

STATE OF FLORIDA

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MARSHALL WILLIS, DIRECTOR  
DIVISION OF ECONOMIC REGULATION  
(850)413-6900

Public Service Commission

March 9, 2012

RECEIVED-FHSC  
12 MAR -9 AM 11:30  
COMMISSION  
CLERK

Mr. J. Stanley Shirah  
Tymber Creek Utilities, Incorporated  
1951 W. Granda Blvd.  
Ormond Beach, FL 32174

**Re: Docket No. 110317-WS, Application for transfer of majority organizational control of Tymber Creek Utilities, Incorporated, holder of Certificate Nos. 303-W and 525-S in Volusia County, from Steve P. Shirah to Joseph Stanley Shirah.**

Dear Mr. Shirah:

Thank you for the timely response to staff's January 31, 2012 letter of deficiencies and request for additional information. While most of the information provided was sufficient, the following deficiencies remain. In addition, staff has a further information request.

**Deficiencies**

1. **Noticing.** Rule 25-30.030(4)(c), Florida Administrative Code (F.A.C.), requires that the notice of the application for transfer of majority organizational control contain a description, using township, range, and section references, of the territory involved. The notices that were provided in February contained several errors in the legal description and must be given again. For the second noticing, staff recommends that you provide the following shorten legal description using township, range, and section references. Staff also recommends that you provide a copy of the new notice for staff's review before giving the notice.

In Township 14 South, Range 31 East, Volusia County, a portion of Section 24, containing Parcels 5 and 6 and a portion of Section 25, containing Parcels 2, 3, and 4. A detailed legal description may be obtained by contacting the utility at the address given below.

2. **Affidavits of Noticing.** Section 367.045(1)(a), Florida Statutes (F.S.) and Rule 25-30.030(8), F.A.C., require affidavits of noticing. Therefore, new affidavits will need to be provided for the renoticing in Item 1, above. An updated list of utilities and governmental entities in Volusia County is attached to this letter. Please ensure that a copy of the list is attached to the affidavit of notice to utilities and governmental entities, along with a copy of the notice.

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FPSC-COMMISSION CLERK

Mr. J. Stanley Shirah

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### Additional Information

3. **Territory Maps.** Pursuant to Rule 25-30.033, F.A.C., which is the rule specifying the requirements for original certificates, the Commission should have been provided with one copy of the official county tax assessment map, or other map showing township, range, and section with a scale such as 1" = 200' or 1" = 400, on which the proposed territory should have been plotted with the metes and bounds or quarter section legal description shown around the perimeter of drawn boundary. Staff could not locate such a map for the utility and, therefore, requests that a territory map, as described above, be provided. If available, please identify the location of occupied lots on the map.

For assistance with the requested information, please contact technical staff, Ms. Patricia Brady at (850) 413-6686 or [pbrady@psc.state.fl.us](mailto:pbrady@psc.state.fl.us), or legal staff, Michael Lawson, Esq., at (850) 413-6076 or [mlawson@psc.state.fl.us](mailto:mlawson@psc.state.fl.us). Otherwise, please file your response to deficiencies and additional information on or before April 9, 2012. Your response should identify the Docket Number and either be filed electronically at [filings@psc.state.fl.us](mailto:filings@psc.state.fl.us) or mailed to:

Ann Cole, Director  
Office of Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

Sincerely,



Patti Daniel, Public Utilities Supervisor  
Bureau of Certification, Economics,  
and Tariffs

PD:pb:lr

Attachment

cc: Division of Economic Regulation (Brady)  
Office of the General Counsel (Lawson)  
Office of Commission Clerk (Docket No. 110317-WS)

**LIST OF WATER AND WASTEWATER UTILITIES IN VOLUSIA COUNTY  
(VALID FOR 60 DAYS)  
03/08/2012 - 05/06/2012**

UTILITY NAME

MANAGER

VOLUSIA COUNTY

AQUA UTILITIES FLORIDA, INC. (WS887)  
2228 CAPITAL CIRCLE N.E., SUITE 1A  
TALLAHASSEE, FL 32308-4306

TROY RENDELL  
(850) 575-8500

D & E WATER RESOURCES, L.L.C. (WS905)  
ONE CONCOURSE PARKWAY, SUITE 755  
ATLANTA, GA 30328-6128

D. BRUCE MAY, JR.  
(850) 224-7000

FARMTON WATER RESOURCES LLC (WU859)  
1625 OSTEEN MAYTOWN ROAD  
OSTEEN, FL 32764-9632

F. MARSHALL DETERDING  
(850) 877-6555

NORTH PENINSULA UTILITIES CORPORATION (SU615)  
P. O. BOX 2803  
ORMOND BEACH, FL 32175-2803

ROBERT HILLMAN  
(386) 677-6127

PLANTATION BAY UTILITY CO. (WS479)  
2379 BEVILLE ROAD  
DAYTONA BEACH, FL 32119-8720

DOUG ROSS  
(386) 437-9185

TYMBER CREEK UTILITIES, INCORPORATED (WS246)  
1951 WEST GRANADA BLVD.  
ORMOND BEACH, FL 32174-6740

J. STANLEY SHIRAH  
(386) 672-9815

**LIST OF WATER AND WASTEWATER UTILITIES IN VOLUSIA COUNTY  
(VALID FOR 60 DAYS)  
03/08/2012 - 05/06/2012**

UTILITY NAME

MANAGER

GOVERNMENTAL AGENCIES

COUNTY MANAGER/CLERK, VOLUSIA COUNTY  
123 WEST INDIANA AVENUE  
DELAND, FL 32720-4612

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

EAST CENTRAL FLORIDA PLANNING COUNCIL  
631 NORTH WYMORE ROAD, SUITE 100  
MAITLAND, FL 32751

MAYOR, CITY OF DAYTONA BEACH  
P. O. BOX 2451  
DAYTONA BEACH, FL 32115-2451

MAYOR, CITY OF DAYTONA BEACH SHORES  
3050 SOUTH ATLANTIC AVENUE  
DAYTONA BEACH SHORES, FL 32118-6159

MAYOR, CITY OF DELAND  
% CITY HALL  
120 SOUTH FLORIDA AVENUE  
DELAND, FL 32720-5422

MAYOR, CITY OF DELTONA  
DELTONA MUNICIPAL COMPLEX  
2345 PROVIDENCE BLVD.  
DELTONA, FL 32725-1806

MAYOR, CITY OF EDGEWATER  
P. O. BOX 100  
EDGEWATER, FL 32132-0100

MAYOR, CITY OF HOLLY HILL  
1065 RIDGEWOOD AVENUE  
HOLLY HILL, FL 32117-2898

MAYOR, CITY OF LAKE HELEN  
P. O. BOX 39  
LAKE HELEN, FL 32744-0039

MAYOR, CITY OF NEW SMYRNA BEACH  
210 SAMS AVENUE  
NEW SMYRNA BEACH, FL 32168-7040

**LIST OF WATER AND WASTEWATER UTILITIES IN VOLUSIA COUNTY  
(VALID FOR 60 DAYS)  
03/08/2012 - 05/06/2012**

UTILITY NAME

MANAGER

GOVERNMENTAL AGENCIES

MAYOR, CITY OF OAK HILL  
234 SOUTH U.S. HIGHWAY 1  
OAK HILL, FL 32759-9647

MAYOR, CITY OF ORMOND BEACH  
P. O. BOX 277  
ORMOND BEACH, FL 32175-0277

MAYOR, CITY OF PORT ORANGE  
1000 CITY CENTER CIRCLE  
PORT ORANGE, FL 32129-4144

MAYOR, CITY OF SOUTH DAYTONA  
P. O. BOX 214960  
SOUTH DAYTONA, FL 32121

MAYOR, TOWN OF ORANGE CITY  
205 EAST GRAVES AVENUE  
ORANGE CITY, FL 32763-5213

MAYOR, TOWN OF PIERSON  
106 NORTH CENTER STREET  
PIERSON, FL 32180-2219

MAYOR, TOWN OF PONCE INLET  
4300 SOUTH ATLANTIC AVENUE  
PONCE INLET, FL 32127-6904

ST. JOHNS RIVER UTILITY, INC.  
P.O. BOX 77  
ASTOR, FL 32102

ST. JOHNS RIVER WTR MANAGEMENT DISTRICT  
P.O. BOX 1429  
PALATKA, FL 32178-1429

**LIST OF WATER AND WASTEWATER UTILITIES IN VOLUSIA COUNTY  
(VALID FOR 60 DAYS)  
03/08/2012 - 05/06/2012**

UTILITY NAME

STATE OFFICIALS

MANAGER

OFFICE OF PUBLIC COUNSEL  
111 WEST MADISON STREET  
SUITE 812  
TALLAHASSEE, FL 32399-1400

OFFICE OF COMMISSION CLERK  
FLORIDA PUBLIC SERVICE COMMISSION  
2540 SHUMARD OAK BOULEVARD  
TALLAHASSEE, FL 32399-0850