

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for transfer of majority organizational control of Morningside Utility, Inc., holder of Certificate No. 595-W in Osceola County, from George DeVillers to Gary K. Turner and name change to Morningside Utilities, Inc.

DOCKET NO. 990248-WU
ORDER NO. PSC-99-1196-FOF-WU
ISSUED: June 11, 1999

ORDER APPROVING NAME CHANGE

BY THE COMMISSION:

On March 3, 1999, Morningside Utility, Inc. filed an application for transfer of majority organizational control of Morningside Utility, Inc. (Morningside or utility), in Osceola County, from George DeVillers to Gary K. Turner. Upon review of the application, a number of the documents, including the notice, warranty deed, and proposed tariffs, were found to have the name Morningside Utilities, Inc. The discrepancy was due to the transferor's mistaken belief that it had incorporated the utility under the name Morningside Utilities, Inc. We discussed the matter with the utility, and on May 7, 1999, the utility filed the documentation necessary to request a name change on Certificate No. 595-W from Morningside Utility, Inc. to Morningside Utilities, Inc., a Florida Corporation, 1106 Monroe Avenue, St. Cloud, Florida, 34679.

Rule 25-30.039(e), Florida Administrative Code, requires that a corporation submit a certificate or other document issued by the state showing its acceptance of the entity's new name and that an officer of the entity provide a statement that the ownership and control of the utility and its assets will not change under the proposed name. The utility provided a copy of the certificate issued by the Department of State, Division of Corporations, showing its acceptance of the utility's new name. The effective date of the name change with the Department of State was April 23, 1999. The utility's request to change its name is a decision by the transferor to correct the utility's recorded name so that documents filed in this docket and in Docket No. 9890247-WU, a pending amendment docket, are correct and in compliance with the

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requirements of Commission rules and Florida Statutes. No change in ownership or control will result from the name change.

In this docket as well as in the pending amendment docket, the utility provided notice and submitted a conforming tariff under the proposed name of Morningside Utilities, Inc. We find this to be in accordance with Commission rules. The rates and charges will not be affected by the name change or the tariff revisions reflecting the new name.

We therefore find that the utility's request for a name change is in compliance with the provisions of Rule 25-30.039, Florida Administrative Code. Accordingly, we find it appropriate to approve the utility's request to change its name to Morningside Utilities, Inc. on Certificate No. 595-W. The certificate has been returned to the Commission as part of the pending amendment docket. The revised water tariff reflecting the name change shall be approved as part of the utility's application for transfer of majority organizational control. This docket shall remain open pending a decision on whether to approve the transfer of majority organizational control.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the request by Morningside Utility, Inc. to change its name to Morningside Utilities, Inc., 1106 Monroe Avenue, St. Cloud, Florida 34679, is hereby approved. It is further

ORDERED that Certificate No. 595-W, held by Morningside Utility, Inc., is hereby amended to reflect its new name, Morningside Utilities, Inc. It is further

ORDERED that the utility's water tariff reflecting the name change shall be approved as part of the utility's application for transfer of majority organizational control. It is further

ORDERED that this docket shall remain open pending a decision on whether to approve the transfer of majority organizational control.

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By ORDER of the Florida Public Service Commission this 11th
day of June, 1999.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

By: Kay Flynn
Kay Flynn, Chief
Bureau of Records

(S E A L)

SAC

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 Director, Division of Records and Reporting, 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 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 Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.

FLORIDA PUBLIC SERVICE COMMISSION - RECORDS AND REPORTING

Requisition for Photocopying and Mailing

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Item Presented _____
Agenda For (Date) _____ Order No. 79-1196 In Docket No. 990248
Notice of _____ For (Date) _____ In Docket No. _____
Other _____

Special Handling Instructions _____

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Number	Distributed/Mailed To	Number	Distribution/Mailed To
<u>19</u>	<u>Commission Offices</u>	---	_____
<u>(11)</u>	<u>Docket Mailing List - Mailed</u>	_____	_____
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June 10, 1999

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RECORDS AND
REPORTING

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (CROSSMAN) *gc*

RE: DOCKET NO. 990248-WU - APPLICATION FOR TRANSFER OF
MAJORITY ORGANIZATIONAL CONTROL OF MORNINGSIDE UTILITY,
INC., HOLDER OF CERTIFICATE NO. 595-W IN OSCEOLA COUNTY,
FROM GEORGE DEVILLERS TO GARY K. TURNER AND NAME CHANGE
TO MORNINGSIDE UTILITIES, INC.

99-1196-FOF

Attached is an Order Approving Name Change to be issued in the
above-referenced docket.

(Number of pages in order - 3)

SAC/lw

Attachment

cc: Division of Legal Services (~~Crossman~~, Crosby)
Division of Water and Wastewater (Brady)

I:990248OR.SAC

See 1, 2

*paged
attached - 11/0*