

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Joint application of GCP REIT III and Sun Communities Operating Limited Partnership for authority for transfer of majority organizational control of GCP Plantation Landings, LLC.

DOCKET NO. 150019-WS  
ORDER NO. PSC-15-0281-FOF-WS  
ISSUED: July 8, 2015

The following Commissioners participated in the disposition of this matter:

ART GRAHAM, Chairman  
LISA POLAK EDGAR  
RONALD A. BRISÉ  
JULIE I. BROWN  
JIMMY PATRONIS

ORDER APPROVING TRANSFER OF MAJORITY ORGANIZATIONAL CONTROL

BY THE COMMISSION:

Background

GCP Plantation Landings, LLC, (Plantation Landings) is a Class C water and wastewater Utility serving approximately 419 customers in Polk County. According to Plantation Landings' 2013 Annual Report, total gross revenues were \$123,192.

Prior to 1998, water and wastewater services had been provided to Plantation Landings Mobile Home Park since 1987 under the provisions of Chapter 723, Florida Statutes (F.S.), which governs mobile home park lot tenancies. In 1998, Plantation Landings applied for a grandfather certificate and obtained Certificate Nos. 606-W and 522-S from this Commission in 1999.<sup>1</sup> We established rate base for Plantation Landings by Order No PSC-08-0548-PAA-WS, issued August 19, 2008.<sup>2</sup> On March 11, 2013, we approved the transfer of Plantation Landings' water and wastewater systems and Certificate Nos. 606-W and 522-S to GCP Plantation Landings, LLC.<sup>3</sup>

On January 6, 2015, a joint application for authority for transfer of majority organizational control was filed by GCP REIT III and Sun Communities Operating Limited

<sup>1</sup> Order No. PSC-99-1227-PAA-WS, issued June 21, 1999, in Docket No. 981338-WS, In re: Application for grandfather certificate to operate water and wastewater utility in Polk County by Plantation Landings, Ltd.

<sup>2</sup> Order No. PSC-08-0548-PAA-WS, issued August 19, 2008, in Docket No. 070416-WS, In re: Application for staff-assisted rate case in Polk County by Plantation Landings, Ltd.

<sup>3</sup> Order No. PSC-13-0121-PAA-WS, issued March 11, 2013, in Docket No. 120219-WS, In re: Application for approval of transfer of Plantation Landings, Ltd. water and wastewater system and Certificate Nos. 606-W and 522-S in Polk County to GCP Plantation Landings, LLC.

Partnership. The application as filed did not have any deficiencies. We have jurisdiction in this case pursuant to Section 367.071, F.S.

This order is for the transfer of majority organizational control of GCP Plantation Landings, LLC, to Sun Communities Operating Limited Partnership. We find the application is in compliance with the governing statute, Section 367.071, F.S., and Rule 25-30.037(3), Florida Administrative Code (F.A.C.), concerning applications for transfer of majority organizational control.

#### Noticing, Territory, and Ownership

The applicant provided proof of compliance with the noticing provisions set forth in Section 367.071, F.S., and Rule 25-30.030, F.A.C. No objections to the transfer were filed with this Commission, and the time for doing so has expired. The notice contains a description of the territory for Plantation Landings, which is appended to this order as Attachment A. The application does not involve transfer of the facilities and Plantation Landings will continue to lease the land where the water and wastewater treatment plants are currently located. The evidence of the lease has previously been provided to this Commission.<sup>4</sup>

#### Technical and Financial Ability

Pursuant to Rule 25-30.037(3)(f), F.A.C., the application contains statements describing the technical and financial ability of the applicant to provide service to the proposed service area. We have reviewed the consolidated balance sheet of Sun Communities, Inc., (parent company of Sun Communities OLP) and the attestation in the transfer application asserting that Sun Communities, Inc. has the financial ability required to fund future capital expenditures on an “as needed” basis.<sup>5</sup> We find the documents show that Sun Communities OLP has the financial capability to operate the water and wastewater systems. According to the application, there will be no immediate change in the day-to-day operational management of the systems. Sun Communities OLP is currently engaged in water and wastewater utility service operations in Florida through its ownership of the Saddle Oak Club system in Marion County, Buttonwood Bay in Highlands County, and Water Oak in Lake County which are regulated by this Commission. In addition, Sun Communities, Inc. also operates approximately seven systems that are either unregulated, or regulated by county governments. We find that the water and wastewater systems appear to be in satisfactory condition and are in compliance with Florida Department of Environmental Protection. Based on the above, we find that Plantation Landings and Sun Communities OLP have demonstrated the technical and financial ability to provide service to the existing service territory

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<sup>4</sup> Order No. PSC-13-0121-PAA-WS, issued March 11, 2013, in Docket No. 120219-WS, In re: Application for approval of transfer of Plantation Landings, Ltd. water and wastewater system and Certificate Nos. 606-W and 522-S in Polk County to GCP Plantation Landings, LLC.

<sup>5</sup> Document No. 00112-15, in Docket No. 150019-WS.

Rates and Charges

The Utility's rates were last approved in a staff-assisted rate case in 2008.<sup>6</sup> The rates were subsequently reduced to reflect the four-year rate reduction required by Section 367.0816, F.S., in 2013. The Utility does not have customer deposits, miscellaneous service or service availability charges. The Utility's existing rates are shown on Schedule No. 1. Rule 25-9.044(1), F.A.C., provides that, in the case of a change of ownership or control of a utility, the rates, classifications, and regulations of the former owner must continue unless authorized to change by this Commission. Therefore, we find that the Utility's existing rates and charges shall remain in effect until a change is authorized by this Commission in a subsequent proceeding.

Conclusion

Based on the above, we find that the transfer of majority organizational control to Sun Communities Operating Limited Partnership is in the public interest and is hereby approved effective the date of this Commission's vote, June 18, 2015. This order will serve as the water and wastewater certificates, with the territory described in Attachment A. The existing rates and charges shall remain in effect until a change is authorized by this Commission in a subsequent proceeding. The tariffs reflecting the transfer shall be effective for services rendered or connections made on or after the stamped approval date on the tariffs, pursuant to Rule 25-30.475, F.A.C.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the application for transfer of majority organizational control of GCP Plantation Landings, LLC to Sun Communities Operating Limited Partnership is hereby approved effective June 18, 2015. It is further

ORDERED that GCP Plantation Landings, LLC shall continue to charge its current rates and charges until authorized to change by this Commission. It is further

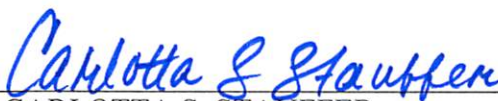
ORDERED that Attachment A and Schedule No. 1, attached to this Order, are incorporated herein by reference. It is further

ORDERED that this docket shall be closed.

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<sup>6</sup> Order No. PSC-08-0548-PAA-WS, issued August 19, 2008, in Docket No. 070416-WS, In re: Application for staff-assisted rate case in Polk County by Plantation Landings, Ltd.

By ORDER of the Florida Public Service Commission this 8th day of July, 2015.



CARLOTTA S. STAUFFER

Commission Clerk

Florida Public Service Commission

2540 Shumard Oak Boulevard

Tallahassee, Florida 32399

(850) 413-6770

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Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

JEV

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), 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 Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, 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 and/or wastewater utility by filing a notice of appeal with the Office of Commission Clerk, 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 Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.

**GCP Plantation Landings, LLC**

**Polk County**

**Description of Water and Wastewater Territory**

In Part of Section 25, Township 27 South, Range 26 East, and Section 31, Township 27 South, Range 27 East, Polk County, Florida described as follows:

Section 25, Township 27 South, Range 26 East

Commence at the Southwest corner of the Southeast 1/4 of the Southwest 1/4 of the Northeast 1/4, thence run North 89°50'54" East a distance of 366.37 feet to the Point of Beginning; thence run North 00°07'52" West a distance of 70.32 feet; thence run South 79°37'37" East along the southerly boundary line of U.S. 17-92 (State Road 600) to the intersection of said line with the North boundary line of said South 1/2 of Section 25; thence run South 89°50'54" West to the Point of Beginning; and

That part of the East 3/4 of the South 1/2 of Section 25, Township 27 South, Range 26 East which lies south of U.S. 17-92 (State Road 600) LESS AND EXCEPT the following tracts of land:

- A. The North 208.71 feet of the Easterly 869.6 feet of the Northeast 1/4 of the Southwest 1/4 of Section 25.
- B. That certain parcel of land described as follows: commence at the center of Section 25, Township 27 South, Range 26 East; thence run South 00°12'09" East along the quarter line a distance of 138.44 feet; thence run South 79°38'00" East a distance of 674.55 feet; thence run North 00°10'00" West a distance of 261.60 feet; thence run westerly along the North boundary line of the S 1/2 of said Section 25 to the Point of Beginning.
- C. The East 1/4 of the Northeast 1/4 of the Southeast 1/4 and West 1/2 of the Northeast 1/4 of the Northeast 1/4 of the Southeast 1/4 of said Section 25.
- D. The South 600 feet of the North 612.93 feet of the West 200 feet of the East 240 feet of the Southeast 1/4 of the Southeast 1/4 of Section 25.

Section 31, Township 27 South, Range 27 East Plantation Landings (percolation pond)

Commence at the Northwest corner of Section 31, Township 27 South, Range 27 East, Polk County, Florida run South 00°00'54" West, along the West boundary of said Section 31, a distance of 30.0 feet to the Point of Beginning; thence run North 89°38'18" East a distance of 558.0 feet; thence run South 00°16'22" West, a distance of 37.81 feet; thence run South 86°35'00" East, a distance of 688.0 feet; thence run South 03°00'00" East, a distance of 295.0 feet; thence run North 83°07'00" West, a distance of 925.0 feet; thence run North 04°25'00" East, a distance of 237.0 feet; thence run South 89°38'18" West, a distance of 360.0 feet to a point in the West boundary of said Section 31; thence run North 00°03'54" East, a distance of 25.0 feet to the Point of Beginning. LESS AND EXCEPT the West 25.0 feet, thereof, for road Right-of-Way of Dyson Road.

**FLORIDA PUBLIC SERVICE COMMISSION**

**Authorizes**

**GCP Plantation Landings, LLC**

**pursuant to**

**Certificate Number 606-W**

to provide water service in Polk County in accordance with the provisions of Chapter 367, Florida Statutes, and the Rules, Regulations, and Orders of this Commission in the territory described by the Orders of this Commission. This authorization shall remain in force and effect until superseded, suspended, cancelled or revoked by Order of this Commission.

<u>Order Number</u>	<u>Date Issued</u>	<u>Docket Number</u>	<u>Filing Type</u>
PSC-99-1227-PAA-WS	06/21/99	981338-WS	Grandfather Certificate
PSC-13-0121-PAA-WS	03/11/13	120219-WS	Transfer of Certificate
PSC-15-0281-FOF-WS	07/08/15	150019-WS	Transfer of Majority Organizational Control

**FLORIDA PUBLIC SERVICE COMMISSION**

**Authorizes**

**GCP Plantation Landings, LLC**

**pursuant to**

**Certificate Number 522-S**

to provide wastewater service in Polk County in accordance with the provisions of Chapter 367, Florida Statutes, and the Rules, Regulations, and Orders of this Commission in the territory described by the Orders of this Commission. This authorization shall remain in force and effect until superseded, suspended, cancelled or revoked by Order of this Commission.

<u>Order Number</u>	<u>Date Issued</u>	<u>Docket Number</u>	<u>Filing Type</u>
PSC-99-1227-PAA-WS	06/21/99	981338-WS	Grandfather Certificate
PSC-13-0121-PAA-WS	03/11/13	120219-WS	Transfer of Certificate
PSC-15-0281-FOF-WS	07/08/15	150019-WS	Transfer of Majority Organizational Control

**GCP Plantation Landings, LLC  
Monthly Water Rates**

**Residential and General Service**

Base Facility Charge by Meter Size	
5/8" x 3/4"	\$4.71
3/4"	\$7.07
1"	\$11.78
1 1/2"	\$23.55
2"	\$37.68
3"	\$75.37
4"	\$117.76
6"	\$235.52
Charge Per 1,000 gallons	\$1.62

**Monthly Wastewater Rates**

**Residential Service**

Base Facility Charge – All Meter Sizes	\$9.41
Charge Per 1,000 gallons 6,000 gallon cap	\$2.67

**General Service**

Base Facility Charge by Meter Size	
5/8" x 3/4"	\$9.41
3/4"	\$14.11
1"	\$23.52
1 1/2"	\$47.05
2"	\$75.27
3"	\$150.55
4"	\$235.23
6"	\$470.47
Charge Per 1,000 gallons	\$3.22