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STATE OF FLORIDA



DIVISION OF ENGINEERING  
TOM BALLINGER  
DIRECTOR  
(850) 413-6910

## Public Service Commission

January 28, 2014

Mr. Mike Smallridge  
West Lakeland Wastewater, LLC  
PO Box 1798  
Eaton Park, FL 33840

**Re: Docket No. 130065-SU - Application for authority to transfer assets and Certificate No. 515-S of West Lakeland Wastewater Inc. to West Lakeland Wastewater, LLC, in Polk County.**

Dear Mr. Smallridge:

The above referenced application has been received and reviewed by Commission staff. Staff previously noted several deficiencies in a letter dated April 18, 2013, and requested a response by May 17, 2013. Staff has received two requests for an additional 30 days to respond, filed on June 3, 2013, and July 22, 2013, respectively. As of the date of this letter, the deficiencies outlined below have not been addressed. Please complete the following deficiencies and provide the requested additional information to clarify the application.

### Deficiencies

- 1) Public Interest.** Rule 25-30.037(2)(j), Florida Administrative Code (F.A.C.), requires a statement indicating how the transfer is in the public interest, including a summary of the buyer's experience in water 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. Please provide a statement attesting to the above-mentioned issues, including a description of any repairs, upgrades, or improvements made to the utility's facilities or operations while serving as the court-appointed Receiver and since becoming owner.
- 2) Sample Tariff.** Rule 25-30.037(2)(s), F.A.C., requires that the applicant file the original and two copies of sample tariff sheets reflecting the change in ownership. The utility will need to update all pages in its wastewater tariff to reflect the change in ownership if the transfer application is approved. Please provide an **original and two copies** of sample tariff sheets reflecting the utility's new name; issuing officer's name and title; existing rates and charges; and wastewater service territory description. While sample tariff sheets are sufficient pending completion of the Commission's review of this docket, the utility is not precluded from submitting a complete tariff at this time if preferred.

- 3) **Ownership of the Land.** Rule 25-30.037(2)(q), F.A.C., requires evidence that the utility owns the land upon which the utility treatment facilities are located, or a copy of an agreement which provides for the continued use of the land, such as a 99-year lease. The application indicates that pursuant to a court order, West Lakeland Wastewater, LLC (West Lakeland or Utility) was granted ownership of the land upon which the wastewater treatment plant is located. However, the application does not include proof of ownership or long-term use of the land upon which the percolation ponds and sprayfields are located. Please provide evidence that the buyer now owns or has long-term use of that land. If the buyer has not yet obtained a warranty deed, long-term lease, or easement to the land upon which the percolation ponds and sprayfields are located, please describe the current status of the buyer's efforts to secure long-term use of that land.
- 4) **Application Fee.** Rule 25-30.020(2)(c), F.A.C., requires that an application fee be paid for an application for authority to transfer filed pursuant to Section 367.071, Florida Statutes (F.S.). Staff has determined that an application fee of \$750 is due for this application. Please remit your payment to the Commission's Division of Administrative and IT Services, referencing the docket number.
- 5) **Notice of Application and Legal Description.** Section 367.045(1)(a), Florida Statutes, and Rule 25-30.030, F.A.C., require the utility to provide notice of its application for transfer. The legal description was not included in the application. Staff suggests that the utility use the following previously approved legal description.

The following described lands located in portions of Sections 14 and 23, Township 28 South, Range 24 East, Pasco County, Florida.

Beginning at the Southwest corner of Section 14, Township 28 South, Range 24 East; run thence East along the South boundary of said Section 14 to the Southeast corner of the Southwest 1/4 of the Southwest 1/4 of said Section 14; thence North to the Northwest corner of the South 1/2 of the Southeast 1/4 of the Southwest 1/4 of said Section 14; thence East to the Northeast corner of said South 1/2 of the Southeast 1/4 of the Southwest 1/4; thence South along the East boundary of the West 1/2 of said Section 14 and the East boundary of the West 1/2 of Section 23 of said Township and Range to the Southeast corner of the Northwest 1/4 of said Section 23; thence East to the Northeast corner of the West 1/4 of the Southeast 1/4 of said Section 23; thence South to the Southeast corner of said West 1/4 of the Southeast 1/4; thence West along the South boundary of said Section 23 to a point 220 feet West of the Southeast corner of the Southwest 1/4 of said Section 23; thence North 1247.05 feet, West 100 feet, North 600 feet, West 180 feet, North 500 feet, West to the West boundary of the East 1/2 of the Southwest 1/4 of said Section 23; thence North along said West boundary of said East 1/2 of said Southwest 1/4 and along the West boundary of the Southeast 1/4 of the Northwest 1/4 of said Section 23 to the Northwest corner of said Southeast 1/4 of the Northwest 1/4; thence West along the South boundary of the Northwest 1/4 of the Northwest 1/4 of said Section 23 to the West boundary of said

Section 23; thence North along said West boundary to the point of beginning. All in Sections 14 and 23, Township 28 South, Range 24 East.

A sample notice (Attachment A) and list of parties to be noticed (Attachment B) is attached for your reference. Please feel free to provide a draft notice to staff to review prior to mailing in order to ensure that the notice complies with the Commission's noticing rules. Upon completion of the noticing requirements, please provide the three required affidavits of noticing referenced as late-filed Exhibits 7 through 9 in the utility's application.

Additional Information

- 1) **Purchase Price.** Rule 25-30.037(2)(g)(1.), F.A.C., requires a copy of the contract for sale, which shall include, if applicable, the purchase price. Although the transfer of ownership to West Lakeland by the court did not include a traditional purchase price, the Commission may consider other forms of financial investment in the utility in lieu of a purchase price. If applicable, please provide a list of and dollar amount of any personal investments the buyer made in the utility facilities or operations while serving as the court-appointed Receiver, such as payments for repairs, upgrades, or other expenses made with personal funds rather than utility revenue, or personal loans to the utility.
- 2) **List of Assets and Liabilities Assumed.** Rule 25-30.037(2)(g)(2.), F.A.C., requires a copy of the contract for sale, which shall include, if applicable, a list of and the dollar amount of the assets purchased and liabilities assumed or not assumed, including those of nonregulated operations or entities. Referencing Exhibit A of the court order provided in the utility's application,<sup>1</sup> please provide a more detailed list of and the dollar amount of the assets and liabilities assumed if possible.

The **original and four copies** of the response to the information requested in this letter should be filed with the Commission on or before **February 28, 2014**. If additional time is required for one or more deficiencies, in your response, please identify these deficiencies and the anticipated amount of time required to resolve them. When filing the response, please be sure to refer to the docket number and direct the response to:

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

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<sup>1</sup> See Case No. 53-2009-CA-005284, issued December 13, 2011, Exhibit A, In Re: Polk County, a political subdivision of the State of Florida, Petitioner vs. West Lakeland Wastewater, Inc., Sam Averett, and Suzzane A. Britt, Respondents.

Mr. Mike Smallridge

January 28, 2014

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Should you have any questions concerning the information in this letter, please contact Julia Gilcher, by phone at (850) 413-6230 for legal questions, or staff members, Phillip Ellis at (850) 413-6626, Michael Springer at (850) 413-7082, or Kelly Thompson at (850) 413-6986, for technical questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'P. Ellis', written in a cursive style.

Phillip Ellis  
Engineering Specialist  
Division of Engineering

POE:pz

Enclosure

cc: Division of Accounting & Finance (Springer)  
Division of Economics (Thompson, Hudson)  
Division of Engineering (Vickery, Ellis, McRoy)  
Office of the General Counsel (Gilcher)  
Office of Commission Clerk (Docket No. 130065-SU)

SAMPLE PUBLICATION / LEGAL NOTICE FOR:

APPLICATION FOR TRANSFER OF CERTIFICATE

(Section 367.071, Florida Statutes)

LEGAL NOTICE

Notice is hereby given on \_\_\_\_\_ (Date) \_\_\_\_\_, pursuant to Section 367.071, Florida Statutes, of the application for a transfer of Water Certificate No. \_\_\_\_\_ and/or Wastewater Certificate No. \_\_\_\_\_ held by \_\_\_\_\_ (Name of Utility) from \_\_\_\_\_ (Name of Seller) \_\_\_\_\_ to \_\_\_\_\_ (Name of Buyer) \_\_\_\_\_, providing service to the following described territory in \_\_\_\_\_ (County) \_\_\_\_\_, Florida.

(Insert a brief description of the area proposed to be served. Use the Survey of Public Lands method (township, range, section, and quarter section) if possible, or a metes and bounds description, and also the subdivision or project name. The description should NOT refer to land grants or plat books, but may use geographic boundaries (i.e., road right-of-ways, railroads, rivers, creeks, etc.). The object is to make the description as brief, but as accurate as possible.)

Any objection to the said application must be made in writing and filed with the Director, Division of Records and Reporting, 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)

**LIST OF WATER AND WASTEWATER UTILITIES IN POLK COUNTY  
(VALID FOR 60 DAYS)  
01/27/2014 - 03/27/2014**

<u>UTILITY NAME</u>	<u>POLK COUNTY</u>	<u>MANAGER</u>
ALTURAS UTILITIES, L.L.C. (WU871) P. O. BOX 2608 EATON PARK, FL 33840-2608		WILEY PRATT (863) 510-1318
ANGLERS COVE WEST, LTD. (WS817) P. O. BOX 5252 LAKELAND, FL 33807-5252		BRIAN ALTMAN (863) 647-1581
CHC VII, LTD. (WS816) P. O. BOX 5252 LAKELAND, FL 33807-5252		BRIAN ALTMAN (863) 647-1581
CROOKED LAKE PARK SEWERAGE COMPANY (SU785) 5578 COMMERCIAL BLVD. WINTER HAVEN, FL 33880-1008		LOUIS F. GARRARD (863) 287-6061
CYPRESS LAKES UTILITIES, INC. (WS800) 200 WEATHERSFIELD AVENUE ALTAMONTE SPRINGS, FL 32714-4027		PATRICK C. FLYNN (407) 869-1919 EXT 1359
FOUR LAKES GOLF CLUB, LTD. (WS815) P. O. BOX 5252 LAKELAND, FL 33807-5252		BRIAN ALTMAN (863) 647-1581
FOUR POINTS UTILITY CORPORATION (WS898) 1902 BARTON PARK ROAD, SUITE 201 AUBURNDALE, FL 33823-3941		DAVID MEADOWS (863) 424-0130
GCP PLANTATION LANDINGS, LLC (WS960) 380 PARK PLACE BLVD., SUITE 200 CLEARWATER, FL 33759-4929		JAMES R. GOLDMAN (847) 582-9400
GOLD COAST UTILITY CORP. (WS899) 2517 ELM CIRCLE LAKE WALES, FL 33898-7030		KEITH A. BURGE (772) 201-3299
GRENELEFE RESORT UTILITY, INC. (WS770) 5601 WINDHOVER DRIVE ORLANDO, FL 32819-7914		BRYON SMITH (407) 351-3350 EXT 187
HIDDEN COVE, LTD. (WS814) P. O. BOX 5252 LAKELAND, FL 33807-5252		BRIAN ALTMAN (863) 647-1581

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<u>UTILITY NAME</u>	<u>POLK COUNTY</u>	<u>MANAGER</u>
KEEN SALES, RENTALS AND UTILITIES, INC. (WU771) 685 DYSON ROAD HAINES CITY, FL 33844-8587		MELINDA K. DUNNAHOE (863) 421-6827
MCLEOD GARDENS WATER COMPANY (WU841) P. O. BOX 2898 WINTER HAVEN, FL 33883-2898		LAURA V. GRIFFITH (863) 293-2577
MOUNTAIN LAKE CORPORATION (WU791) P. O. BOX 832 LAKE WALES, FL 33859-0832		ROBERT E. MARTIN (863) 676-3494
ORCHID SPRINGS DEVELOPMENT CORPORATION (WS789) 346 EAST CENTRAL AVENUE WINTER HAVEN, FL 33880-3046		ALBERT B. CASSIDY (863) 324-4445
PARK WATER COMPANY (WU776) 25 FIRST AVENUE NORTH LAKE WALES, FL 33859-8761		ANTHONY STAIANO (863) 232-7777
PINECREST UTILITIES, LLC (WU954) 1902 BARTON PARK ROAD, SUITE 201 AUBURNDALE, FL 33823-3941		MICHAEL A. SMALLRIDGE (863) 904-5574
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		BRIAN ALTMAN (863) 647-1581
SUNRISE UTILITIES, LLC (WU870) P. O. BOX 2608 EATON PARK, FL 33840-2608		WILEY PRATT (863) 510-1318
TBBT UTILITY LLC (WS918) 1512 EL DORADO PARKWAY WEST CAPE CORAL, FL 33914-8031		TERRIE HALL (239) 338-7084
WEST LAKELAND WASTEWATER, INC. (SU836) 1902 BARTON PARK ROAD, SUITE 201 AUBURNDALE, FL 33823-3941		MICHAEL SMALLRIDGE (863) 904-5574

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<u>UTILITY NAME</u>	<u>MANAGER</u>
<b>CENTRAL FL. REGIONAL PLANNING COUNCIL P.O. BOX 2089 BARTOW, FL 33831</b>	<b><u>GOVERNMENTAL AGENCIES</u></b>
<b>CITY MANAGER, CITY OF BARTOW P. O. BOX 1069 BARTOW, FL 33830-1069</b>	
<b>CLERK, BOARD OF COUNTY COMMISSIONERS, POLK COUNTY P. O. BOX 9000, DRAWER CC-1 BARTOW, FL 33831-9000</b>	
<b>DEP CENTRAL DISTRICT 3319 MAGUIRE BLVD., SUITE 232 ORLANDO, FL 32803-3767</b>	
<b>DEP SOUTHWEST DISTRICT 13051 N. TELECOM PARKWAY TEMPLE TERRACE, FL 33637-0926</b>	
<b>MAYOR, CITY OF AUBURNDALE P. O. BOX 186 AUBURNDALE, FL 33823-0186</b>	
<b>MAYOR, CITY OF DAVENPORT P. O. BOX 125 DAVENPORT, FL 33836-0125</b>	
<b>MAYOR, CITY OF EAGLE LAKE P. O. BOX 129 EAGLE LAKE, FL 33839-0129</b>	
<b>MAYOR, CITY OF FROSTPROOF P. O. BOX 308 FROSTPROOF, FL 33843-0308</b>	
<b>MAYOR, CITY OF FT. MEADE P. O. BOX 856 FT. MEADE, FL 33841-0856</b>	
<b>MAYOR, CITY OF HAINES CITY P. O. BOX 1507 HAINES CITY, FL 33845-1507</b>	



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<u>UTILITY NAME</u>	<u>GOVERNMENTAL AGENCIES</u>	<u>MANAGER</u>
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 33801-5012		
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 123 BROADWAY BLVD., S.E. POLK CITY, FL 33868-9225		
MAYOR, VILLAGE OF HIGHLAND PARK P. O. BOX 168 LAKE WALES, FL 33859-0168		
S.W. FLORIDA WATER MANAGEMENT DISTRICT 2379 BROAD STREET BROOKSVILLE, FL 34609-6899		

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UTILITY NAME

GOVERNMENTAL AGENCIES

MANAGER

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

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<u>UTILITY NAME</u>	<u>STATE OFFICIALS</u>	<u>MANAGER</u>
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		