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TIMOTHY DEVLIN, DIRECTOR  
DIVISION OF ECONOMIC REGULATION  
(850)413-6900

Public Service Commission

September 23, 2002

Mr. Arthur A. Rogow  
Colony Park Utilities, Inc.  
8116 Hibiscus Circle  
Tamarac, Florida 33321

Re: Docket No. 020930-SU Application for Transfer of Majority Organizational Control of Colony Park Utilities, Inc., holder of Certificate No. 137-S in Brevard County, from Lenore Warren to Eileen Rogow

Dear Mr. Rogow:

The above referenced application has been received and reviewed by staff. This letter is a follow up to the review and subsequent telephone call to you concerning deficiencies which need to be cured and additional clarifications or corrections necessary to process the application.

Deficiencies

1. Utility Owns Land. Pursuant to Rule 25-30.037(3)(i), F.A.C., the application is to contain evidence that the utility owns the land upon which the utility treatment facilities are located. Please provide a copy of a recorded warranty deed in the name of Colony Park Utilities, Inc. for the land on which the utility treatment facilities are located.
2. Tariff Sheets. Pursuant to Rule 25-30.037(2)(j), F.A.C., the application is to contain an original and two copies of sample tariff sheets reflecting the change in ownership. A few tariff sheets were provided with the application, but did not reflect a change in ownership. With the change in ownership it would appear that neither Howard nor Lenore Warren would be authorized to issue a tariff on behalf of the utility. Please provide the original and two copies of the whole tariff reflecting the name of the appropriate person authorized to issue the tariff for the wastewater utility. For your convenience, a copy of the model wastewater tariff on floppy disk is enclosed.
3. Current Certificate. Pursuant to Rule 25-30.037(3)(k), F.A.C., the application is to include the utility's current certificate. No certificate was returned with the application; however

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PSC-CORPORATION CLERK

Mr. Arthur A. Rogow  
Page 2  
September 23, 2002

a copy of the Department of Environmental Protection wastewater permit was enclosed. Please submit the current Public Service Commission Certificate No. 137-S or provide an explanation of the steps taken to obtain the certificate.

4. Transfer without prior Commission approval. Pursuant to Section 367.071, Florida Statutes, no transfer is to take place without prior Commission approval. This section allows for transfer prior to commission approval **if** the contract for sale, assignment, or transfer is made contingent upon commission approval. A review of the Contract for Sale and Purchase did not reveal such a contingency statement. Please provide an addendum to the Contract for Sale and Purchase containing the required contingency statement.

#### Additional Information

1. Provide a readable copy of contract. The copy of the Contract for Sale and Purchase of the stock of Colony Park Utilities, Inc., provided in the application for the transfer of majority organizational control is not legible. Please provide a more legible copy of the contract.
2. Purchase price. The Contract for Sale and Purchase provided in the application for the transfer of majority organizational control of the utility states that the buyer will receive a Purchase Money mortgage of \$125,000, but does not indicate the actual purchase price of the common stock in the utility. Please provide the actual purchase price of the common stock in the utility including any additional loans or downpayment.
3. Financial Statement. The financial statement for Arthur and Eileen Rogow dated June 30, 2002, appears to not include the \$1,025,000 loan for the stock purchase of Colony Park Mobile Home Village, or the \$125,000 loan for the stock purchase of Colony Park Utilities, Inc., which you incurred according to the February 28, 2002, closing statement. Please provide a corrected financial statement or provide information regarding payment of the two loans.
4. DEP Consent Order. According to the February 28, 2002, closing statement, the seller's closing costs included an escrow payment for DEP consent order. If the consent order pertains to the Colony Park Utilities, Inc., please provide information regarding the consent order.
5. Other Owned Water and/or Wastewater Utilities. The application stated that there were two other utilities owned by the buyer located in Auborndale and Hobe Sound. The Public Service Commission has jurisdiction within these two areas, but no information could be found regarding these two utilities without the actual utility name or certificate number. Therefore, please provide additional information as to whether these systems are exempt from Commission regulation.

The original and four copies of the response to the information requested in this letter should be filed with the Commission on or before **October 18, 2002**. When filing the response, please be

Mr. Arthur A. Rogow  
Page 3  
September 23, 2002

sure to refer to the docket number and to direct the response to:

Division of Commission Clerk and Administrative Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

Should you have any questions concerning the information in this letter, please contact Stephanie Clapp, of my staff, at 850-413-6997.

Sincerely,

A handwritten signature in black ink that reads "Patti Daniel". The signature is written in a cursive style with a large initial "P".

Patti Daniel,  
Supervisor of Certification

PD/sc

cc: Division of Economic Regulation (Clapp)  
Office of the General Counsel (Crosby)  
Division of Commission Clerk and Administrative Services

(I:\ColonyPark.wpd)