

State of Florida



Public Service Commission

-M-E-M-O-R-A-N-D-U-M-

DATE: May 1, 1998
TO: Division of Records and Reporting
FROM: Division of Water and Wastewater (Walker) *Ndee*
RE: Docket No. 971185-WS: Application for grandfather certificates to provide water and wastewater service in Polk County By New River Ranch, LC d/b/a River Ranch

By letter date April 27, 1998, New River Ranch, L.C., filed its response to the deficiency letter of November 6, 1997. Please place this information in the Commission's docket file for this proceeding.

cc: Division of Legal Services (Ottinot)
Division of Water and Wastewater (Redemann)

- ACK _____
- AFA _____
- APP _____
- CAF _____
- CMU _____
- CTR _____
- EAG _____
- LEG _____
- LIN _____
- OPC _____
- RCH _____
- SEC 1
- WAS _____
- OTH _____

DOCUMENT NUMBER-DATE
04960 MAY-1 98
 FPSC-RECORDS/REPORTING

New River Ranch, L.C.

P.O. Box 30030
River Ranch, FL 33867

Phone 941-692-1321
Fax 941-692-9135

April 27, 1998

Norvell D. Walker
Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399

RECEIVED
APR 30 1998
Florida Public Service Commission
Division of Water and Wastewater

Dear Mr. Walker,

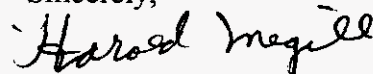
In response to your letter and our telephone conversation, I am enclosing a copy of the Regulations of New River Ranch, L.C. Section 5.1.7 "General Manager's Powers" states that the General Manager "shall have the full power to execute any and all documents which may be necessary to carry on the business of the Company." At the time of the filing, Robert Margolis was the General Manager of New River Ranch, L.C. Since we are a limited liability company with no officers, the General Manager is actually the only person with the authority to sign any documents for the company.

You also asked about the history of River Ranch. River Ranch was bought at a foreclosure sale in approximately 1981. It was then sold to Outdoor Resorts in 1988, who further developed the property. In July 1993, Outdoor Resorts put the property into bankruptcy, although they continued to operate the property. They were released from bankruptcy in August 1996, and in November 1996, they sold the property to All Seasons. All Seasons put the property back into bankruptcy in April 1997. They were released from bankruptcy in January 1997, at which time New River Ranch, L.C. was the successful bidder at the foreclosure sale. Unfortunately, no records were left behind as to the rates that were charged. We did however, get copies of bills from some of the customers, and we continued to use the same billing amounts that had been used for the past several years.

The certified title that we sent to you should be all that is required to prove ownership. There is no warranty deed available because New River Ranch, L.C. owns the land free and clear with no mortgages or liens placed on it.

I believe that this answers all of your questions, but if there is anything else that I can help you with, please feel free to contact me.

Sincerely,



Harold Megill
General Manager

5.1.2. Binding Effect of Decisions. All powers of the Company shall be exercised by or under the authority of the Management Committee. Decisions of the Management Committee within its scope of authority shall be binding upon the Company and each Member.

5.1.3. Meetings of the Management Committee. Meetings of the Management Committee shall be held at the principal place of business of the Company or at any other place that a majority of the members of the Management Committee determine. In the alternative, meetings may be held by conference telephone, provided that each member of the Management Committee can hear the others. The presence of a majority of the Members of the Management Committee shall constitute a quorum for the transaction of business. Meetings shall be held in accordance with a schedule established by the Management Committee from time to time. In addition, any member of the Management Committee may convene a meeting at the Principal Office of the Company, upon at least three (3) business days' prior written notice to the other members. The Management Committee also may make decisions, without holding a meeting, by written consent of a majority of the members of the Management Committee. Minutes of each meeting and a record of each decision shall be kept by the designee of the Management Committee and shall be given to the Members promptly after the meeting.

5.1.4. Management Committee Decisions. Decisions of the Management Committee shall require the approval of at least a majority of its members.

5.1.5. Compensation. Except as otherwise agreed by the Members, the members of the Management Committee shall serve without compensation from the Company.

5.1.6. General Manager. The Management Committee shall, as soon as practicable, appoint an individual as manager (the manager, or any successor thereto, being hereinafter collectively referred to as the "General Manager") personally to supervise the day-to-day operations of the Company. The General Manager shall be subject to the general supervision and control of the Management Committee and shall carry out the policy decisions made by the members of the Management Committee. At each regular meeting of the Management Committee (and, when requested by any member thereof, at any special meeting of the Management Committee), the General Manager shall be present and shall report to the Management Committee on the operations of the Company or any other matters as any member of the Management Committee may request.

5.1.7. General Manager's Powers. At the direction of the Management Committee, the General Manager shall have the full power to execute, for and on behalf of the Company, any and all documents and instruments which may be necessary to carry on the business of the Company, including, without limitation, any and all deeds, contracts, leases, mortgages, deeds of trust, promissory notes, security agreements, and financing statements pertaining to the Company's assets or obligations. The General Manager shall have the authority to include in those documents a clause authorizing the confession of judgment against the Company. No person dealing with the General Manager need inquire into the validity or propriety of any document or instrument executed in the name of the Company by the General Manager, or as to the authority of the General Manager in executing the same.

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APR 30 1998

Florida Public Service Commission
Division of Water and Wastewater

Facsimile To: Mr. Harold Megill

From: Southern Cross Engineering, Inc.

Re: PSC Questions

Date: 04-24-98

Comments: Please enter the names of all company owners and fax them back to our office. In addition, please look for package in the mail with the SARC information for your use.

- 1) Don Lykins
- 2) Robert Nargolis
- 3) Don Wilson
- 4) Harold Megill
- 5) Janet Tardif
- 6) Earl Hartley
- 7) Vernon Jones
- 8) Charles Pickelsimer
- 9) Howard Dennis

April 22, 1998

Public Service Commission
Capital Circle Office Center
2640 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

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APR 30 1998

Attn: N.D. Walker, Accounting Analyst

Florida Public Service Commission
Division of Water and WastewaterRe: New River Ranch, LLC
Application for Grandfather Certificate

Mr. Walker:

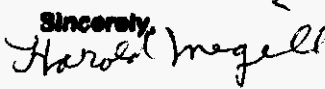
This letter is in response to your query concerning the above-referenced utility. New River Ranch is a Limited Liability Company. This type of entity has no board of directors or corporate officers. Any of the joint owners may execute a legal document on behalf of the company. I have listed below each of the joint owners of New River Ranch, LLC. They are as follows:

- | | |
|------------------------|-------------------------------|
| 1. <u>Don Lykins</u> | 2. <u>Robert Margolis</u> |
| 3. <u>Don Wilson</u> | 4. <u>Harold Megill</u> |
| 5. <u>Janet Tardif</u> | 6. <u>Earl Hartley</u> |
| 7. <u>Vernon Jones</u> | 8. <u>Charles Pickelsimer</u> |
| 9. Howard Dennis | |

In regard to your second question concerning proof of ownership; The Certificate of Title is valid proof of ownership and is an instrument through which property may be conveyed in lieu of a Warranty Deed. This certificate was issued by the Circuit Court of the Tenth Judicial Circuit in and for Polk County, Florida.

To answer the third question, Mr. Margolis was and is an owner of New River Ranch, LLC, therefore he may still issue documents on behalf of the company.

I hope this answers your questions concerning our application. If you require additional information, please call me at 941 692 1321. Your attention to this matter is greatly appreciated.

Sincerely,

Harold Megill,
New River Ranch, LLC

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