ORIGINAL

STATE OF FLORIDA BRAULIO L. BAEZ, CHAIRMAN RUDOLPH "RUDY" BRADLEY

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

04 OCT 20 AM 9:01

COMMISSION CLERK

Hublic Service Commission

October 19, 2004

Ms. Earlene Keen Keen Sales, Rentals and Utilities, Inc. 685 Dyson Road Haines City, Florida 33844

Re: Docket No. 040159-WU: Application for transfer of portion of Certificate No. 582-W by Keen Sales, Rentals and Utilities, Inc. to Sunrise Utilities, LLC, in Polk County.

Dear Ms. Keen:

COMMISSIONERS:

J. TERRY DEASON

CHARLES M. DAVIDSON

LILA A. JABER

We have reviewed the application for transfer from Keen filed on February 24, 2004, and the deficiency responses filed on May 26, 2004, and August 13, 2004. The application remains deficient pursuant to Chapter 367 Florida Statutes and Rule 25-30.037, Florida Administrative Code (F.A.C.). All deficiencies must be corrected in order for staff to process your application. Also, additional information is needed to clarify portions of your application.

Deficiency

SCR

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	Noticing. As required by Section 367.045(1)(a), Florida Statutes, and Rule 25-30.030,
	F.A.C., the utility must provide notice of the application and provide affidavits that the
	notice was given. The formal notice must be given to each customer of the utility. The
CMP	same notice must also be given to all cities located in the county, to specific
	governmental entities and all utilities in the county which are included on the noticing list
COM	provided by the Public Service Commission. It appears that neither of these notices have
CTR	been issued. The copy of a customer letter provided is not in the proper noticing format.
	The copy of the notice for all cities located in the county, to specific governmental
ECR	entities and all utilities in the county was in proper format, however the copy of the list
GCL	provided as proof of noticing expired on October 27, 2003, and the Commission did not
ODC	receive its mailed copy.
OPC	
MMS	Based upon the reasons stated above, please renotice the customers and the entities on the
	enclosed noticing list for Polk County. Please submit proper affidavits for the notices
RCA	and attach a copy of the notice to each affidavit along with a copy of the list of entities

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receiving the notice. The noticing list and a sample of proper affidavits for the two

notices are enclosed. Remember that where the notice states "Notice is hereby given on month day, year, you must enter the actual date the notices are mailed. Also, be certain that the notice states that "objections must be filed with the Director, Division of the

Commission Clerk and Administrative Services." Questions about the notice or the

affidavits may be directed to Ms. Jennifer Brubaker at (850) 413-6228 in the Office of General Counsel.

Other Information Needed

- 1. Tariff. The tariff submitted has many errors. Please correct the following:
 - ✓ Original Sheet No. 2.0 Enter the required sheet numbers.
 - ✓ Original Sheet No. 3.1 Enter the correct territory description for the Sunrise System.
 - ✓ Original Sheet No. 4.0 Enter the correct name of the development to be served.
 - ✓ Original Sheet No. 5.0 Enter the full name of the utility for Term No. 5.0.
 - ✓ Original Sheet No. 16.0 Correct the number to Sheet No. 12.0. Also remove the name Sunrise Water Company from the centered title of Residential Service.
 - ✓ Original Sheet No. 16.1 Correct the number to Sheet No. 13.0. Also correct the minimum charge to "Base Facility Charge" and remove the name Sunrise Water Company from the centered title of General Service.
 - ✓ Original Sheet No. 17.4 Correct the number to Sheet No. 14.0.
 - ✓ Original Sheet No. 16.0 Add to the list of charges Late Payment Fee \$5.00.
 - ✓ Original Sheet No. 17.0 Correct the System Capacity Charge to \$450.00.
 - ✓ Original Sheet No. 22.0 Attach a Copy of Customer Bill for Sunrise customers.
- 2. Audit Report. Do you intend to file a response to the audit report? If you do, it must also be received no later than November 19, 2004.

Any mail sent directly to Ms. Clapp will be delayed in being processed. Be sure to file your deficiency response letter as directed below.

The **original and four copies** of the response to the information requested in this letter should be filed with the Commission on or before **November 19, 2004**. When filing the response, please be sure to refer to the docket number and to **direct the response to**:

Division of Commission Clerk and Administrative Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Ms. Earlene Keen Page 3 October 19, 2004

Should you have any questions concerning the information in this letter, please contact Stephanie Clapp, of my staff, at (850) 413-6997.

Sincerely,

Patti Daniel

Supervisor of Certification

PD/sc

Enclosures

cc: Mr. Stuart Sheldon

Division of Economic Regulation (Clapp, Redemann, Romig)

Office of the General Counsel (Brubaker)

Division of Commission Clerk and Administrative Services

AFFIDAVIT OF MAILING

STATE OF FLORIDA
COUNTY OF Highlands
Before me, the undersigned authority, authorized to administer oaths and take. acknowledgments, personally appeared <u>John H. Lavelette</u> who, after being duly sworn on oath, did depose on oath and say that he/she is the <u>Managere</u> of L.P. UTILITIES CORPORATION and that on the <u>3</u> day of <u>February</u> , 2003, he/she did send by first class U.S. Mail a copy of the notice attached hereto to each of the Utility's customers. FURTHER AFFIANT SAYETH NAUGHT.
By: MANAGES
Sworn to and subscribed to before me this
Print Name: PARICIA A da SILVA NOTARY PUBLIC My Commission Expires Painca A da Silva My Commission D0050265 Expirea August 15, 2005

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AFFIDAVIT OF MAILING

STATE OF FLORIDA

COUNTY OF SEMINOLE

Before me, the undersigned authority, authorized to administer oaths and take acknowledgments, personally appeared MICHELE PARKS, who, after being duly sworn on oath, did depose on oath and say that she is the Legal Assistant to Martin S. Friedman, attorney for L.P. UTILITIES CORPORATION and that on the 28TH of January, 2003, she did send by U.S. Mail a copy of the Notice attached hereto to each of the utilities, governmental bodies, agencies, or municipalities, in accordance with the list provided by the Florida Public Service Commission, which is also attached hereto.

FURTHER AFFIANT SAYETH NAUGHT.

MICHELEPARKS

Sworn to and subscribed before me this 17 day of January, 2003, by Michele Parks, who is personally known to me.

Martin S. Friedman

MY COMMISSION # CC978326 EXPIRES

AUGUST 14, 2004

BONOED THRU TROY FAIN MISUZANCE INC.

Print Name:

NOTARY PUBLIC

My Commission Expires:

EXHIBIT "F"

LIST OF WATER AND WASTEWATER UTILITIES IN POLK COUNTY (VALID FOR 60 DAYS) 10/19/2004 - 12/17/2004

UTILITY NAME MANAGER

POLK COUNTY

ANGLERS COVE WEST, LTD. (WS817) TODD MAXWELL P.O. BOX 5252 (941) 647-1581

LAKELAND, FL 33807-5252

LAKELAND, FL 33807-5252

AOUASOURCE UTILITY, INC. D/B/A AQUA UTILITIES FLORIDA, INC (WS819) NANCE GUTH % AQUASOURCE, INC. (941) 907-7411

6960 PROFESSIONAL PARKWAY EAST, #400

SARASOTA, FL 34240-8432

CAL CLAIR, INC. D/B/A BREEZE HILL UTILITY (WS863) CALVIN C. BLAKE (863) 696-1666

P.O. BOX 1408 LAKE WALES, FL 33859-1408

CHC VII, LTD. (WS816) TODD MAXWELL P. O. BOX 5252 (941) 647-1581

CROOKED LAKE PARK SEWERAGE COMPANY (SU785) KENNETH J. KNOWLTON

227 CALOOSA LAKE CIRCLE, NORTH

(863) 638-3117 LAKE WALES, FL 33859-8605

CRYSTAL RIVER UTILITIES, INC. D/B/A AQUA UTILITIES FLORIDA (WS772) NANCE GUTH % AQUASOURCE, INC. (941) 907-7411

6960 PROFESSIONAL PARKWAY EAST, #400 SARASOTA, FL 34240-8432

CYPRESS LAKES UTILITIES, INC. (WS800) PATRICK C. FLYNN 200 WEATHERSFIELD AVENUE (407) 869-1919 ALTAMONTE SPRINGS, FL 32714-4027

FLORIDA WATER SERVICES CORPORATION (WS765) CARLYN KOWALSKY

P.O. BOX 609520 (407) 598-4297 ORLANDO, FL 32860-9520

FOUR LAKES GOLF CLUB, LTD. (WS815) TODD MAXWELL P.O. BOX 5252 (941) 647-1581

LAKELAND, FL 33807-5252

HIDDEN COVE, LTD. (WS814) TODD MAXWELL P. O. BOX 5252 (941) 647-1581 LAKELAND, FL 33807-5252

KEEN SALES, RENTALS AND UTILITIES, INC. (WU771) EARLENE KEEN 685 DYSON ROAD (863) 421-6827 HAINES CITY, FL 33844-8587

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LIST OF WATER AND WASTEWATER UTILITIES IN POLK COUNTY (VALID FOR 60 DAYS) 10/19/2004 - 12/17/2004

UTILITY NAME

MANAGER

POLK COUNTY

LAKE HAVEN UTILITY ASSOCIATES, LTD. D/B/A LAKE WALES UTILI (WS786) P. O. BOX 9076

LAKESHORE, FL 33854-9076

DAVID K. PEARCE

(863) 696-1128

MOUNTAIN LAKE CORPORATION (WU791)

P. O. BOX 832

LAKE WALES, FL 33859-0832

ROBERT E. MARTIN

(863) 676-3494

ORCHID SPRINGS DEVELOPMENT CORPORATION (WS789)

295 FIRST STREET SOUTH WINTER HAVEN, FL 33880-3272 CAROL C. RHINEHART

(863) 324-3698

PARK WATER COMPANY INC. (WU776)

25 FIRST AVENUE NORTH LAKE WALES, FL 33859-8761 ANTHONY STAIANO

(863) 638-1285

PINECREST RANCHES, INC. (WU779)

P.O. BOX 2427

BARTOW, FL 33831-2427

S. NORMAN DUNCAN

(863) 559-7997

PLANTATION LANDINGS, LTD. (WS813)

P.O. BOX 5252

LAKELAND, FL 33807-5252

TODD MAXWELL (941) 647-1581

RIVER RANCH WATER MANAGEMENT, L.L.C. (WS850)

5601 WINDHOVER DRIVE

ORLANDO, FL 32819-7936

MARK WALTRIP (407) 351-3351 EXT 101

S. V. UTILITIES, LTD. (WS812)

P.O. BOX 5252

LAKELAND, FL 33807-5252

TODD MAXWELL (941) 647-1581

SPORTS SHINKO UTILITY, INC. D/B/A GRENELEFE UTILITIES (WS770)

3200 STATE ROAD 546

GRENELEFE, FL 33844-9732

GREG MAULTSBY (863) 421-5037

TEVALO, INC. D/B/A MCLEOD GARDENS WATER COMPANY (WU841)

P. O. BOX 2898

WINTER HAVEN, FL 33883-2898

JAMES O. VAUGHN

(863) 293-2577

WEST LAKELAND WASTEWATER, INC. (SU836)

P. O. BOX 2303

EATON PARK, FL 33840-2303

SUZZANE AVERETT BRITT

(863) 665-1748 EXT 25

LIST OF WATER AND WASTEWATER UTILITIES IN POLK COUNTY (VALID FOR 60 DAYS) 10/19/2004 - 12/17/2004

UTILITY NAME

MANAGER

GOVERNMENTAL AGENCIES

CENTRAL FL. REGIONAL PLANNING COUNCIL P.O. BOX 2089 BARTOW, FL 33831

CITY MANAGER, CITY OF BARTOW 450 NORTH WILSON BARTOW, FL 33831-3954

CLERK, BOARD OF COUNTY COMMISSIONERS, POLK COUNTY P. O. BOX 9000, DRAWER CC-1 BARTOW, FL 33831-9000

DEP CENTRAL DISTRICT 3319 MAGUIRE BLVD., SUITE 232 ORLANDO, FL 32803-3767

DEP SOUTHWEST DISTRICT 3804 COCONUT PALM DRIVE TAMPA, FL 33618-8318

MAYOR, CITY OF AUBURNDALE P. O. BOX 186 AUBRUNDALE, FL 33823-0186

MAYOR, CITY OF DAVENPORT P. O. BOX 125 DAVENPORT, FL 33836-0125

MAYOR, CITY OF EAGLE LAKE P. O. BOX 129 EAGLE LAKE, FL 33839-0129

MAYOR, CITY OF FROSTPROOF P. O. BOX 308 FROSTPROOF, FL 33843-0308

MAYOR, CITY OF FT. MEADE P. O. BOX 856 FT. MEADE, FL 33841-0856

MAYOR, CITY OF HAINES CITY P. O. BOX 1507 HAINES CITY, FL 33845-1507

LIST OF WATER AND WASTEWATER UTILITIES IN POLK COUNTY (VALID FOR 60 DAYS) 10/19/2004 - 12/17/2004

UTILITY NAME

MANAGER

GOVERNMENTAL AGENCIES

MAYOR, CITY OF LAKE ALFRED 120 EAST POMELO STREET LAKE ALFRED, FL 33850-2136

MAYOR, CITY OF LAKE WALES P. O. BOX 1320 LAKE WALES, FL 33859-1320

MAYOR, CITY OF LAKELAND 228 SOUTH MASSACHUSETTS AVENUE LAKELAND, FL 33801-5086

MAYOR, CITY OF MULBERRY P. O. BOX 707 MULBERRY, FL 33860-0707

MAYOR, CITY OF WINTER HAVEN P. O. BOX 2277 WINTER HAVEN, FL 33883-2277

MAYOR, TOWN OF DUNDEE P. O. BOX 1000 DUNDEE, FL 33838-1000

MAYOR, TOWN OF HILLCREST HEIGHTS 151 SCENIC HIGHWAY, N. P. O. BOX 129 BABSON PARK, FL 33827-0127

MAYOR, TOWN OF LAKE HAMILTON P. O. BOX 126 LAKE HAMILTON, FL 33851-0126

MAYOR, TOWN OF POLK CITY P. O. BOX 1139 POLK CITY, FL 33868-1139

MAYOR, VILLAGE OF HIGHLAND PARK 1337 NORTH HIGHLAND PARK LAKE WALES, FL 33853-7422

S.W. FLORIDA WATER MANAGEMENT DISTRICT 2379 BROAD STREET BROOKSVILLE, FL 34609-6899

LIST OF WATER AND WASTEWATER UTILITIES IN POLK COUNTY (VALID FOR 60 DAYS) 10/19/2004 - 12/17/2004

UTILITY NAME

MANAGER

GOVERNMENTAL AGENCIES

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SO. FLORIDA WATER MANAGEMENT DISTRICT P.O. BOX 24680 WEST PALM BEACH, FL 33416-4680

LIST OF WATER AND WASTEWATER UTILITIES IN POLK COUNTY (VALID FOR 60 DAYS) 10/19/2004 - 12/17/2004

<u>UTILITY NAME</u> <u>MANAGER</u>

STATE OFFICIALS

STATE OF FLORIDA PUBLIC COUNSEL C/O THE HOUSE OF REPRESENTATIVES THE CAPITOL TALLAHASSEE, FL 32399-1300

DIVISION OF THE COMMISSION CLERK AND ADMINISTRATIVE SERVICES FLORIDA PUBLIC SERVICE COMMISSION 2540 SHUMARD OAK BOULEVARD TALLAHASSEE, FL 32399-0850