

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request for) DOCKET NO. 931223-SU
acknowledgement of corporate) ORDER NO. PSC-94-0230-FOF-SU
reorganization of FOUNTAIN LAKES) ISSUED: March 2, 1994
SEWER CORPORATION in Lee County.)

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON, Chairman
SUSAN F. CLARK
JULIA L. JOHNSON
DIANE K. KIESLING
LUIS J. LAUREDO

ORDER ACKNOWLEDGING CORPORATE REORGANIZATION

BY THE COMMISSION:

Fountain Lakes Sewer Corporation (Fountain Lakes) was incorporated under the laws of the State of Florida in March 1988. Pursuant to Public Service Commission Certificate No. 442-S, Fountain Lakes is authorized to provide wastewater service in Lee County. Fountain Lakes is a Class C utility with 215 customers and maximum service capacity of 360 customers. Fountain Lakes' 1992 annual report shows \$114,554 as its gross annual revenue and \$6,399 as its operating income.

On December 20, 1993, Fountain Lakes filed a request for acknowledgement of its corporate reorganization, that is, a transfer of its ownership from one corporation to another, both corporations being wholly owned by the same parent. Fountain Lakes is a wholly owned subsidiary of Kraus-Anderson Incorporated. Effective January 1, 1994, the Kraus-Anderson Companies reorganized such that Fountain Lakes became a wholly owned subsidiary of Kraus-Anderson Development and Finance Company.

This corporate reorganization does not rise to the level of a transfer as interpreted by Section 367.071, Florida Statutes, because there will be no change in majority organizational control that will subject this matter to the Commission's approval. Both Kraus-Anderson Incorporated and Kraus-Anderson Development and Finance Company are family owned and controlled by Lloyd Engelsma. The officers and directors of Fountain Lakes will remain unchanged. The rates and charges for Fountain Lakes' customers will not be affected by this corporate reorganization, nor will Fountain Lakes'

DOCUMENT NUMBER-DATE

02070 MAR-28

FPSC-RECORDS/REPORTING

ORDER NO. PSC-94-0230-FOF-SU
DOCKET NO. 931223-SU
PAGE 2

management, operations, and customer service. Fountain Lakes' Sewer Certificate No. 442-S does not require any amendments because there will be no changes.

This Commission has acknowledged corporate reorganizations similar to Fountain Lakes'. For example, we acknowledged corporate transfers in Order No. 22740 (Martin Downs Utilities Inc.), Order No. 17900 (Seacoast Utilities, Inc.), and Order No. 16626 (DECCA Utilities Corporation). Therefore, based on the above facts, we hereby acknowledge this transfer.

Based on the foregoing, it is, therefore,

ORDERED by the Florida Public Service Commission that the transfer of ownership of Fountain Lakes Sewer Corporation from Kraus-Anderson Incorporated to Kraus-Anderson Development and Finance Company is hereby acknowledged. It is further

ORDERED that Docket No. 931223-SU is hereby closed.

By ORDER of the Florida Public Service Commission, this 2nd day of March, 1994.

STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

ELS

by: Kay Flynn
Chief, Bureau of Records

ORDER NO. PSC-94-0230-FOF-SU
DOCKET NO. 931223-SU
PAGE 3

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water or sewer utility by filing a notice of appeal with the Director, Division of Records and Reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Civil Procedure. The notice of appeal must be in the form specified in Rule 9.900 (a), Florida Rules of Appellate Procedure.