

Ms. Sandra Seyffart
January 21, 2000
Members:
JOE GARCIA, CHAIRMAN
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STATE OF FLORIDA



DIVISION OF RECORDS & REPORTING
BLANCA S. BAYÓ
DIRECTOR
(850) 413-6770

Public Service Commission

January 25, 2000

Ms. Sandra Seyffart
c/o CWS Communities LP d/b/a Palm Valley
3700 Palm Valley Circle
Oviedo, Florida 32765

Re: Docket No. 991984-WS, Application for Transfer of Certificate No. 277-W & 223-S in Seminole County from Alafaya Palm Valley Assoc., Ltd. to CWS Communities LP D/B/A Palm Valley

Dear Ms. Seyffart:

After reviewing the application in the above referenced docket, the staff has identified the following deficiencies. Please correct and provide additional information as requested. The requested documentation may disclose relevant information regarding the type of filing, the cost of this acquisition and how this matter affects the public interest.

1. As required by Rule 25-30.037(2)(a), Florida Administrative Code (F.A.C.), provide the complete name and address of the seller as it appears on the certificates. Your application has a different name than the name on the certificates. Did CWS Communities LP d/b/a Palm Valley undergo a reorganization, or did it merge with Alafaya Palm Valley Associates, Ltd.? Staff noted on your proposed tariffs the name of the company is CWS Communities LP. Are you changing the name of the utility to Palm Valley or CWS Communities LP d/b/a Palm Valley? Please provide the correct name on all documentation.

2. As required by Rule 25-30.037(2)(g), F.A.C., provide a copy of the contract for sale and statement describing the financing of the purchase. The contract should include the purchase price; the terms of payment; a list of the dollar amount of the assets purchased and liabilities assumed or not assumed; and all other pertinent information as required. In your application the request for a statement describing the financing of the purchase was addressed as not applicable with the acronym "N/A". Please provide an explanation as to why this would be not applicable.

3. As required by Rule 25-30.030(2), F.A.C., the notice should include a complete legal description of the territory being requested in the application. The description of the territory must reference townships, ranges, land sections and the appropriate county; and should be noticed in one of the formats as required. Enclosed is a sample of the required notice format. Because the territory description data was omitted from the notice, it must be reissued with the territory description as

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PSC RECORDS/REPORTING

Ms. Sandra Seyffart

January 21, 2000

Page Two

required. The renote must be published in a newspaper of general circulation in the territory as required. A copy of the proof of publication should accompany the affidavit. The accompanying affidavit should be from the publishing newspaper. Please resubmit all required affidavits, once you have completed your renoticing.

4. Based on your response in the application to item D, is it correct that all regulatory assessment fees for 1999 and 2000 will be paid by the seller or will the fees be prorated between the buyer and seller? Please clarify.

5. Please provide a statement indicating how the transfer is in the public interest.

6. Based on your response in the application to item G, you have referenced exhibits A & H. The information in Exhibits A and H is unclear and insufficient. Therefore, please provide the proposed net book value of the system as of the date of the proposed transfer. If rate base (or net book value) has been established previously by this Commission, state the Order No. and issuance date of the Order. Identify all adjustments made to update this rate base to the date of the proposed transfer such as plant additions or deletions, or other capital expenditures.

7. If the buyer is relying on other entities to provide funding, please complete item F in the application.

8. If this transfer/sale has already occurred, please provide the closing date of the transfer/sale. Please provide an explanation as to why it was necessary to close on the sale before receiving Commission's approval. Was the contract for transfer/sale contingent upon commission approval?

9. Pursuant to Rule 25-30.37(2)(s), F.A.C., an original and two copies of the tariff sheets reflecting the change in ownership are to be submitted. Please submit new tariffs, with the same information as the existing tariffs with the exceptions of the name of the utility and the name and title of the issuing officer. Based upon information provided in your application, the name of the utility is CWS Communities LP d/b/a Palm Valley, which is the name that should be on your tariff sheets.

Please file an original and five copies of the requested information no later than March 30, 2000 with the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Fl 32399. If you have any questions please call Ms. Cheryl Johnson at (850) 413-6984, Mr. Tyler VanLeuven at (850) 413-6185 or Mr. Richard Redemann at (850) 413-6999.

Sincerely,



John D. Williams, Chief

Bureau of Policy and Industry Structure

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cc: Division of Legal Services (VanLeuven)

Division of Water and Wastewater (Hoppe, Johnson, Redemann, Lowe)

Division of Records and Reporting (Bayo)