

FLORIDA PUBLIC SERVICE COMMISSION

INSTRUCTIONS FOR COMPLETING
APPLICATION FOR SALE, ASSIGNMENT OR TRANSFER OF
CERTIFICATE OR FACILITIES

(Section 367.071, Florida Statutes)

990256-66

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 Water and Wastewater, Bureau of Industry Structure and Policy Development (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. Return the utility's original certificate(s) with the application.
6. The **original and five copies** of the completed application and attached exhibits; the **original and two** copies of proposed tariff sheets; the proper filing fee; and the original certificate(s) should be mailed to:

Director, Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

DOCUMENT NUMBER-DATE

02851 MAR-4 88

FPSC-RECORDS/REPORTING

**APPLICATION FOR SALE, ASSIGNMENT OR TRANSFER
OF CERTIFICATE OR FACILITIES**

(Pursuant to Section 367.071, Florida Statutes)

TO: Director, Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850

The undersigned hereby makes application for the sale,
assignment or transfer of ~~(all or part)~~ of Water Certificate No.
563 W and/or Wastewater Certificate No. _____ or facilities in

PASCO 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:

GEM ESTATES MOBILE HOME VILLAGE ASSOC., INC.

Name of utility

(813) 788-6878

Phone No.

()
Fax No.

39407 ROCKFORD AVE

Office street address

ZEPHYRHILLS

FL.

33540

City

State

Zip Code

SAME

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:

SHERMAN VARNEY (813) 788-6878
Name Phone No.
39407 ROCKFORD AVE.
Street address
ZEPHYRHILLS FL 33540
City State Zip Code

C) The full name (as it will appear on the certificate), address and telephone number of the buyer:

GEM ESTATES MOBILE HOME VILLAGE ASSOC., INC.
Name of utility
(813) 788-6878 ()
Phone No. Fax No.
39407 ROCKFORD AVE
Office street address
ZEPHYRHILLS FL 33540
City State Zip Code
SAME
Mailing address if different from street address
Internet address if applicable

D) Indicate the organizational character of the buyer: (circle one)

Corporation Partnership Sole Proprietorship
Other: _____
(specify)

E) The date and state of incorporation or organization of the buyer:

APRIL 4, 1984 STATE OF FLORIDA

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

SHERMAN VARNEY-(Member of Board) VOTED BY BOARD OF DIRECTORS
TO BE IN CHARGE.

LESTER OTT-WORKED WITH MR. VARNEY ON THIS AND WILL CONTINUE
TO HELP HIM.

- G) If the buyer is not a corporation, list the names, titles, and addresses of all persons owning an interest in the organization. (Use additional sheet if necessary.)

SEE ATTACHED SHEET #1

PART II FINANCIAL AND TECHNICAL INFORMATION

- A) Exhibit _____ - A statement indicating how the transfer is in the public interest, including a summary of the buyer's experience in water and/or wastewater utility operations, a showing of the buyer's financial ability to provide service and a statement that the buyer will fulfill the commitments, obligations and representations of the seller with regard to utility matters. SEE ATTACHED SHEET #2

- B) List the names and locations of other water and/or wastewater utilities owned by the buyer and PSC certificate numbers, if any.

N/A

C) Exhibit N/A - A copy of the contract for sale and all auxiliary or supplemental agreements, which shall include, if applicable:

- (1) Purchase price and terms of payment.
- (2) A list of and the dollar amount of the assets purchased and liabilities assumed or not assumed, including those of nonregulated operations or entities.
- (3) A description of all consideration between the parties, for example, promised salaries, retainer fees, stock, stock options, assumption of obligations.

The contract for sale shall also provide for the disposition, where applicable, of the following:

- (a) Customer deposits and interest thereon;
- (b) Any guaranteed revenue contracts;
- (c) Developer agreements;
- (d) Customer advances;
- (e) Debt of the utility; and
- (f) Leases.

D) Exhibit N/A - A statement regarding the disposition of any outstanding regulatory assessment fees, fines or refunds owed.

E) Exhibit N/A - A statement describing the financing the purchase.

F) Exhibit N/A - A list of all entities upon which the applicant is relying to provide funding to the buyer, and an explanation of the manner and amount of such funding, which shall include their financial statements and copies of any financial agreements with the utility. This requirement shall not apply to any person or entity holding less than 10 percent ownership interest in the utility.

G) Exhibit Not Applicable - The proposed net book value of the system as of the date of the proposed transfer. If rate base (or net book value) has been established previously by this Commission, state the Order No. and date issued. _____ Identify all adjustments made to update this rate base (or net book value) to the date of the proposed transfer.

H) Exhibit Not Applicable - A statement setting forth the reasons for the inclusion of an acquisition adjustment, if one is requested. (An acquisition adjustment results when the purchase price of the utility differs from the original cost calculation.)

- I) The full name, address and telephone number of the person who has possession of the books and records of the seller:

Not Applicable ()
Name Phone No.
Street address
City State Zip Code

- J) Exhibit Not Applicable If the books and records of the seller are not available for inspection by the Commission or are not adequate for purposes of establishing the net book value of the system, a statement by the buyer that a good faith, extensive effort has been made to obtain such books and records for inspection by the Commission and detailing the steps taken to obtain the books and records.
- K) Exhibit Not Applicable A statement from the buyer that is has obtained or will obtain copies of all of the federal income tax returns of the seller from the date the utility was first established, or rate base was last established by the Commission or, if the tax returns have not been obtained, a statement from the buyer detailing the steps taken to obtain the returns.
- L) Exhibit _____ - A statement from the buyer that after reasonable investigation, the system being acquired appears to be in satisfactory condition and in compliance with all applicable standards set by the Department of Environmental Protection (DEP)

If the system is in need of repair or improvement, has any outstanding Notice of Violation of any standard set by the DEP or any outstanding consent orders with the DEP, the buyer shall provide a list of the improvements and repairs needed and the approximate cost to make them, a list of the action taken by the utility with regard to the violation, a copy of the Notice of Violation(s), a copy of the consent order and a list of the improvements and repairs consented to and the approximate cost to make them.

PART III 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 Director of Records and Reporting;
- (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 being transferred. 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 IV FILING FEE

Indicate the filing fee enclosed with the application:

_____ (for water) and _____ (for wastewater).

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

- (1) For applications in which the utility to be transferred has the capacity to serve up to 500 ERC's, the filing fee shall be **\$750.**
- (2) For applications in which the utility to be transferred has the capacity to serve from 501 to 2,000 ERC's the filing fee shall be **\$1,500.**
- (3) For applications in which the utility to be transferred has the capacity to serve from 2,001 ERC's to 4,000 ERC's the filing fee shall be **\$2,250.**
- (4) For applications in which the utility to be transferred has the capacity to serve more than 4,000 ERC's the filing fee shall be **\$3,000.**

PART V OTHER

- A) Exhibit _____ - Evidence that the utility owns the land where the utility treatment facilities are located. Or, where 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) Exhibit Not Needed - The original and two copies of sample tariff sheets reflecting the new name of the utility, the existing rates and charges and territorial description of the water and/or wastewater systems. **Sample tariff(s) are attached.**
- C) Exhibit _____ - The utility's current certificate(s) or, if not available, an explanation of the steps the applicant took to obtain the certificate(s).

PART VI AFFIDAVIT

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

BY: X W. Sherman Varney
Applicant's Signature
W. SHERMAN VARNEY
Applicant's Name (Typed)
MEMBER OF BOARD OF DIRECTOR
Applicant's Title *

Subscribed and sworn to before me this 2
of March 1989.

[Signature]
Notary Public
Sam W. Surratt
MY COMMISSION # CC681227 EXPIRES
January 17, 2002
BONDED THRU TROY PAINT INSURANCE, INC.
[Signature]

* If the 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 the applicant is a partnership or association, a member of the organization authorized to make such affidavit shall execute same.

990256-WU

To The Members of Gem Estates Mobile Home Village Association Inc.

In a disagreement with Board And a difference of opinion on operating the water System I feel I can no longer be an effective president. Therefor I am resign February 25 1999 at 10 AM.

Sincerely,



Edward F. Snow

MAIL ROOM

99 MAR -4 AM 9:55

DOCUMENT NUMBER-DATE

02851 MAR-4 99

FPSC-RECORDS/REPORTING

Sherman Varney

STATE OF FLORIDA

Commissioners:
JULIA L. JOHNSON, CHAIRMAN
J. TERRY DEASON
SUSAN F. CLARK
JOE GARCIA
E. LEON JACOBS, JR.



DIVISION OF WATER & WASTEWATER
CHARLES H. HILL
DIRECTOR
(850) 413-6900

Public Service Commission

December 1, 1998

Mr. Sherman Varney
39407 Rockford Avenue
Zephyrhills, FL 33540

Re: Application for transfer of facilities from Gem Estates Utilities, Inc., in Pasco County to Gem Estates Mobile Home Village Association, Inc., and cancellation of Certificate No. 563-W.

Dear Mr. Varney:

Enclosed with this letter is an application package for the transfer of a certificate of authorization for a regulated water and/or wastewater utility. Since there is no rule for a transfer to a non-profit homeowners association, which would be exempt from Commission regulation, the standard transfer package is being transmitted. Information in the package not needed for a transfer to an exempt entity has been identified. In addition, information not included in the package that is needed for a transfer to a non-profit association is added after the following explanation of the transfer package:

Application Package:

1. Chapter 367, Florida Statutes, contains the Commission's jurisdiction over private water and wastewater utilities in Florida. A copy of Section 367.071, which addresses applications for transfer of certificates is enclosed for your information.
2. The standard application for a transfer of certificate pursuant to Section 367.071, Florida Statutes, is included. As noted above, those items not needed for transfers to exempt entities are identified.
3. Chapter 25-30, Florida Administrative Code, details the rules promulgated to carry out the jurisdiction of the Commission over private water and wastewater utilities. Copies of Rules 25-30.020, .025, .030, .032 and .037 regarding an application for transfer of certificate are also enclosed for your information.

BELOW IS A LIST OF OUR BOARD OF DIRECTORS AS OF
JANUARY 1999

OUR ELECTION OF NEW OFFICERS IS MARCH 11, 1999.

EDWARD SNOW Pres. (Resigned Feb 25, 1999)	39424 Sterling Dr.	715-1010
Rosemary Gamlin V. Pres.	39450 Rockford Ave	788-9950
Bernice Edwards 2nd V.P.	39406 Dundee Rd.	783-3268
Pat Cook Sec.	39652 Elgin Dr.	782-1494
Helen Martinson Treas.	39625 Rockford Ave.	782-2824
Ed Morehouse Dir.	39551 Rockford Ave.	788-7745
Robert Wagner Dir.	39512 Sterling Dr.	783-6903
Shiela Smith Dir.	39513 Sterling Dr.	782-7313
Ray Gordner Dir.	39607 Sycamore Ln.	780-8603
Clarence Connon Dir.	39400 Dundee Rd.	788-0260
Edward Joyce Dir.	39432 Sterling Dr.	782-1817
Sherman Varney Dir.	39407 Rockford Ave.	788-6878

James H. Berghorn
Richard Redemann
William Gragg
Thomas Walden
Kathelyn Jacques

Sherm Varney has been corresponding with the above people for the past three (3) years. Our owner of the Park has left the electric lapse on our pumps and has incurred many infractions. Therefore the park was without water until the statement was paid. The Assoc. feels as though we need to purchase the rights to the water so we can control the operation, maintenance and collection of water fees.

Our Board of Directors voted Sherman Varney to be in charge of following through on purchasing the rights to the water system in our park.

On January 14, 1999 the Gem Estates Mobile Home Association, Inc., Held a vote. The results were as follows:

260 Votes to make application for operation of the water system.
57 Votes not to make application.