

State of Florida



Public Service Commission

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

DATE: December 12, 2002
TO: Office of the General Counsel (Crosby)
FROM: Division of Economic Regulation (Johnson)
RE: Docket No. 020996-WU: Application for Name Change on Certificate No. 339-W in Lake County from Brendenwood Water System to Brendenwood Water System, Inc.

On September 27, 2002, Brendenwood Water System, (Brendenwood Water) filed an application to request approval of a name change. The complete name, address, and type of business entity of the certificated utility is Brendenwood Water System, 13600 Berkshire Court, Grand Island, Florida 32735, a sole proprietorship. The proposed name change and type of business on Certificate No. 339-W is Brendenwood Water System, Inc., a Florida Corporation. The address will not change.

The application was filed pursuant to Section 367.1214, Florida Statutes and 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 name change is necessary due to the organizational character of the utility changing from a sole proprietorship to a S-Corporation for liability and tax reasons, according to an authorized representative of Brendenwood Water System, Inc. The application included a signed statement that ownership and control of the utility and its assets will not change under the proposed name change. The utility is 100% owned by Mr. Paul E. Day, both before and after the name change. Therefore, there is no change in ownership or majority organizational control.

On September 1, 2002, the utility's organizational character and name were changed to Brendenwood Water System, Inc., an active corporation with the Florida Department of State, Division of Corporations. Mr. William F, Poole IV is the registered agent for Brendenwood Water System, Inc. A copy of the proposed notice to be sent to the customers of the utility informing them of the change in the utility name was included with the petition, as well as an original and two copies of the proposed water tariffs reflecting the name change. Staff has verified that there are no changes in the tariffs other than the proposed name change.

Section 2.07(C)(2) of the Administrative Procedure's 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 administratively approve change of names of regulated utilities, where no change of ownership or control or transfer of assets is involved. Staff recommends that the request for the name change is in compliance with the provisions of Section 367.1214, Florida Statutes and Rule 25-30.039, Florida Administrative Code. An administrative order should be issued within 30 days approving the change of the name on Certificate No. 339-W to Brendenwood Water System, Inc. The utility should be required to send

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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)