

ORIGINAL

State of Florida



Public Service Commission

-M-E-M-O-R-A-N-D-U-M-

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COMMISSION  
CLERK

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**DATE:** February 2, 2004  
**TO:** Division of the Commission Clerk and Administrative Services  
**FROM:** Cheryl Johnson, Division of Economic Regulation  
**RE:** Docket No. 030991-WU Application for Transfer of all Water Facilities of Suwannee Valley Estates in Columbia County to Consolidated Water Works, Inc. (holder of Certificates No. 393-W) for cancellation of Certificate No. 421-W and for amendment of Certificate No. 393-W

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Please include the attached document in file docket no. 030991-WU.

- AUS \_\_\_\_\_
- CAF \_\_\_\_\_
- CMP \_\_\_\_\_
- COM \_\_\_\_\_
- CTR \_\_\_\_\_
- ECR \_\_\_\_\_
- GCL \_\_\_\_\_
- OPC \_\_\_\_\_
- MMS \_\_\_\_\_
- SEC   1
- OTH \_\_\_\_\_

DOCUMENT NUMBER-DATE

01479 FEB-23

FPSC-COMMISSION CLERK

STATE OF FLORIDA

COMMISSIONERS:  
LILA A. JABER, CHAIRMAN  
J. TERRY DEASON  
BRAULIO L. BAEZ  
RUDOLPH "RUDY" BRADLEY  
CHARLES M. DAVIDSON



TIMOTHY DEVLIN, DIRECTOR  
DIVISION OF ECONOMIC REGULATION  
(850) 413-6900

# Public Service Commission

December 5, 2003

Mr. Jack Espenship  
2915 Baxter Lane  
Lake City, FL 32055

**Re: Docket No. 030991-WU, Application for Transfer of all Water Facilities of Suwannee Valley Estates in Columbia County to Consolidated Water Works, Inc. (holder of Certificate No. 393-W) for cancellation of Certificate No. 421-W, and for amendment of Certificate No. 393-W**

Dear Mr. Espenship:

After reviewing the application in the above referenced docket, staff has identified the following deficiencies and additional information needed to complete our review of the application.

1. As required by Rule 25-30.037(2)(a), Florida Administrative Code, provide the complete name and address of the seller of the utility. See Response No. I

2. According to the application, the buyer of Suwannee Valley Estates is Consolidated Water Works Inc. However, Exhibit B, which is a copy of the sale contract, indicates Jack Espenship is the purchaser of Suwannee Valley Estates. Please explain the inconsistency between the application and the contract. See Response No. II

3. As required by Rule 25-30.037(2)(j), Florida Administrative Code, provide a statement indicating how the transfer is in the public interest, and a statement that the buyer will fulfill the commitments, obligations and representations of the seller with regard to utility matters. See Response No. III

4. As required by Rule 25-30.037(2)(o), Florida Administrative Code, provide a statement that the buyer 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 a statement detailing the steps taken to obtain the returns. See Response No. IV

5. As required by Rule 25-30.037(2)(p), Florida Administrative Code, you indicated that there are no outstanding Notices of Violation or outstanding Department of Environmental Protection consent orders. However, you did not state that a reasonable investigation of the system was conducted and that the system is in satisfactory condition and in compliance with all applicable

REGISTRATION

03 DEC 29 AM 10:06

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD • TALLAHASSEE, FL 32399-0865

An Affirmative Action/Equal Opportunity Employer

PSC Website: <http://www.floridapsc.com>

Internet E-mail: [contact@psc.state.fl.us](mailto:contact@psc.state.fl.us)

DOCUMENT NUMBER: 030991-WU

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FPSC-COMMISSION CLERK

standards set by the Department of Environmental Protection. Please provide a statement on the condition of the system after your investigation. See Response No. V

6. Rule 25-30.037(2)(q), Florida Administrative Code, requires the utility to provide evidence that it owns the land where the utility facilities are located, or a copy of the agreement which provides for the long term, continuous use of the land, such as a 99-year lease. According to our November 3, 2003 telephone conversation, you indicated that you wanted to obtain Commission approval of the transfer before conveying title to the real property. Please indicate when the utility can provide a recorded copy of the warranty deed as evidence that the utility owns the land for the water facilities. Are the utility's assets currently located exclusively on lot C-13? In addition, please describe the proposed future expansion noted on Exhibit B-2, for lots C-11 and C-12. When is this expansion expected to take place? See Response No. VI

7. Rule 25-30.030(8), Florida Administrative Code, requires the applicant pursuant to Section 367.045(1)(e) Florida Statutes, to provide an affidavit that the actual notice of the application was given to each customer in accordance with Section 367.045(1)(a), Florida Statutes. Please provide this document as a late filed exhibit, as indicated in the application. See Response No. VII

8. Rule 25-30.030(8), Florida Administrative Code, requires the applicant to provide an affidavit that the actual notice of the application was given to the governing body of the municipality, county or counties in which the system or the territory proposed to be served is located in accordance with the Section 367.045(1)(a), Florida Statutes. Please provide this document as a late filed exhibit, as indicated in the application. See Response No. VIII

9. Please provide the original and two copies of sample tariff sheets reflecting the change in ownership. The tariffs that were submitted in the application did not reflect a change in ownership. All the tariff sheets that are specifically for Suwannee Valley should be labeled as original sheets. See Response No. IX

#### Additional Information

1. Who provides wastewater service to the utility's customers? See Response No. X

2. Who is currently managing and operating the Suwannee Valley Estates system and when will Consolidated Water Works, Inc. take over the management and operation of the system? See Response No. XI

3. According to the utility's tariff, it does not have approved customers deposits and the annual report indicates that it does not record the collection of customer deposits. Please explain the \$384.00 amount listed in Exhibit B, B-3 (a) and whether or not this amount is being transferred to the new owner or returned to the customers. See Response No. XII

4. Who is responsible for the utility's 2003 regulatory assessment fees and will the fees be

Mr. Jack Espenship

Page 3

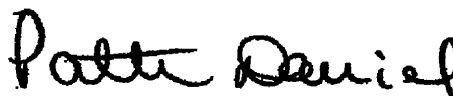
December 5, 2003

pro rated between the buyer and seller based on the date of transfer? See Response No. XIII

5. Exhibit F in the application did not specifically state whether you are requesting an acquisition adjustment. Pursuant to Rule 25-30.037(2)(m), Florida Administrative Code, please submit a statement setting out the reasons for the inclusion of an acquisition adjustment, if one is requested. In addition, please provide the proposed net book value of the Suwannee Valley Estates system as of the proposed date of transfer. See Response No. XIV

Please file an original and five copies of the requested information no later than January 6, 2004 with the Director, Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399. If you have any questions please call Ms. Cheryl Johnson at (850) 413-6984, Ms. Martha Brown (850) 413-6187 or Mr. Tom Walden at (850) 413-6950.

Sincerely,



Patti Daniel, Supervisor  
Bureau of Certification & Tariffs

CAJ: caj

cc: Suwannee Valley Estates (Espenship)  
Office of General Counsel (Brown)  
Division of Economic Regulation (Johnson, Walden)  
Division of Commission Clerk and Administrative Services (Bayó)

Consolidated Water Works, Inc.

Phone: (386) 752-6729  
Fax: (386) 755-1174

2915 E. Baya Ave  
P.O. Box 191  
Lake City, Fl. 32056

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DECEMBER 16, 2003

FLORIDA PUBLIC SERVICE COMMISSION  
2540 SHUMARD BLVD.  
TALLAHASSEE, FLORIDA 32399

RE: ANSWERS TO PUBLIC SERVICE COMMISSION REGARDING THE  
TRANSFER OF SUWANNEE VALLEY ESTATES WATER  
CERTIFICATE TO CONSOLIDATED WATER WORKS, INC.  
WATER CERTIFICATE.

RESPONSES AND EXHIBITS

Response No. I:

Bud Espenship  
P.O. Box 1102  
Lake City, Fl 32025

Response No. II:

See attached Exhibit B.  
The original contract included the sale of  
Suwannee Valley Estates to Jack Espenship.  
This was a mistake. The contract for sale  
should have been made to Consolidated Water  
Works, Inc. The change in ownership from  
Jack Espenship to Consolidated Water Works,  
Inc., in the sales contract, has been  
amended.

Response No. III:

See attached Exhibit A.

Response No. IV:

Mr. Michael Buckley, with the F.P.S.C.,  
reviewed the tax statements that were  
available in the office of Gator Utilities -  
the seller and previous owner of Suwannee  
Valley Estates.

Responses

Response No.V:

See attached Exhibit I.  
Owner and an employee of Consolidated Water Works, Inc. investigated the Suwannee Valley Estates premises on 9-20-03 to examine the condition of the system, needed repairs, and additions as noted in Exhibit I.

Response No. VI:

See attached Exhibit B  
Assets are located on lot C-13, but not limited to this lot only, e.g., piping and water meters through-out the subdivision. Lots C-11 & C-12 will be purchased also, in the event that future facilities are required due to population increase. Please find enclosed, for your review, a copy of the corrected "Offer To Purchase Real Estate".

Response No. VII:

See attached Exhibit: K.  
As noted to arrive at a later date, the three enclosures of Exhibit K were sent to all Suwannee Valley Estates customers on 10-20-03 by regular mail, notifying all customers of the intent of Consolidated Water Works, Inc. purchase of Suwannee Valley Estates from Gator Utilities as well as the new rates.

Response No. VIII:

See attached Exhibit: J.  
Exhibit J was sent to all governing bodies, regional planning council, Office of Public Counsel, Department of Environmental Protection, etc. of both Columbia and Suwannee County, as required for the original application.

Response No. IX:

See attached Exhibit: N.  
Mr. Michael Buckley, with the F.P.S.C., has reviewed the ownership and Suwannee Valley Estates tariffs. Suwannee Valley Estates does not have any current tariff rates, other than, \$12.00 per month fixed rate. A change in ownership will not take place until Consolidated Water Works, Inc. is approved by the F.P.S.C.

ADDITIONAL INFORMATION

- Response No. X: Lots are approved for septic tanks.
- Response No. XI: Gator Utilities is now maintaining Suwannee Valley Estates, until Consolidated Water Works, Inc., is approved by the F.P.S.C.
- Response No. XII: Mr. Michael Buckley, of the PSC, reviewed the customers deposits, verifying the \$384.00 stated on the original application.
- Response No. XIII: Gator Utilities is responsible for the regulatory fees for 2003. The assessment fees will be pro-rated from January 1, 2004 until Consolidated Water Works, Inc. is granted Suwannee Valley Estates certificate.
- Response No. XIV: Please Contact Mr. Michael Buckley, of the F.P.S.C. as this information has been reviewed on site. Consolidated Water Works, Inc. is not requesting an acquisition adjustment.

I hope this meets with your approval.

Sincerely,

Consolidated Water Works, Inc.  
Jack Espenship

# EXHIBITS



## **EXHIBIT A**

**EXPERIENCE:** Consolidated Water Works, Inc., referred to as C.W.W., has been operating and maintaining three (3) water systems, ( Azalea Park, Shady Oaks, 242 Village), for over thirty years. C.W.W., has been under D.E.P. regulations for the water systems during this time and under the PSC for twenty years.

**FINANCIAL:** Please find enclosed Financial report prepared for Consolidated Water Works, Inc. by Dale Derosa CPA. Over the past three years, under the guidance of the PSC, CWW has continually shown financial improvement over all its systems.

**COMMITMENTS & OBLIGATIONS:** There are no outstanding commitments or obligations on the sellers Suwannee Valley Estates (SVE) behalf. It is the intent of C.W.W. to continue the excellent service as has been provided by SVE. Furthermore, C.W.W., as required by DEP and PSC, will continue to improve both service and water quality issues as an ongoing function of the system.

# **EXHIBIT B**

# OFFER TO PURCHASE REAL ESTATE

**BE IT KNOWN**, the undersigned, *Consolidated Water, Inc.* (Buyer), offers to purchase from *D.B. Espenship III* (Owner), real estate known as *Suwannee Valley Estates Lots 11-13 Block C* City/Town of *Lake City*, County of *Columbia*, State of *Florida*, said property more particularly described as:

*Suwannee Valley Estates, as recorded Subdivision  
Lots 11-13 Block C, Water Well, Pump and Water System*

and containing *36,000* square feet of land, more or less.

The purchase price offered is \$ *15,000.00*

Deposit herewith paid	<i>3,000.00</i>	\$	<i>3,000.00</i>
Further deposit upon signing sales agreement		\$	
Balance at closing		\$	<u><i>12,000.00</i></u>
<b>Total:</b>		\$	

This offer is conditional upon the following terms: *This contract is subject to buyer obtaining approval from the Florida Public Service Com.*

1. This offer is subject to Buyer obtaining a real estate mortgage for no less than \$ *N/A* payable over  years with interest not to exceed  % at customary terms with a firm commitment thereto  days from date hereof.
2. This offer is further subject to Buyer obtaining a satisfactory home inspection report and termite/pest report within  days from date hereof. *N/A*
3. Owner shall pay broker *N/A*, a commission of \$  (  %) upon closing.
4. Said property is to be sold free and clear of all encumbrances, by good and marketable title, with full possession to said property available to Buyer at date of closing.
5. The parties agree to execute a standard purchase and sales agreement according to the terms of this agreement within *60* days of acceptance of this offer.
6. The closing shall occur on or before *January 1,* , 20 *04*, at the public recording office, unless such other time and place shall be agreed upon.
7. Other terms:

8. This offer shall remain open until \_\_\_\_\_ o'clock, . m. , 20 \_\_\_\_\_ and if not accepted by said time this offer shall be deemed rescinded and all deposits shall be refunded.

Signed this 18 day of December , 20 03.

\_\_\_\_\_  
Broker

*Jack Espenship* 12/18/2003  
Buyer Jack Espenship, Consolidated  
Water Inc. Date

Buyer Date  
*D.B. Espenship III* 12/18/2003  
Owner D.B. Espenship III Date

Owner Date

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## **EXHIBIT I**

AFTER A PRELIMINARY INVESTIGATION OF THE SUBDIVISION, IT IS APPARENT THAT, APPROXIMATELY 27 RESIDENTIAL METERS, BACK FLOW VALVES, METER BOXES, CURB STOPS, LOCKS ETC., NEED TO BE INSTALLED THROUGHOUT THE SYSTEM. LOCATING THE RESIDENTIAL CONNECTIONS THROUGHOUT THE SITE WILL BE LOCATED BY AN EMPLOYEE OF SUWANNEE VALLEY ESTATES AND CONSOLIDATED WATER WORKS, INC. EMPLOYEES.

THE WELL SITE IS IN NEED OF NEW ELECTRICAL REPAIRS AND WIRING. THE BUILDING THAT HOUSES THE CONTROLS ARE IN NEED OF REPAIRS. THE WELL SITE NEEDS TO BE SECURED BY FENCING.

THE OWNER, SUWANNEE VALLEY ESTATES, HAS STATED TO CONSOLIDATED WATER WORKS, INC., THAT THERE ARE NO OUTSTANDING NOTICE OF VIOLATIONS FROM THE DEP.

**THE COST OF MATERIAL AND LABOR FOR THE REPAIRS:**

1. NEW RESIDENTIAL METERS	\$1360.00
2. BACK FLOW VALVES	\$ 459.00
3. CURB STOPS	\$ 675.00
4. METER BOXES	\$ 510.00
5. LOCKS	\$ 300.00
5. WELL HOUSE REPAIRS	\$1500.00
6. FENCING & GATES	\$ 500.00
7. MISCELLANEOUS	\$500.00
 TOTAL	 \$5804.00

# **EXHIBIT J**

**SAMPLE PUBLICATION / LEGAL NOTICE FOR**  
APPLICATION FOR TRANSFER OF CERTIFICATE

**(Section 367.071, Florida Statutes)**

**LEGAL NOTICE**

Notice is hereby given 9/18/03, pursuant to Section 367.071, Florida Statutes, of the application for a transfer of Water Certificate No. 421-W held by SUWANNEE VALLEY ESTATES from SUWANNEE VALLEY ESTATES to CONSOLIDATED WATER WORKS, INC., providing service to the following described territory in COLUMBIA COUNTY, Florida.

APPROXIMATE PORTION OF:  
SECTION 22, TOWNSHIP 2-S, RANGE 16-E  
SUWANNEE VALLEY ESTATES

Any objection to the said application must be made in writing and filed with the Director, Division of the Commission Clerk & Administrative Services, 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)


CONSOLIDATED WATER WORKS, INC.  
2915 BAXTER LANE  
P.O. BOX 191  
LAKE CITY, FLORIDA 32056

**AFFIDAVIT**

Please be advised that all governing bodies were given, by regular mail, the Notice of Application that Consolidated Water Works, Inc. was acquiring Suwannee Valley Estates Water Certificate from Gator Utilities.

Date: 12-23-03

Signature:   
Jack Espenship

Witness: 



# **EXHIBIT K**

Affidavit

Please be advised that all customers of Suwannee Valley Estates were given, by regular mail, the Notice of Application that Consolidated Water Works, Inc. was acquiring Suwannee Valley Estates Water Certificate from Gator Utilities. Along with the Notice of Application, each customer was sent a copy of Consolidated Water Works, Inc. tariff rates.

Date: 11-20-03

Signature: \_\_\_\_\_

Jack Espenship  
Jack Espenship

Witness: \_\_\_\_\_

Jennifer Eddins

**CONSOLIDATED WATER WORKS, INC.**

**P.O. BOX 191  
BAXTER LANE  
LAKE CITY, FLORIDA**

**PHONE: (386)752-6729  
FAX: (386)755-1174**

---

10/20/03

**CUSTOMERS OF SUWANNEE VALLEY ESTATES WATER SYSTEM:**

**PLEASE BE ADVISED THAT CONSOLIDATED WATER WORKS, INC., (CWW), HAS  
PURCHASED SUWANNEE VALLEY ESTATES WATER SYSTEM FROM GATOR UTILITIES.**

**PLEASE FIND THE ATTACHED "NEW" WATER RATES. THESE NEW RATES SHALL GO INTO  
EFFECT, (date). SHOULD YOU HAVE ANY QUESTION AND/OR COMMENTS, PLEASE  
CONTACT CONSOLIDATED WATER WORKS, INC., LOCATED AT:**

**2915 BAXTER LANE  
LAKE CITY, FLORIDA, 32056  
PHONE: (386)752-6729**

**WE AT CWW LOOK FORWARD TO SERVING YOU.**

**RESPECTFULLY,**

**CONSOLIDATED WATER WORKS, INC.**

NAME OF COMPANY Consolidated Water Works

WATER TARIFF

RESIDENTIAL SERVICE

RATE SCHEDULE RS

- AVAILABILITY - Available throughout the area served by the Company.
- APPLICABILITY - For water service to all Customers for which no other schedule applies.
- LIMITATIONS - Subject to all of the Rules and Regulations of this tariff and General Rules and Regulations of the Commission.

BILLING PERIOD - Monthly

<u>RATE</u>	<u>Meter Size</u>	<u>Base Facility Charge</u>
	5/8" x 3/4"	\$ 9.41
	1"	23.52
	1 1/2"	47.04
	2"	75.26
	3"	150.53
	4"	235.20
	6"	470.40
	Gallage Charge Per 1,000 Gallons	\$ 4.29

MINIMUM CHARGE - Base Facility Charge

TERMS OF PAYMENT - Bills are due and payable when rendered. In accordance with Rule 25-30.320, Florida Administrative Code, if a Customer is delinquent in paying the bill for water service, service may then be discontinued.

EFFECTIVE DATE - November 1, 2001

TYPE OF FILING - SARC

Jack Espenshio  
ISSUING OFFICER

**SAMPLE PUBLICATION / LEGAL NOTICE FOR**  
**APPLICATION FOR TRANSFER OF CERTIFICATE**

**(Section 367.071, Florida Statutes)**

**LEGAL NOTICE**

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APPROXIMATE PORTION OF:  
SECTION 22, TOWNSHIP 2-S, RANGE 16-E  
SUWANNEE VALLEY ESTATES

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(Utility name and address)

CONSOLIDATED WATER WORKS, INC.  
2915 BAXTER LANE  
P.O. BOX 191  
LAKE CITY, FLORIDA 32056

**APPLICATION FOR TRANSFER OF  
CERTIFICATE**

Section 367.071, Florida Statutes

**LEGAL NOTICE**

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SECTION 22, TOWNSHIP 2-S,  
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**SUWANNEE VALLEY ESTATES**

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**CONSOLIDATED WATER WORKS,  
INC.**

2915 BAXTER LANE  
P.O. Box 191  
Lake City, Florida 32056

03514326  
October 23, 2003

**EXHIBIT**  
**N**

## **EXHIBIT N**

THE EXISTING RATES FOR SUWANNEE VALLEY ESTATES HAVE BEEN \$12.00 PER RESIDENTIAL HOOK-UP PER SITE SINCE GATOR UTILITIES AQUIRED THE SITE.



NAME OF COMPANY Consolidated Water Works

WATER TARIFF

TERRITORY AUTHORITY

CERTIFICATE NUMBER - 393-W

COUNTY - Columbia

COMMISSION ORDER(s) APPROVING TERRITORY SERVED -

<u>Order Number</u>	<u>Date Issued</u>	<u>Docket Number</u>	<u>Filing Type</u>
11644	February 23, 1983	820020-W	Tariff

TOWNSHIP 4 SOUTH, RANGE 16 EAST

Section 20: That part of the South 1/5 of said section 20 lying East of Birley Road  
And Northwest of State Road 247.

TOWNSHIP 4 SOUTH, RANGE 17 EAST

Section 19: The West 2,000 feet of the East 3,150 feet of the South 1,500 feet of the  
North 2,500 feet EXCEPT the West 597 feet of the North 400 feet thereof.

Jack Espenship  
ISSUING OFFICER

President

NAME OF COMPANY Consolidated Water Works

WATER TARIFF

GENERAL SERVICE

RATE SCHEDULE GS

- AVAILABILITY - Available throughout the area served by the Company.
- APPLICABILITY - For water service to all Customers for which no other schedule applies.
- LIMITATIONS - Subject to all of the Rules and Regulations of this tariff and General Rules and Regulations of the Commission.

BILLING PERIOD - Monthly

<u>RATE</u>	<u>Meter Size</u>	<u>Base Facility Charge</u>
	5/8" x 3/4"	\$ 9.41
	1"	23.52
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EFFECTIVE DATE - November 1, 2001

TYPE OF FILING - SARC

Jack Espenship  
ISSUING OFFICER

President

FLORIDA PUBLIC SERVICE COMMISSION

APPROVED

AUTHORITY NO. WS-01-0130

DOCKET NO. 001682-WU

ORDER NO. PSC-01-1988-PAA-WU

EFFECTIVE November 1, 2001

*TIM DEVLIN*

DIRECTOR  
DIVISION OF ECONOMIC REGULATION