



Public Service Commission

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

DATE: September 3, 1999
TO: Tyler VanLeuvan, Division of Legal Services
Division of Records and Reporting
FROM: Stephanie Clapp, Division of Water and Wastewater
RE: Docket No. 990972-WS: Application for name change on Certificate Nos. 353-W and 309-S in Lee County from MHC Systems, Inc. to MHC Systems, Inc. d/b/a FFEC-Six.

MHC Systems, Inc. (MHC or utility), is a Class B utility located in Lee County. MHC was granted Certificate Nos. 353-W and 309-S by Order No. PSC-95-1271-FOF-WS issued on October 17, 1995, in Docket No. 950193-WS. The utility serves approximately 1825 residential and 22 commercial customers. According to the most recent information available, MHC's 1998 annual report filed with this Commission, the utility had annual operating revenues of \$848,177 and a net income of \$192,219.

The water and wastewater certificates were originally issued pursuant to Order No. 10833, on June 3, 1982, in Docket No. 800733-WS in the name of FFEC-Six, Inc. By Order No. 24240, issued March 14, 1991, in Docket No. 910180-WS, the Commission acknowledged a restructuring and name change to FFEC-Six, Ltd. The application for transfer of facilities and certificates to MHC Systems, Inc. was approved by Order No. PSC-95-1271-FOF-WS, issued October 17, 1995, in Docket No. 950193-WS.

On July 27, 1999, MHC filed an application with this Commission for acknowledgment of a change in the name to MHC Systems, Inc. d/b/a FFEC-Six. The application shows that there is no change in the ownership or control of the utility or its assets.

The complete name, address and type of business of the certificated utility is MHC Systems, Inc. d/b/a FFEC-Six, c/o Manufactured Home Communities, Inc., Two North Riverside Plaza, Suite 800, Chicago, Illinois 60606, an Illinois corporation. The corporation is registered with the Secretary of State as a foreign corporation authorized to conduct business in the state of Florida. The reason given for the change was that "d/b/a FFEC-Six" was inadvertently not requested when the application for transfer was submitted in Docket No. 950913-WS. MHC states that the name FFEC-Six has been and continues to be the name the customers have known the utility as since about 1981. A copy of the certificate issued by the Secretary of State showing the registration of the fictitious name was filed with the application.

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In 1998 MHC submitted new water and wastewater tariffs as a result of the transfer. The tariffs were submitted in the name of MHC Systems, Inc. d/b/a FFEC-Six. Since the name difference was not noticed on the tariffs when they were approved, no new tariffs are required at this time. The original water and wastewater certificates have not been filed with the Commission, as it appears that new certificates were not issued following the transfer.

Upon closer examination, it was determined that the goal of the submittal was the correction of the name instead of a change. The requested name correction is solely for the purposes of issuance of the certificates with the d/b/a FFEC-Six and to correct the Commission records.

Section 2.07(C)(3), Administrative Procedures Manual, grants the Director of the Division of Records and Reporting, in coordination with the appropriate industry division and the Division of Legal Services, the authority to approve changes of names of regulated utilities where no change of ownership or control or transfer of assets is involved. As stated in the application, the ownership, control and assets of the utility will not change under the name correction.

Staff recommends that an administrative order be issued approving the correction of name for Certificate Nos. 353-W and 309-S to MHC Systems, Inc. d/b/a FFEC-Six. Also, staff recommends that this docket be closed.