

COMMISSIONERS:
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JULIE I. BROWN

STATE OF FLORIDA



OFFICE OF THE GENERAL COUNSEL
S. CURTIS KISER
GENERAL COUNSEL
(850) 413-6199

Public Service Commission

May 27, 2014

RECEIVED-FPSC
14 MAY 27 AM 11:16
COMMISSION
CLERK

Craig B. Hill
625 East Lime Street
Suite 5
Lakeland, FL 33801

Re: Docket No. 140038-SU - Application for transfer of majority organizational control of Crooked Lake Park Sewerage Co. in Polk County, and for name change on Certificate No. 517-S to Glenbrook Properties, LLC, a Florida limited liability company.

Dear Mr. Hill:

On April 8, 2014, Commission staff advised the applicant in the above-referenced proceeding, Glenbrook Properties, LLC, that the application for transfer of majority organizational control of Crooked Lake Park Sewerage Co. in Polk County, and for name change on Certificate No. 517-S, contained certain identified deficiencies. The applicant was further advised that the correction of the deficiencies was necessary before the docket could progress.

In response to the notice of deficiency, on May 9, 2014, the applicant provided a responsive letter and attachments which effectively corrected many of the deficiencies identified. However, staff's review of this response and the original application identified additional deficiencies that remain to be corrected before this docket may proceed. These deficiencies are described in more detail below.

1. Rule 25-30.037(3)(g), Florida Administrative Code ("F.A.C."), requires a "list of all entities, including affiliates, that have provided, or will 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.**" (emphasis added). In the applicant's May 9, 2014, response to the notice of deficiencies it provided an explanation of the funding to the buyer and an explanation of the manner and amount of the funding. However, to date the applicant has not provided the required financial statements associated with the transfer of majority organizational control and copies of any financial agreements with the utility. As such, please provide the necessary financial statements and copies of any financial agreements with the utility.
2. Rule 25-30.037(3)(i), F.A.C., requires that the applicant provide 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. In the applicant's

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD • TALLAHASSEE, FL 32399-0850

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May 9, 2014, response to the notice of deficiencies it provided a title insurance policy which had been included as Exhibit "I" to the original application. Although staff believes that the title insurance policy is indicia that Crooked Lake Sewerage Company owns the land upon which the treatment facilities are located, staff requests that the utility provide a copy of the deed maintained by the utility which confirms that the utility owns the land upon which the utility treatment facilities are located.

3. Rule 25-30.037(3)(h), F.A.C., requires that if the system is in need of repair or improvement, has any outstanding Notice of Violation of any standard set by the Department of Environmental Protection ("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.

In the applicant's May 9, 2014, response to the notice of deficiencies it provided an explanation of the status of the ongoing negotiations between the utility and DEP to resolve the outstanding Consent Order, an explanation of the status of the settlement negotiations with DEP, as well as an explanation regarding the steps taken by the utility to improve the system. However, to date the utility has not provided staff with either a copy of the outstanding Consent Order or a copy of the Settlement Agreement reached between the utility and DEP to resolve the Consent Order. Thus, please provide us with either a copy of the Consent Order and/or a signed copy of the Settlement Agreement resolving the Consent Order.

As discussed during our conversation on May 22, 2014, staff has included herewith a revised copy of the Notice of Transfer of Majority Organizational Control and Name Change as required by Rule 25-30.030, F.A.C. For your ease of reference we have also included a copy of this Rule 25-30.030, F.A.C., herewith. Finally, we have included a list of the names and addresses of the entities to be noticed in accordance with Rule 25-30.030(2), F.A.C.

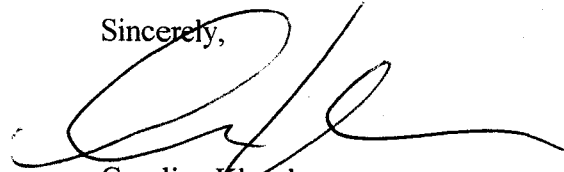
With respect to the enumerated additional deficiencies identified above, please provide the above-referenced documents and statements on or before June 16, 2014. When filing the response, please be sure to refer to Docket Number 140038-SU and that the response is mailed to directly to:

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

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Should you have any questions concerning the information in this letter, please feel free to contact either the undersigned at (850) 413-6220 or the staff member assigned to this matter, Daniel Lee at (850) 413-6836.

Sincerely,

A handwritten signature in black ink, appearing to read 'Caroline Klancke', with a long horizontal flourish extending to the right.

Caroline Klancke
Senior Attorney

CMK:ace

cc: Division of Engineering (Lee, Vickery)
Division of Accounting & Finance (Coughlin, Frank)
Division of Economics (Bruce, Hudson)
Office of Commission Clerk

NOTICE is hereby given on ___(Date)___, pursuant to Section 367.071, Florida Statutes, of the application for transfer of majority organizational control of Crooked Lake Park Sewerage Co. in Polk County, and for name change on Certificate No. 517-S to Glenbrook Properties, LLC, a Florida limited liability company. The territory Crooked Lake Park Sewerage Company is authorized to serve is in Sections 26, 35, 36, Township 30 South, Range 27 East, Polk County, Florida, and more particularly described on Attachment A of Order No. PSC-98-1247-FOF-SU, issued September 21, 1998, by the Florida Public Service Commission.

Any objection to said application must be made in writing and filed with the Office of the Commission Clerk, 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.

Crooked Lake Park Sewerage Company
5578 Commercial Blvd.
Winter Haven, FL 33880

25-30.030 Notice of Application.

(1) When a utility applies for a certificate of authorization, an extension or deletion of its service area, or a sale, assignment or transfer of its certificate of authorization, facilities or any portion thereof or majority organizational control, it shall provide notice of its application in the manner and to the entities described in this section.

(2) Before providing notice in accordance with this section, a utility shall obtain from the Commission a list of the names and addresses of the municipalities, the county or counties, the regional planning council, the Office of Public Counsel, the Commission's Office of Commission Clerk, the appropriate regional office of the Department of Environmental Protection, the appropriate water management district, and 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. In addition, if any portion of the proposed territory is within one mile of a county boundary, the utility shall obtain from the Commission a list of the names and addresses of the privately-owned utilities located in the bordering counties and holding a certificate granted by the Commission. The utility's request for the list shall include a complete legal description of the territory to be requested in the application that includes:

(a) A reference to township(s), range(s), land section(s) and county; and

(b) A complete and accurate description of the territory served or proposed to be served in one of the following formats. The description may reference interstates, state roads, and major bodies of water. The description shall not rely on references to government lots, local streets, recorded plats or lots, tracts, or other recorded instruments.

1. Sections: If the territory includes complete sections, the description shall only include the township, range, and section reference. If the territory includes partial sections, the description shall either identify the subsections included or excluded.

2. Metes and bounds: A point of beginning which is referenced from either a section corner or a subsection corner, such as a quarter corner. The perimeter shall be described by traversing the proposed territory and closing at the point of beginning. The description shall include all bearings and distances necessary to provide a continuous description.

(3) The notice shall be appropriately styled:

(a) Notice of Application for an Initial Certificate of Authorization for Water, Wastewater, or Water and Wastewater Certificate;

(b) Notice of Application for an Extension of Service Area;

(c) Notice of Application for Deletion of Service Area;

(d) Notice of Application for a Transfer of Water, Wastewater, or Water and Wastewater Certificate(s); or

(e) Notice of Application for a Transfer of Majority Organizational Control.

(4) The notice shall include the following:

(a) The date the notice is given;

(b) The name and address of the applicant;

(c) A description, using township, range and section references, of the territory proposed to be either served, added, deleted, or transferred; and

(d) A statement that any objections to the application must be filed with the Director, Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, no later than 30 days after the last date that the notice was mailed or published, whichever is later.

(5) Within 7 days of filing its application, the utility shall provide a copy of the notice by regular mail to:

(a) The governing body of the county in which the utility system or the territory proposed to be served is located;

(b) The governing body of any municipality contained on the list obtained pursuant to subsection (2) above;

(c) The regional planning council designated by the Clean Water Act, 33 U.S.C. 1288(2);

(d) All water or wastewater utilities contained on the list(s) obtained pursuant to subsection (2) above;

(e) The office of Public Counsel;

(f) The Commission's Office of Commission Clerk;

(g) The appropriate regional office of the Department of Environmental Protection; and

(h) The appropriate Water Management District.

(6) No sooner than 21 days before the application is filed and no later than 7 days after the application is filed, the utility shall also provide a copy of the Notice, by regular mail or personal service, to each customer, of the system to be certificated, transferred, acquired, or deleted.

(7) The Notice shall be published once in a newspaper of general circulation in the territory proposed to be served, added,

deleted, or transferred. The publication shall be within 7 days of filing the application.

(8) A copy of the notice(s) and list of the entities receiving notice pursuant to this rule shall accompany the affidavit required by Sections 367.045(1)(e) and (2)(f), F.S. The affidavit shall be filed no later than 15 days after filing the application.

(9) This rule does not apply to applications for grandfather certificates filed under Section 367.171, F.S., or to applications for transfers to governmental authorities filed under Section 367.071, F.S., or to name changes.

Specific Authority 350.127(2), 367.121(1) FS. Law Implemented 367.031, 367.045, 367.071 FS. History—New 4-5-81, Formerly 25-10.061, 25-10.0061, Amended 11-10-86, 1-27-91, 11-30-93.

**LIST OF WATER AND WASTEWATER UTILITIES IN POLK COUNTY
(VALID FOR 60 DAYS)
05/22/2014 - 07/20/2014**

<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		MICHAEL (MIKE) SMALLRIDGE (863) 904-5574
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 KEEN DUNNAHOE (863) 421-6827
MCLEOD GARDENS WATER COMPANY (WU841) P. O. BOX 2898 WINTER HAVEN, FL 33883-2898		(863) 293-2577
MOUNTAIN LAKE CORPORATION (WU791) P. O. BOX 832 LAKE WALES, FL 33859-0832		(863) 676-3494
ORCHID SPRINGS DEVELOPMENT CORPORATION (WS789) 346 EAST CENTRAL AVENUE WINTER HAVEN, FL 33880-3046		CAROL C. RHINEHART
PARK WATER COMPANY (WU776) 25 FIRST AVENUE NORTH LAKE WALES, FL 33859-8761		(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		(407) 351-3351
S. V. UTILITIES, LTD. (WS812) P. O. BOX 5252 LAKELAND, FL 33807-5252		(863) 647-1581
SUNRISE UTILITIES, LLC (WU870) P. O. BOX 2608 EATON PARK, FL 33840-2608		
TBBT UTILITY LLC (WS918) 1512 EL DORADO PARKWAY WEST CAPE CORAL, FL 33914-8031		TERRI HALL
WEST LAKELAND WASTEWATER, INC. (SU836) 1902 BARTON PARK ROAD, SUITE 201 AUBURNDALE, FL 33823-3941		MICHAEL SMALLRIDGE (863) 904-5574

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05/22/2014 - 07/20/2014**

UTILITY NAME

MANAGER

GOVERNMENTAL AGENCIES

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

CITY MANAGER, CITY OF BARTOW
P. O. BOX 1069
BARTOW, FL 33830-1069

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
13051 N. TELECOM PARKWAY
TEMPLE TERRACE, FL 33637-0926

MAYOR, CITY OF AUBURNDALE
P. O. BOX 186
AUBURNDALE, 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)
05/22/2014 - 07/20/2014**

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 33801-5012

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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(VALID FOR 60 DAYS)
05/22/2014 - 07/20/2014**

UTILITY NAME

MANAGER

GOVERNMENTAL AGENCIES

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)
05/22/2014 - 07/20/2014**

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