

**Antonia Hover**

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**From:** Betty Leland  
**Sent:** Monday, December 12, 2022 8:34 AM  
**To:** Commissioner Correspondence  
**Subject:** FW: Docket 20220156 - PSC to utility letter dated Nov 7, 2022 and utility response to PSC dated Nov 18, 2022  
**Attachments:** 2010 sewer letter.pdf; 5- Water-Sewer & no objection letter annotated change in service territory.pdf.pdf

Good Morning:

Please place this email in Docket #20220156.

Thanks.

Betty Leland, Executive Assistant to  
Commissioner Art Graham  
Florida Public Service Commission  
[bleland@psc.state.fl.us](mailto:bleland@psc.state.fl.us)  
(850) 413-6024

**From:** Diana Danin <jeladi1@gmail.com>  
**Sent:** Sunday, December 11, 2022 2:57 PM  
**To:** Adam Teitzman <ATEITZMA@psc.state.fl.us>; Shaw Stiller <SStiller@psc.state.fl.us>; Jennifer Crawford <jcrawfor@psc.state.fl.us>  
**Cc:** mdeterding@sfflaw.com; Charles Rehwinkel <rehwinkel.charles@leg.state.fl.us>; Office of Commissioner Graham <Commissioner.Graham@PSC.STATE.FL.US>; Gena Paugh <gpaugh@hometownamerica.net>; pzilis@hometownamerica.net; Hammock, Rebecca <rhammock@seminolecountyfl.gov>; Zimmerman, Paul <pzimmerman@seminolecountyfl.gov>; Applegate, A. Bryant <bapplegate@seminolecountyfl.gov>  
**Subject:** Re: Docket 20220156 - PSC to utility letter dated Nov 7, 2022 and utility response to PSC dated Nov 18, 2022

Further to my email of Nov 22nd when I wrote: "The last request for change of majority organizational control submitted to the PSC by this utility was, (according to Mr. Plescow of the PSC), approved in 2005 under docket 030998" and the utility wants the PSC to believe that since that time there has been no further change of majority organizational control that needed to be reported.

I add the following pertinent information and evidence: In 2010 the attached letter was written by CWS Communities

LP (the utility) and it was signed by the **sole general partner**, Second Merger Sub, LLC.

Since 2019, Second Merger Sub, LLC - the sole General Partner of the utility, no longer appears within the organizational control chart. Does anyone actually believe that the removal of the sole General Partner of the utility does not constitute a change in majority organizational control? If so, I'd love for you to share your thoughts on that with me.

I feel this letter is relevant to the PSC's evaluation regarding whether or not this utility has properly reported their changes of majority organizational control as required by PSC rules.

Please put this information in the docket 20220156

Additionally, this letter makes it clear that the utility believes they have a right to single-handedly approve the deletion of a piece of land from their service territory without seeking approval from the PSC to do so. Consequently, Seminole County Land Development and the Commissioners may rely on a letter like this (even though they know better) to support requests for changes in zoning, development plans and/or site plans.

Could someone in the PSC please inform this utility that writing a letter like this is in violation of PSC rules regarding deletion of service from their territory. There are new development plans being submitted to the County - right now - and I don't want this utility to make this mistake again. I've cc'd the CEO of Hometown America

and Gena Paugh, a manager of the utility on this email to provide them notice.

Respectfully and Thank you  
Diana Danin  
938 East Palm Valley Dr  
Oviedo, Fl 32765

On Tue, Nov 22, 2022 at 4:58 PM Diana Danin <[jeladi1@gmail.com](mailto:jeladi1@gmail.com)> wrote:

Dear Mr. Teitzman and Mr. Stiller

1. First, since I am named as an interested party I am wondering why I was not copied on this set of correspondence? Second, please make this communication and attachments part of the docket record.

2. I continue my objection to the PSC approving the name change request submitted under docket 20220156.

3. This request appears to be more than a simple name change. Utility should be required to comply with all documentation requirements under PSC Rule 25-30.037 governing a transfer of majority organizational control. I've attached a copy of the rule and those requirements.

4. The last request for change of majority organizational control submitted to the PSC by this utility was, (according to Mr. Plescow of the PSC), approved in 2005 under docket 030998. I've attached a copy of this docket to this email and call your attention to the organizational chart provided on PDF page 9 of that document.

5. In Nov 2022, the PSC requested an organizational chart----- pre and post change in ownership/transfer of January 2019 --- a ownership change that also occurred without proper notification to the PSC.

6. There is absolutely no similarity between the 2005 organizational chart submitted to the PSC in 2005 and either of the organizational charts submitted on November 18, 2022 by the utility. Additionally, the two organizational charts submitted in utility response of Nov 18th are different from each other - with Second Merger Sub LLC

deleted entirely from the post 2019 organizational chart. I have attached a side by side picture of the charts.

7. Did this utility perhaps forget to report all their organizational changes to the PSC between 2005 and 2022?

Perhaps the utility gets away with this because the PSC fails to require proper completion of the Parent Affiliate Organizational Chart form that must be submitted annually within their annual report. I'm attaching a copy of the

one attached to the 2021 annual report. The blatant disregard for providing this information is apparent when you view this document.

8. An organizational chart does not identify the voting rights and who does the voting. The only way to do that with respect to an LLC is to obtain a copy of the Operating and Member Agreement which identifies voting members. In all the documentation I have reviewed that is on file with the PSC for this utility, none

of the Operating or Member agreements for any of the LLC's appear to have ever been submitted. The PSC needs to ask for all of them for all the entities. This conglomerate is NOT publicly traded. It is a privately owned multi-billion dollar company that seems to have failed to provide updated organizational charts.

I am also attaching a form from utilities 2020 annual report that asks utility to "List below every corporation or person owning or holding directly or indirectly 5% or more of the voting securities of the utility". But nothing reflects the various entities that are the members, managers, officers and partners of the entities reflected on the organizational chart. Without that, how can the PSC even attempt to determine if there has been a change in majority organizational control and voting rights?

9. I have brought a significant number of issues regarding this utility to the PSC and I've provided back-up documentation. I've proven that the utility moved its assets to a different business name and failed to file that change for more than 3 1/2 years. I've proven that the utility continued to file their annual reports in a name they no longer use, which according to PSC rules equates to not filing their annual reports at all, with respect to fines. I've demonstrated that the PSC has authority to charge them over \$18,000 in penalties for these deficiencies, and I hope you intend to do this when this docket is finally closed.

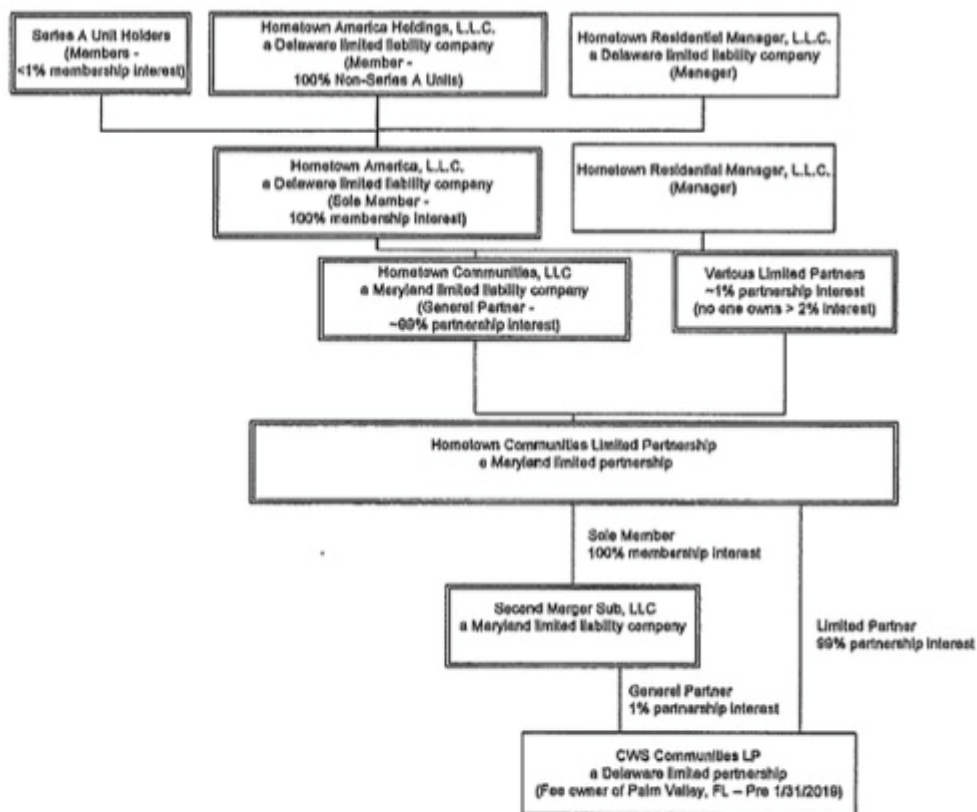
I feel I have also demonstrated a change in majority organizational control since it was last reported to the PSC in 2005

sufficient to require the PSC to order this utility to provide fully updated documentation that complies with rule 25-30.037.

If you find that the utility also should have reported their change in majority organizational control since it was last filed in 2005, and if that also has a penalty associated with it, perhaps you should charge them that penalty as well.

Respectfully,  
Diana L. Danin  
938 East Palm Valley Drive  
Oviedo, Fl 32765  
407-733-2662

Palm Valley, FL – Pre 1/31/2019



Note dated Dec 11, 2022  
This letter was also used in the  
2020 review of the Legacy 240  
project and should not have been

*sewer*



HOMETOWN AMERICA  
COMMUNITIES

January 7, 2010

To Whom It May Concern:

RE: Sewer Service to Ivy Park

Dear Sir or Madam:

CWS Communities LP, a Delaware limited partnership ("Owner"), is the fee owner of Palm Valley Manufactured Housing Community, located at 3700 Palm Valley Circle, Oviedo (Seminole County), Florida 32765 ("Palm Valley").

Owner hereby certifies that Palm Valley does not provide the sanitary sewer services for the Ivy Park Project. Owner hereby approves of Seminole County providing the sanitary sewer services to the Ivy Park Project.

If you have any questions, please contact our Paralegal, Marcela Godoy at (312) 604-7591.

Very truly yours,

CWS Communities LP, a Delaware limited partnership

By: Second Merger Sub, LLC, a Maryland limited liability company, its sole General Partner

By: *Gregory O'Berry*  
Name: Gregory O'Berry  
Title: President





HOMETOWN AMERICA  
C O M M U N I T I E S®

July 14, 2017

Julian R. Coto, P.E., Principal for the firm of Excel Engineering

Regarding: Response to Request for Extension of Water and Sewer Service to C & L Land Group, LLC

Mr. Coto,

First we'd like to say congratulations to C & L Land for their opportunity to open a business nearby. We welcome them as our new neighbor and look forward to another thriving business in Oviedo!

We have researched this possibility with our utility consultant and our operators. Our facility does not have the capacity to meet fire flow for the additional serviced area. This would require cost to your customer for storage tank installation and high pressure pumps in addition to extending the lines for service. We feel this would be a burden to C & L Land Group, LLC and it would be in their best interest to hook up through Seminole County. Therefore, we decline the request of extension and will modify our certificate with the Public Service Commission to delete their parcel from our territory, allowing C & L Land to apply with Seminole County for service. If for some reason they would not be able to connect at that time with Seminole County, please let us know so that we may further discuss our options.

Sincerely,

Gena F Paugh, Regional Manager

Email Cc:

Jolene Burns, Palm Valley Community Manager  
Stephen Braun, COO and President, Hometown America  
Ken Kravenas, Vice President, Hometown America  
Dustin Lucas, Manager, C & L Land Group, LLC

**Dustin Lucas is also the owner of JEL Land Development LLC the development company that got the commissioners to override zoning board in 2020 and grant approval for rezone and the apartment building project. They never built it and after receiving rezoning from Commissioners, they sold it to new developer.**