



Public Service Commission
-M-E-M-O-R-A-N-D-U-M-

DATE: September 26, 2002
TO: Office of the General Counsel (Crosby)
FROM: Division of Economic Regulation (Clapp) @ P.D. \$ 102 JBJ
RE: Docket No. 020552-WS: Application for name change on Certificates Nos. 524-W and 459-S in Pasco County from Mink Associates I, LLC d/b/a Timberwood Utilities to Mink Associates II, LLC d/b/a Timberwood Utilities

On June 21, 2002, Mink Associates I, LLC d/b/a Timberwood Utilities, filed an application to request approval of a name change. The complete name, address, and type of business entity of the certificated utility is Mink Associates I, LLC d/b/a Timberwood Utilities, 36323 Arbor Oaks Drive, Zephyrhills, Florida 33541, a Florida Limited Liability Company. The proposed name change and type of business on Certificates Nos. 524-W and 459-S is Mink Associates II, LLC d/b/a Timberwood Utilities, a Florida Limited Liability Company. The address will not change.

The application was filed pursuant to Rule 25-30.039, Florida Administrative Code, which provides for changes in name only, with no change in the ownership or control of the utility or its assets. The purpose of the name change is to correct an error made in the application for transfer in Docket No. 001513-WS. The utility was purchased at the same time the mobile home park it served was purchased. The purchase took place with the mobile home park being bought by Mink Associates I, LLC and Timberwood Utilities being bought by Mink Associates II, LLC. However, the application in Docket No. 001513-WS incorrectly stated that the buyer was Mink Associates I, LLC. The error was not noticed by the utility until after the certificates were issued and the tariffs were approved.

A statement was provided that assures that both before and after the name change, the utility is 100% owned by Mink Associates II, LLC, there is no change in ownership or majority organizational control and the assets remain with the utility. Regarding the organizational details of the Limited Liability Companies, all of the owners of Mink Associates I, LLC are the same owners of Mink Associates II, LLC. The warranty deed for the mobile home park property, includes the property for the utility. Pursuant to Rule 25-30.037(2)(q), Florida Administrative Code, Mink Associates I, LLC, has entered into a 99-year lease with Mink Associates II, LLC, so the utility has continued use of the land upon which it is located. The Utility's facilities were owned by Mink Associates II, LLC.

The application included a copy of the Florida Department of State, Division of Corporations information showing the fictitious name of Timberwood Utilities is owned by Mink Associates II, LLC. A copy of the proposed notice to be sent to the customers of the utility informing them of the change in utility name was included in the application, as well as an original and two copies of the proposed water and wastewater tariffs reflecting the name change. Staff has verified that the notice contains the appropriate information regarding the name change and there are no substantive changes in the tariffs other than the proposed name change. The name change will be effective upon issuance of the administrative order.

DOCUMENT NUMBER-DATE

10304 SEP 26 02

FPSC-COMMISSION CLERK

The applications states that no money is being paid by, to, or among any of the parties as part of this internal reorganization. The offices, management and all personnel of the Utility will remain unchanged. Further, there will be no change in the operations or level of service.

Section 2.07(C)(2) of the Administrative Procedures Manual grants the Director of the Division of the Commission Clerk and Administrative Services, in coordination with the appropriate industry division and the Office of the General Counsel, authority to approve change of names and corporate reorganizations of regulated utilities, where no change of ownership or control or transfer of assets is involved. Staff recommends that the request for name change is in compliance with the provisions of Rule 25-30.039, Florida Administrative Code, and that an administrative order be issued within 30 days approving the change of name on Certificates Nos. 524-W and 459-S to Mink Associates II, LLC d/b/a Timberwood Utilities. The utility should be required to send the approved notice to customers with the next regular billing. The tariff filing should be approved and effective for services rendered or connections made on or after the stamped approval date. Finally, upon issuance of the order, the docket should be closed.

cc: Division of Economic Regulation (Mailhot)
Division of the Commission Clerk and Administrative Services (Flynn)