ownership or control of the utility or its assets. The utility operations were simply moved from Aquarina, which is primarily a real estate company, and placed under Service Management, a wholly-owned subsidiary of Aquarina. Consequently, the reorganization does not rise to the level of a transfer of certificate or change in majority organizational control as contemplated by Section 367.071, Florida Statutes.

As stated previously, there has been no change in ownership or control of the utility or its assets. There has been no change in the principal officers, management, office or operations personnel. The rates and charges for the customers of Aquarina are not affected by the reorganization nor will the reorganization affect

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the utility's management, operations, and customer service. The reason given by Aquarina for the change is that it would help them to better comply with this Commission's order that the company maintain utility accounts within utility industries standards.

Therefore, we find that it is in the public interest to acknowledge the reorganization of Aquarina which resulted in the transfer of utility facilities to Service Management. Because Aquarina has been unable to locate the original certificates, replacement certificates will be issued. Aquarina has provided a tariff reflecting the reorganization. The tariff shall be effective for connections made or service rendered on or after the stamped approval date on the tariff sheets. No further action is required and this docket shall be closed.

It is, therefore,

ORDERED by the Florida Public Service Commission that the reorganization of Aquarina Developments, Inc., which resulted in the transfer of utility operations to Service Management Systems, Inc., 235 Hammock Shore Drive, Melbourne Beach, Florida 32951, is hereby acknowledged. It is further

ORDERED that Docket No. 960095-WS is hereby closed.

By ORDER of the Florida Public Service Commission, this 21st day of February, 1997.

BLANCA S. BAYÓ, Director  
Division of Records and Reporting

by: Kary Flynn  
Chief, Bureau of Records

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water and/or wastewater utility by filing a notice of appeal with the Director, Division of Records and Reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900 (a), Florida Rules of Appellate Procedure.