

STATE OF FLORIDA

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DIVISION OF WATER & WASTEWATER
CHARLES H. HILL
DIRECTOR
(850) 413-6900

Public Service Commission

October 30, 1998

Mr. Alan W. Potter, Jr.
Ortega Utility Company
905 North Street
Jacksonville, FL 32211

Re: Docket No. 981241-WS, Application for transfer of Ortega Utility Company for transfer of facilities in Duval County to Jacksonville Electric Authority, and cancellation of Certificates Nos. 223-W and 167-S.

Dear Mr. Potter:

Your application for transfer of Ortega Utility Company's (Ortega's) facilities to Jacksonville Electric Authority and cancellation Ortega's certificates was received by the Commission on September 30, 1998 and assigned the above referenced docket number and name. Staff has preliminarily reviewed the application and requests a response to the following two items. Please file an original and four copies of your response with the Director, Division of Records and Reporting on or before November 30, 1998.

- Date of Closing: According to Part II(E) of the application, the date upon which the buyer took official action to acquire the utility was July 24, 1998. From further discussions with staff, it appears this date was given in error and that the transfer actually occurred on August 11, 1998. Please provide a modification to the application to verify the actual date of closing.
- Reason for Closing Prior to Commission Action: Section 367.071(1), Florida Statutes, states that no utility shall sell, assign, or transfer its certificate(s) of authorization or facilities without the determination and approval of the Commission. As a consequence, staff will need an explanation why the transfer occurred prior to the Commission taking action. Please provide such explanation.

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Mr. Alan W. Potter, Jr.

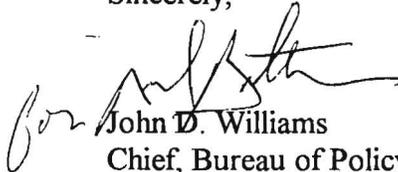
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For your information, Ortega may owe penalties and interest from an incorrect remittance of 1991 regulatory assessment fees. If so, you will receive a separate letter of explanation. If you do not wish to wait, you may contact Ms. JoAnn Chase at (850) 413-7003 to discuss this matter.

Meanwhile, if you have any other questions regarding the information requested above, please contact Ms. Patricia Brady at (850) 413-6686.

Sincerely,

A handwritten signature in black ink, appearing to read "John D. Williams", is written over the typed name.

John D. Williams
Chief, Bureau of Policy Development
and Industry Structure

JDW:pb

cc: Division of Water and Wastewater (Hill, Lowe, Chase, Messer, Brady)
Division of Legal Services (Ferguson)
Division of Records and Reporting