

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for transfer of majority organizational control of Crooked Lake Park Sewerage Co. in Polk County, to Glenbrook Properties, LLC, a Florida limited liability company.

DOCKET NO. 140038-SU  
ORDER NO. PSC-15-0053-FOF-SU  
ISSUED: January 21, 2015

The following Commissioners participated in the disposition of this matter:

ART GRAHAM, Chairman  
LISA POLAK EDGAR  
RONALD A. BRISÉ  
JULIE I. BROWN  
JIMMY PATRONIS

ORDER APPROVING TRANSFER OF MAJORITY ORGANIZATIONAL CONTROL

BY THE COMMISSION:

Background

Crooked Lake Park Sewerage Company (Crooked Lake or Company) is a Class C wastewater utility serving approximately 324 wastewater customers in Polk County. According to Crooked Lake's 2013 Annual Report, total gross revenues were \$129,567 and total operating expenses were \$126,602.

On December 13, 1957, Polk County granted a franchise to Park Water Company to operate a water and wastewater system. In 1978, the wastewater treatment plant and collection system were sold to Warner Southern College, and the name was changed to Crooked Lake Park Sewerage Company. On September 30, 1988, the Company was sold, but continued to operate under the existing name. Polk County came under our jurisdiction on July 11, 1996. In 1998, we granted the Company grandfather Certificate No. 517-S for its wastewater system.<sup>1</sup>

On February 21, 2014, the Company filed its application for transfer of majority organizational control and name change to Glenbrook Properties, LLC (Glenbrook). The application, as filed, contained several deficiencies and those deficiencies were corrected on June 11, 2014. Further, Crooked Lake has a pending application for a staff-assisted rate case in Docket No. 130178-SU.

Additional information was received on December 17, 2014, indicating that Crooked Lake did not want to change its name and the application should be amended to reflect a transfer

<sup>1</sup> See Order No. PSC-98-1247-FOF-SU, issued September 21, 1998, in Docket No. 961478-SU, In re: Application for grandfather certificate to operate a wastewater utility in Polk County by Crooked Lake Park Sewerage Company.

of majority organizational control only. We have jurisdiction in this case pursuant to Section 367.071, Florida Statutes (F.S.).

### Decision

The application as filed is in compliance with the governing statute, Section 367.071, F.S., and Rule 25-30.037(3), Florida Administrative Code, (F.A.C.) concerning applications for transfer of majority organizational control. The transfer of majority organizational control to Glenbrook Properties, LLC, is in the public interest and this order shall serve as the wastewater certificate, with the territory described in Attachment A. The existing rates and charges shall remain in effect until a change is authorized by this Commission in a subsequent proceeding. The tariffs reflecting the transfer shall be effective for services rendered or connections made on or after the stamped approval date on the tariffs, pursuant to Rule 25-30.475, F.A.C.

### Noticing, Territory, and Ownership

The applicant provided proof of compliance with the noticing provisions set forth in Section 367.071, F.S., and Rule 25-30.030, F.A.C. No objections to the transfer were filed with this Commission, and the time for doing so has expired. The notice contains a description of the territory for the Company, which is appended to this order as Attachment A. The application also contains evidence of ownership including deeds for the land upon which the wastewater treatment facilities are located pursuant to Rule 25-30.037(3)(i), F.A.C.

### Technical and Financial Ability

Pursuant to Rule 25-30.037(3)(f), F.A.C., the application contains statements describing the technical and financial ability of the applicant to provide service to the proposed service area. We have reviewed the financial statement of Glenbrook and the accompanying affidavit asserting that the Buyer will supply the necessary funds if there is need for system improvements above the level of internal funding. Based on our review, the documents show that Glenbrook has the financial capability to operate the utility. Since assuming ownership, Glenbrook has taken actions that include retaining a new service contractor to improve the operations and, as a result, the Company has received no new DEP enforcement actions since then. Based on the above, Glenbrook has demonstrated the technical and financial ability to provide service to the existing service territory.

### Rate Base and Rates

A transfer of majority organizational control involving stock transfers does not affect the rate base. Therefore, it has been our practice that rate base and acquisition adjustments are not considered in cases involving stock transfers.

The Company's rates and charges were last approved in a staff-assisted rate case in 2007. Subsequently, the rates were reduced to reflect the expiration of the four-year amortization of the rate case expense approved in 2007. The miscellaneous service charges, customer deposits, and

service availability charges have been approved in various other dockets. The existing rates and charges are shown on Schedule No. 1. Rule 25-9.044(1), F.A.C., provides that, in the case of a change of ownership or control of a utility, the rates, classifications, and regulations of the former owner must continue unless authorized to change by the Commission. Therefore, the existing rates and charges shall remain in effect until a change is authorized by this Commission in a subsequent proceeding.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the application for transfer of majority organizational control of Crooked Lake Park Sewerage Company to Glenbrook Properties, LLC is hereby approved effective January 08, 2015. It is further

ORDERED that Crooked Lake Park Sewerage Company shall continue to charge its current rates and charges until authorized to change by this Commission. It is further

ORDERED that the tariffs reflecting the transfer shall be effective for services rendered or connections made on or after the stamped approval date on the tariffs, pursuant to Rule 25-30.475, F.A.C.

ORDERED that Attachment A and Schedule No. 1, attached to this Order, are incorporated herein by reference. It is further

ORDERED that this docket shall be closed.

By ORDER of the Florida Public Service Commission this 21st day of January, 2015.

*Carlotta S. Stauffer*

CARLOTTA S. STAUFFER  
Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399  
(850) 413-6770  
www.floridapsc.com

Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), 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 Office of Commission Clerk, 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 Office of Commission Clerk, 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.

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Parcels or tracts of land situated, lying and being in Township 30 South, Range 27 East, Polk County, Florida and more particularly described as follows:

1. The SE 1/4 of the SE 1/4 of Section 26; AND
2. The North 1/2 of the NE 1/4 of Section 35, less and except that portion west of SR 25 (US Highway 27); AND
3. Beginning at the Northwest corner of Section 36, T. 30 S., R. 27 E.; run thence S. 00°05'00" W. with the W. line of said Section 801.90' for a point of beginning; thence S. 89°25'00" E., 1109.00'; thence S. 16°23'00" E., 1086.00' to the lake shore of Crooked Lake; thence along the shore line of said Crooked Lake to the West line of said Section (S. 47° W., 2,000' more or less); thence along said Section line N. 00°05'00" E., 2529.90', more or less to the place of beginning; AND
4. Also beginning at the Northwest corner of Section 36, T. 30 S., R. 27 E.; run thence S. 00°05'00" West with the West line of said Section 801.90' for a point of beginning; thence N. 00°05'00" E. along said Section line 156.30'; thence S. 89°25'00" E., 20.00' thence S. 00°05'00" W., 156.30'; thence N. 89°25'00" W., 20.00' to the place of beginning; being a strip of land 20.00' wide and 156.30' long East of and parallel to the West line of said Section; AND
5. From the Northeast corner of the SE 1/4 of the NE 1/4 of the NE 1/4 of said Section 35, run Westerly along the North line of said fraction 2646.94' to the Easterly right-of-way line of SR 25; thence S. 22°01'00" W. (a distance of approximately 2,300 feet) along the Easterly right-of-way of said SR 25 (US Highway 27) to the Southerly boundary of Crooked Lake Park, Tract No. 1, as recorded in Plat Book 38, Page 40 of the Public Records of Polk County, Florida; thence S. 56°28'25" E. along said Southerly boundary 1790.00', more or less, to the shore of Lake Caloosa; thence Northeasterly along said waters edge to the East line of said Section 35; thence Northerly along said East line of Section 35 to the point of beginning. AND

CROOKED LAKE PARK SEWERAGE COMPANY

POLK COUNTY

WASTEWATER SERVICE AREA

6. Beginning at the Northeast corner of the SE 1/4 of the N.W. 1/4 of the NE 1/4 of Section 35, T. 30 S., R. 27 E., Polk County, Florida; run W. 1308.76' to SR 25 (US Highway 27); thence Northeasterly along said road 700.00' for the point of beginning; thence run Northeasterly along said right-of-way 200.00'; thence E. 250.00'; thence Southwesterly to a point lying 250.00' E. of the point of beginning; thence W. 250.00' to the point of beginning. AND
7. Beginning at the Northeast corner of the SE 1/4 of the NW 1/4 of the NE 1/4 of Section 35, T. 30 S., R. 27 E., Polk County, Florida; thence run W. 1308.76' to the Easterly right-of-way of SR 25 (US Highway 27); thence run Northeasterly along right-of-way 900.00' to the point of beginning; thence run N. 22°01'00" E. along right-of-way 335.00'; thence S. 67°59'00" E., 231.45'; thence S. 22°01'00" W., 240.50'; thence W. 250.00' to the point of beginning. AND
8. That portion of the N. 1/2 of the NW 1/4 of Section 35, T. 30 S., R. 27 E. lying E. of SR 25 (US Highway 27).

**FLORIDA PUBLIC SERVICE COMMISSION**  
**Authorizes**  
**Crooked Lake Park Sewerage Company**  
**Pursuant to**  
**Certificate Number 517-S**

to provide wastewater service in Polk County accordance with the provision of Chapter 367, Florida Statutes, the Rules, Regulations and Orders of this Commission in the territory described by the Orders of this Commission. This authorization shall remain in force and effect until suspended, cancelled or revoked by Orders of this Commission.

<u>Order Number</u>	<u>Date Issued</u>	<u>Docket Number</u>	<u>Filing Type</u>
PSC-98-1247-FOF-SU	09/21/1998	961478-SU	Grandfather Certificate
PSC-15-0053-FOF-SU	01/21/2015	140038-SU	Transfer of Majority Organizational Control

**Crooked Lake Park Sewerage Company  
Monthly Wastewater Rates**

**Residential Service**

Base Facility Charge – All Meter Sizes \$15.46

Charge Per 1,000 gallons \$3.06

8,000 gallon cap

**General Service**

Base Facility Charge by Meter Size

5/8" x 3/4" \$15.46

3/4" \$23.19

1" \$38.66

1 1/2" \$77.30

2" \$123.69

3" \$247.38

4" \$386.52

6" \$773.04

Charge Per 1,000 gallons \$3.67

**Bulk Service**

College Park (per unit) \$15.46

Charge Per 1,000 gallons \$3.06

8,000 gallon cap per unit

**Initial Customer Deposits**

Residential Service  
5/8" x 3/4" \$45.00

General Service  
5/8" x 3/4" \$45.00  
All Other Meter Sizes 2 times average estimated bill

**Miscellaneous Service Charges**

Initial Connection Charge \$15.00

Normal Reconnection Charge \$15.00

Violation Reconnection Charge Actual Cost

Premises Visit Charge (in lieu of disconnection) \$15.00

**Service Availability Charge**

**Main Extension Charge**

Residential – Per ERC (ERC = 250 GPD) \$150.00

**Plant Capacity Charge**

Residential – Per ERC (ERC = 250 GPD) \$450.00