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DIVISION OF ENGINEERING  
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# Public Service Commission

March 6, 2026

F. Marshall Deterding, Esq.  
Sundstrom Law, LLC  
2548 Blainstone Pines Drive  
Tallahassee, Florida 32301  
mdeterding@sundstrom-law.com

VIA EMAIL

**Re: Docket No. 20260018-SU – Application for transfer of facilities of Northgate Properties, Inc. and Wastewater Certificate No. 537-S to Northgate FL Utility, LLC, in Okeechobee County.**

Dear Mr. Deterding:

Staff has reviewed Northgate FL Utility, LLC's (Northgate or Buyer) application for transfer of Certificate No. 537-S from Northgate Properties, Inc. (Seller or Utility) to Northgate. After reviewing this information, we find the application to be deficient. The specific deficiencies are identified as:

- 1. Application.** Rule 25-30.037(1), Florida Administrative Code (F.A.C.), states that the applicant may complete Form PSC 1005 entitled "Application for Transfer of Certificates or Facilities from a Regulated Utility to Another Regulated Utility". The utility's certificate numbers, county, and type of system on the application should reflect the certificate numbers registered with Florida Public Service Commission (FPSC). The Seller's certificate numbers registered with the FPSC include 412-W for water, and 345-S for wastewater, and the facilities are located in Brevard County. However, Northgate indicates that the application is for transfer of Wastewater Certificate No. 537-S in Okeechobee County. Please submit a statement clarifying that Northgate's application is for the transfer of facilities of Northgate Properties, Inc., and Water Certificate No. 412-W and Wastewater Certificate No. 345-S to Northgate FL Utility, LLC, in Brevard County, Florida.
- 2. Proof of Noticing.** Rule 25-30.037(2)(b), F.A.C., requires the applicant to provide proof of noticing, pursuant to Rule 25-30.030, F.A.C. Rule 25-30.030(6), F.A.C., states that all applications requiring noticing shall be deemed deficient until affidavits of noticing required by Sections 367.045(1)(e) and (2)(f), Florida Statutes, along with a copy of the notice, are filed with the Office of Commission Clerk. Staff notes that the Buyer cannot correct this deficiency until its draft notice has been approved by staff and has been issued in accordance with Rule 25-30.030(5), F.A.C. However, staff is working with the

Buyer toward approval of the draft notice. Upon staff approval of the Buyer's draft notice and issuance of the same, please provide proof of noticing, pursuant to Rule 25-30.030, F.A.C.

3. **Federal Employer Identification Number.** Rule 25-30.037(2)(d), F.A.C., requires that the applicant provide the Buyer's name, address, telephone number, Federal Employer Identification Number (FEIN), authorized representative and, if available, email address and fax number of the buyer(s) and the new name of the utility if the buyer plans to operate under a different name. Northgate's FEIN on the application should reflect the FEIN registered with the Florida Department of State, Division of Corporations (State Corporations). However, 39-2624811 is the FEIN listed on the application, and this does not reflect the State Corporations FEIN. Please provide the Buyer's corrected FEIN.
4. **Telephone Number.** Rule 25-30.037(2)(e), F.A.C., requires that the applicant provide the name, address, telephone number, and if available, email address and fax number of the person in possession of the books and records when the application is filed. Please provide the telephone number of the person in possession of the books and records when the application was filed.
5. **Documents.** Rule 25-30.037(2)(f), F.A.C., requires the applicant to provide documentation from the State Corporations, showing: The buyer's business name and registration/document number for the business. Please provide the required documentation from State Corporations. Northgate's business information on the application should reflect the business name registered with State Corporations.
6. **Ownership Information.** Rule 25-30.037(2)(g), F.A.C., requires that the applicant provide the name(s), address(es), and percent ownership of each entity or person who owns more than a 5 percent interest in the utility. Please provide the address of the entity named in the application who owns more than a 5 percent interest of Northgate.
7. **Assets.** Rule 25-30.037(2)(j)3, F.A.C., requires that the applicant provide a list of and the dollar amount of the assets purchased and liabilities assumed or not assumed, including those of nonregulated operations or entities. Please provide the dollar amount of the listed assets purchased.
8. **Legal description.** Rule 25-30.037(2)(n), F.A.C., requires that the applicant provide a legal description of the territory proposed to be served, in the format prescribed in Rule 25-30.029, F.A.C. Rule 25-30.029(2)(b), F.A.C., states that a complete and accurate description of the service area should be provided in either a sections format or a metes and bounds format, shall have a point of beginning referenced from either a section corner or a subsection corner, and not rely on references to government lots, recorded plats or lots, tracts, or other recorded instruments. Please provide the legal description to the requirements of Rule 25-30.029, F.A.C.
9. **Federal Income Tax Returns.** Rule 25-30.037(2)(p), F.A.C., requires a statement that the buyer has obtained or will obtain copies of all federal income tax returns of the seller from the date the utility was first established, or from the date the rate base was last

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established by the Commission. If the tax returns have not been obtained, the applicant must explain the steps taken to obtain them.

10. **Compliance Inspection Reports.** Rule 25-30.037(2)(r)2, F.A.C., requires the applicant provide a copy of the most recent Department of Environmental Protection and/or county health department sanitary survey, compliance inspection report, and secondary standards drinking water report. Please provide a copy of the most recent sanitary survey, compliance inspection report, and secondary standards drinking water report.

Commission staff also requests that Northgate provide responses to the following data request:

1. Pursuant to Rule 25-30.037(1)(a), F.A.C., if a transfer occurs prior to Commission approval, the utility shall submit an application for authority to transfer no later than 90 days after the sale closing date. Northgate's application indicates that the sale closing date was June 18, 2025. Please explain in detail, why the application for authority to transfer was not submitted by September 16, 2025 (i.e., 90 days after the closing date).
2. Northgate's application indicates that an updated legal description was deemed necessary by a licensed surveyor, and as such, this updated description was submitted with the Buyer's application. While Northgate also submitted an updated territory map in its application, the map provided is not of sufficient scale to verify the revised territory description. Please provide an official county tax assessment map or other map showing township, range, and section, with a scale such as 1'' = 200' or 1'' = 500', with the transferred territory plotted thereon, consistent with Rule 25-30.029(2), F.A.C., and the legal description provided pursuant to Rule 25-30.037(2)(n), F.A.C. The territory map should be of sufficient size and scale to clearly show the perimeter of the entire territory being transferred.

Your application will not be deemed filed until the deficiencies identified in this letter have been corrected. These corrections should be submitted no later than **Monday, April 6, 2026**, to the following address:

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

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In addition, please email the filed response to [discovery-gcl@psc.state.fl.us](mailto:discovery-gcl@psc.state.fl.us). Please include the docket number on all submissions to the Commission Clerk. Should you have any questions concerning the information in this letter, please feel free to contact Ailynee Ramirez-Abundez by phone at (850) 413-6974 or email at [aramirez@psc.state.fl.us](mailto:aramirez@psc.state.fl.us) for technical questions, or Zachary Bloom by phone at (850) 413-6524 or email at [ZBloom@psc.state.fl.us](mailto:ZBloom@psc.state.fl.us) for legal questions.

Sincerely,

*s/ Ailynee Ramirez-Abundez*

Ailynee Ramirez-Abundez  
Public Utility Analyst  
Division of Engineering

ARA:da

cc: Office of Commission Clerk (Docket No. 20260018-SU)