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DIVISION OF WATER & SEWER
CHARLES H. HILL,
DIRECTOR
(904) 488-8482

Public Service Commission

March 4, 1991

**ORIGINAL
FILE COPY**

Mr. Philip Woods
1705 S.E. Fort King Street
Ocala, Florida 32671

Re: Docket No. 910119-WU - Application for the Transfer of Certificate No. 425-W from Marico Properties to A. P. Utilities, Inc.

Dear Mr. Woods:

This is to advise you of deficiencies within your application as well as additional information which will be needed in order to process your application.

Deficiencies

- 1) Rule 25-30.037(g) (1&2). Based upon a review of Exhibits D and H, we cannot determine the purchase price of the Marico System. Advise if Exhibit H represents the full purchase price and if and how Exhibit D relates to the Marico System. Neither Exhibit D nor H contain a list of assets purchased.
- 2) Rule 25-30.037(j). You must provide a showing of your financial ability to provide service and a statement that you will fulfill the commitments, obligations and representations of the prior owner. Additionally, provide more detail regarding your duties in regard to your prior utility experience.
- 3) Rule 25-30.037(k). You must provide a list of all entities which will provide funding to the utility as well as their financial statements and copies of any financial arrangements. This would include your personal financial statement.
- 4) Rule 25-30.037(l). You must provide the net book value of the Marico System as of the date of transfer. You will need to update the rate base established in Order No. 13292.

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- 5) Rule 25-30.037(o). You must provide evidence that the utility owns the land upon which the Marico treatment facilities are located or a copy of an agreement which provides for its long term use.
- 6) Rule 25-30.037(q). You must provide the original and two copies of sample tariff sheets reflecting the change in ownership.
- 7) Rule 25-30.037(r). You must file Marico's Certificate No. 425-W. If the certificate is not available, explain what steps you took to obtain it.
- 8) Section 367.045(e), Florida Statutes - You must provide a notarized affidavit that noticing has been completed. Your Exhibits A and B are not proper affidavits. Additionally, you have not provided proof of newspaper noticing.

Regarding Exhibit A, you will need to renounce under Section 367.071, Florida Statutes. Your affidavit and notice both cite the wrong statute. Additionally, the notice must be dated and you must file a copy of the list you used to notice as well as copies of the return receipts. I have enclosed an updated four-mile list. You will also need to renounce the individual customers of the Marico System. Your notice in Exhibit B, relates to the majority organizational control of A.P. Utilities and does not advise customers of the transfer of Marico to A. P. Utilities. This notice must also be dated.

Exhibit H makes reference to the fact that you have accepted a lease between Michael Blake and the Marico Properties. Please provide a copy of this lease.

Section 367.071(1), Florida Statutes prohibits transfers of utility's without prior approval of this Commission. Please advise why your purchase was concluded without Commission approval.

If I can provide any clarification or assistance please contact me.

Sincerely,

Ralph Von Fossen
Ralph Von Fossen
Economic Analyst

cc: Division of Legal Services (A. Crosby)
Division of Records and Reporting
Charles Hill