

State of Florida



Public Service Commission

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

DATE: September 29, 2003
TO: Office of the General Counsel (Crosby)
FROM: Division of Economic Regulation (Clapp) *Clapp* *DR* *CV* *1993*
RE: Docket No. 030749-SU: Application for name change on Certificate No. 298-S in Lee County from Chateau Communities, Inc., to Del Tura Phase I, LLC

On August 1, 2003, Chateau Communities, Inc. (Chateau or utility), filed an application to request approval of a name change. The complete name, address, and type of business entity of the certificated utility is Chateau Communities, Inc., 6160 South Syracuse Way, Greenwood Village, Colorado 80111, a Maryland corporation authorized to do business in Florida. The proposed name change and type of business on Certificate No. 298-S is Del Tura Phase I, LLC, a Florida limited liability company. The address will not change.

In Docket No. 950781-SU, the utility, originally known as North Trail Utilities, was purchased at the same time the development it served was purchased in 1994 when Chateau purchased the majority organizational control of Sun Coast Investment Group, Ltd. (Sun Coast). Chateau had intended to not change the utility name until it was discovered that the name was not recorded with the Department of State as a fictitious name. Therefore, Chateau decided to have the utility certificated in the name of the purchaser, Chateau Communities, Inc. However, the utility remained under the ownership and management of Sun Coast which, pursuant to the order issued in Docket No. 950781-SU, was under the majority ownership of Chateau.

The application in this docket 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 have the utility's name more reflective of the name of the development it serves. A statement was provided that assures there is no change in ownership or majority organizational control of the utility and the assets. Both before and after the name change the utility and assets remain under the control of Sun Coast. The applicant also stated that as part of a Chateau Communities, Inc. refinancing, Sun Coast reorganized and put the utility assets in the name of Del Tura Phase I, LLC (Del Tura), which Sun Coast continues to manage and control. A copy of the recorded warranty deed showing Del Tura owns the land upon which its facilities are located was provided with the application.

The application included a copy of the Florida Department of State, Division of Corporations information showing the limited liability company of Del Tura Phase I, LLC is managed by and its members are Sun Coast Investment Group, Ltd and Chateau Communities, Inc. 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 the proposed wastewater tariff reflecting the name

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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.

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 reorganization and 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 Certificate No. 298-S to Del Tura Phase I, LLC. 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 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)