



Case Assignment and Scheduling Record

Section 1 - Bureau of Records and Hearing ices Completes

Docket No. 011379-SU Date Docketed: 10/19/2001 Title: Application for transfer of Certificate No. 422-S in Gulf County from Gulf Aire Properties d/b/a Gulf Aire Wastewater Treatment Plant to ESAD Enterprises, Inc.  
 Company: ESAD Enterprises, Inc.  
 Gulf Aire Properties d/b/a Gulf Aire Wastewater Tr

Official Filing Date: \_\_\_\_\_  
 Last Day to Suspend: \_\_\_\_\_ Expiration: \_\_\_\_\_

Referred to: APP CAF CCA CMP ECR GCL LEG PAI (RGO) SER  
 ("(") indicates OPR) \_\_\_\_\_ X \_\_\_\_\_ X \_\_\_\_\_

Section 2 - OPR Completes and returns to CCA in 10 workdays. Time Schedule

Program/Module B1(c)

Staff Assignments

OPR Staff S Clapp, S Rieger

Staff Counsel L Harris

OCRs ( )

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Recommended assignments for hearing and/or deciding this case:

Full Commission X Commission Panel \_\_\_\_\_  
 Hearing Examiner \_\_\_\_\_ Staff \_\_\_\_\_

Date filed with CCA: 10/30/2001

Initials: OPR \_\_\_\_\_  
 Staff Counsel \_\_\_\_\_

**WARNING: THIS SCHEDULE IS AN INTERNAL PLANNING DOCUMENT. IT IS TENTATIVE AND SUBJECT TO REVISION. FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770**  
 Current CASR revision level

0

	<u>Due Dates</u>	
	Previous	Current
1. Deficiency Notification to Applicant	NONE	11/19/2001
2. RGO Audit Request	NONE	11/26/2001
3. Deficiencies Corrected	NONE	01/02/2002
4. Audit Report Due	NONE	02/15/2002
5. Staff Recommendation	NONE	04/18/2002
6. Agenda	NONE	04/30/2002
7. Standard Order	NONE	05/20/2002
8. Protest Period Expires	NONE	06/10/2002
9. Consummating Order if No Protest	NONE	06/17/2002
10. Close Docket or Revise CASR	NONE	06/28/2002
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Section 3 - Chairman Completes

Assignments are as follows:

- Hearing Officer(s)

Commissioners						Hrg. Exam.	Staff
ALL	JC	DS	JB	BZ	PL		
X							

- Prehearing Officer

Commissioners					ADM
JC	DS	JB	BZ	PL	
			X		

Where panels are assigned the senior Commissioner is Panel Chairman; the identical panel decides the case.

Where one Commissioner, a Hearing Examiner or a Staff Member is assigned the full Commission decides the case.

Approved:

Date: 10/30/2001

Case Assignment and Scheduling Record

Section 1 - Bureau of Records and Hearing Services Completes

Docket No. 011379-SU Date Docketed: 10/19/2001 Title: Application for transfer of Certificate No. 422-S in Gulf County from Gulf Aire Properties d/b/a Gulf Aire Wastewater Treatment Plant to ESAD Enterprises, Inc.  
 Company: ESAD Enterprises, Inc.  
 Gulf Aire Properties d/b/a Gulf Aire Wastewater Tr

Official Filing Date: \_\_\_\_\_  
 Last Day to Suspend: \_\_\_\_\_ Expiration: \_\_\_\_\_

Referred to: \_\_\_\_\_  
 ("()") indicates OPR

AUS CAF CCA CMP (ECR) EXT GCL MMS PIF  
 \_\_\_\_\_ X \_\_\_\_\_ X \_\_\_\_\_

Section 2 - OPR Completes and returns to CCA in 10 workdays.

Time Schedule

Program/Module BI(c)

Staff Assignments

OPR Staff S Clapp, K Kaproth, S Rieger

Staff Counsel L Harris

OCRs ( )

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Recommended assignments for hearing and/or deciding this case:

Full Commission X Commission Panel \_\_\_\_\_  
 Hearing Examiner \_\_\_\_\_ Staff \_\_\_\_\_

Date filed with CCA: 03/07/2002

Initials: OPR \_\_\_\_\_  
 Staff Counsel \_\_\_\_\_

**WARNING: THIS SCHEDULE IS AN INTERNAL PLANNING DOCUMENT. IT IS TENTATIVE AND SUBJECT TO REVISION. FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770**  
 Current CASR revision level

1

	Due Dates	
	Previous	Current
1. Staff Recommendation	04/18/2002	05/09/2002
2. Agenda	04/30/2002	05/21/2002
3. PAA Order	05/20/2002	06/10/2002
4. Protest Period Expires	06/10/2002	07/01/2002
5. Consummating Order if No Protest	06/17/2002	07/08/2002
6. Close Docket or Revise CASR	06/28/2002	07/19/2002
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Section 3 - Chairman Completes

Assignments are as follows:

*4/30/02 agenda canceled.*

- Hearing Officer(s)

Commissioners						Hrg. Exam.	Staff
ALL	JB	DS	BZ	PL	BD		
X							

- Prehearing Officer

Commissioners					ADM
JB	DS	BZ	PL	BD	
		X			

Where panels are assigned the senior Commissioner is Panel Chairman; the identical panel decides the case.

Where one Commissioner, a Hearing Examiner or a Staff Member is assigned the full Commission decides the case.

Approved: *L. Harris*

Date: 03/07/2002

Case Assignment and Scheduling Record

Section 1 - Bureau of Records and Hearing Services Completes

Docket No. 011379-SU Date Docketed: 10/19/2001 Title: Application for transfer of Certificate No. 422-S in Gulf County from Gulf Aire Properties d/b/a Gulf Aire Wastewater Treatment Plant to ESAD Enterprises, Inc.  
 Company: ESAD Enterprises, Inc.  
 Gulf Aire Properties d/b/a Gulf Aire Wastewater Tr

Official Filing Date: \_\_\_\_\_  
 Last Day to Suspend: \_\_\_\_\_ Expiration: \_\_\_\_\_

Referred to: \_\_\_\_\_  
 ("()") indicates OPR) AUS CAF CCA CMP (ECR) EXT GCL MMS PIF  
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Section 2 - OPR Completes and returns to CCA in 10 workdays.

Time Schedule

Program/Module B1(c)

Staff Assignments

OPR Staff S Clapp, K Kaproth, S Rieger

Staff Counsel L Harris

OCRs ( )

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Recommended assignments for hearing and/or deciding this case:

Full Commission X Commission Panel \_\_\_\_\_  
 Hearing Examiner \_\_\_\_\_ Staff \_\_\_\_\_

Date filed with CCA: 04/30/2002

Initials: OPR \_\_\_\_\_  
 Staff Counsel \_\_\_\_\_

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 Current CASR revision level

2

Due Dates

Previous Current

1. Staff Recommendation	05/09/2002	07/11/2002
2. Agenda	05/21/2002	07/23/2002
3. PAA Order	06/10/2002	08/12/2002
4. Protest Period Expires	07/01/2002	09/02/2002
5. Consummating Order if No Protest	07/08/2002	09/09/2002
6. Close Docket or Revise CASR	07/19/2002	09/20/2002
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Section 3 - Chairman Completes

Assignments are as follows:

- Hearing Officer(s)

Commissioners						Hrg. Exam.	Staff
ALL	JB	DS	BZ	PL	BD		
X							

- Prehearing Officer

Commissioners					ADM
JB	DS	BZ	PL	BD	
		X			

Where panels are assigned the senior Commissioner is Panel Chairman; the identical panel decides the case.

Where one Commissioner, a Hearing Examiner or a Staff Member is assigned the full Commission decides the case.

Approved: *S. Lane*

Date: Pending 5/14/02

Case Assignment and Scheduling Record

Section 1 - Bureau of Records and Hearing / Case Completes

Docket No. 011379-SU Date Docketed: 10/19/2001 Title: Application for transfer of Certificate No. 422-S in Gulf County from Gulf Aire Properties d/b/a Gulf Aire Wastewater Treatment Plant to ESAD Enterprises, Inc. d/b/a Beaches Sewer System.

Company: ESAD Enterprises, Inc. d/b/a Beaches Sewer System  
Gulf Aire Properties d/b/a Gulf Aire Wastewater Tr

Official Filing Date: \_\_\_\_\_  
 Last Day to Suspend: \_\_\_\_\_ Expiration: \_\_\_\_\_

Referred to: AUS CAF CCA CMP (ECR) EXT GCL MMS PIF  
 ("(") indicates OPR) \_\_\_\_\_ X \_\_\_\_\_ X \_\_\_\_\_

Section 2 - OPR Completes and returns to CCA in 10 workdays. Time Schedule

Program/Module B1(c)

Staff Assignments

OPR Staff S Clapp, E Bass, S Rieger

Staff Counsel L Harris

OCRs ( )

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Recommended assignments for hearing and/or deciding this case:

Full Commission X Commission Panel \_\_\_\_\_  
 Hearing Examiner \_\_\_\_\_ Staff \_\_\_\_\_

Date filed with CCA: 07/10/2002

Initials: OPR \_\_\_\_\_  
 Staff Counsel \_\_\_\_\_

**WARNING: THIS SCHEDULE IS AN INTERNAL PLANNING DOCUMENT. IT IS TENTATIVE AND SUBJECT TO REVISION. FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770**  
 Current CASR revision level

3

	Due Dates	
	Previous	Current
1. Staff Recommendation	07/11/2002	08/08/2002
2. Agenda	07/23/2002	08/20/2002
3. PAA Order	08/12/2002	09/09/2002
4. Protest Period Expires	09/02/2002	09/30/2002
5. Consummating Order if No Protest	09/09/2002	10/07/2002
6. Close Docket or Revise CASR	09/20/2002	10/18/2002
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Commissioners						Hrg. Exam.	Staff
ALL	JB	DS	BZ	PL	BD		
X							

- Prehearing Officer

Commissioners					ADM
JB	DS	BZ	PL	BD	
		X			

Where panels are assigned the senior Commissioner is Panel Chairman; the identical panel decides the case.

Where one Commissioner, a Hearing Examiner or a Staff Member is assigned the full Commission decides the case.

Approved: [Signature]

Date: Pending 7/23/02

*c*

STATE OF FLORIDA

COMMISSIONERS:  
E. LEON JACOBS, JR., CHAIRMAN  
J. TERRY DEASON  
LILA A. JABER  
BRAULIO L. BAEZ  
MICHAEL A. PALECKI



DIVISION OF THE COMMISSION CLERK &  
ADMINISTRATIVE SERVICES  
BLANCA S. BAYÓ  
DIRECTOR  
(850) 413-6770 (CLERK)  
(850) 413-6330 (ADMIN)

## Public Service Commission

October 19, 2001

Issac K. Duren  
ESAD Enterprises, Inc.  
Post Office Box 503  
Port St. Joe, Florida 32457

Re: Docket No. 011379-SU

Dear Mr. Duren:

This will acknowledge receipt of an application for transfer of Certificate No. 422-S in Gulf County from Gulf Aire Properties d/b/a Gulf Aire Wastewater Treatment Plant to ESAD Enterprises, which was filed in this office on October 19, 2001, and assigned the above-referenced docket number. Appropriate staff members will be advised.

Mediation may be available to resolve any dispute in this docket. If mediation is conducted, it does not affect a substantially interested person's right to an administrative hearing. For more information, contact the Office of General Counsel at (850) 413-6248 or FAX (850) 413-7180.

Please note as well that Commission Rule 25-22.005(7), F.A.C., requires certificate companies to notify the Commission of any changes in name, telephone, address, or contact person. Should your application be granted by the Commission, you will be expected to comply with this rule by advising us of any changes as they occur.

Division of the Commission Clerk and Administrative Services  
Florida Public Service Commission

ACCOUNT NO.

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CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD • TALLAHASSEE, FL 32399-0850

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PSC Website: <http://www.floridapsc.com>

Internet E-mail: [contact@psc.state.fl.us](mailto:contact@psc.state.fl.us)

COMMISSIONERS:  
LILA A. JABER, CHAIRMAN  
J. TERRY DEASON  
BRAULIO L. BAEZ  
MICHAEL A. PALECKI  
RUDOLPH "RUDY" BRADLEY

STATE OF FLORIDA



OFFICE OF THE GENERAL COUNSEL  
HAROLD A. MCLEAN  
GENERAL COUNSEL  
(850) 413-6199

*file copy only*

# Public Service Commission

May 20, 2002

RECEIVED FPSC  
02 MAY 20 PM 1:46  
COMMISSION  
CLERK

Mr. Ike Duren  
P.O. Box 9595  
Panama City Beach, Florida 32417

RE: Docket No. 011379, Transfer of Gulf Aire Wastewater Treatment Plant to ESAD Enterprises

Dear Mr. Duren:

As you requested, enclosed please find a copy of the letter recently sent to Mr. Seiffert regarding the transfer of the Gulf Aire wastewater treatment plant to ESAD Enterprises, Inc. As you can see, the transfer application still contains a number of deficiencies, which have yet to be corrected. As you are aware, §367.071(1), Florida Statutes, requires prior Commission approval of a transfer of a regulated utility, unless provision is made in the contract that the transfer is contingent on Commission approval, where approval may be obtained subsequent to the transfer. Subsection (2) makes the Transferor liable for any outstanding Regulatory Assessment fees, fines, or refunds.

Unless the deficiencies are corrected prior to June 7, 2002, and the Commission can make forward progress on the approval process, staff will recommend the Commission initiate show cause proceedings, which would likely be against the current owner, but also include you, as the person ultimately responsible for the transfer of the utility without Commission approval. These proceedings would almost certainly include fines, and ultimately may result in the Commission's refusal to approve the transfer and refusal to issue a Certificate of Authorization to ESAD Enterprises.

I hope the enclosed letter and the above have answered your questions. If you have any further questions, you may call me at (850) 413-6076.

Sincerely,

Handwritten signature of Lawrence D. Harris.

Lawrence D. Harris  
Senior Attorney

LH  
Enclosure

cc: Division of Economic Regulation (Clapp, Reiger)  
Division of Commission Clerk and Administrative Services  
Mr. Frank Seiffert

I:\011379dl.wpd

STATE OF FLORIDA

COMMISSIONERS:  
LILA A. JABER, CHAIRMAN  
J. TERRY DEASON  
BRAULIO L. BAEZ  
MICHAEL A. PALECKI  
RUDOLPH "RUDY" BRADLEY



OFFICE OF THE GENERAL COUNSEL  
HAROLD A. MCLEAN  
GENERAL COUNSEL  
(850) 413-6199

Public Service Commission

May 10, 2002

Mr. Frank J. Seifert  
ESAD Enterprises, Inc.  
P.O. Box 503  
Port St. Joe, Florida 32457

Via Certified Mail

RE: Docket No. 011379-SU - Application for transfer of Certificate No. 422-S in Gulf County from Gulf Aire Properties d/b/a Gulf Aire Wastewater Treatment Plant to ESAD Enterprises, Inc.

Dear Mr. Seifert:

This letter is a follow up to our letter of November 9, 200, and repeated telephone calls, regarding the outstanding deficiencies in the application for a transfer of the Gulf Aire Wastewater Treatment Plant to ESAD Enterprises, Inc. which have prevented the application from being processed. These included:

1. Rule 25-30.037(2)(q), F.A.C. requires a recorded warranty deed evidencing the ownership of the land upon which the treatment facilities are located. In addition, no details have been provided about the status of the dispute over the lift station easement, and a plan for how the utility intends to ensure this lift station will remain in continuous operation.
2. Rule 25-30.037(2)(s), F.A.C. requires Tariff Sheets reflecting the change in ownership.
3. Rule 25-30.030, F.A.C. requires affidavits that actual noticing of the transfer was accomplished. That is, you have not provided affidavits that local utilities, government entities or officials, and customers were noticed. You have also failed to provide the affidavit from the local newspaper that the notice was published as required.
4. Rule 25-30.037(2)(i) and (k), F.A.C. requires details about the financing of the purchase by ESAD. While you have explained the financing in general terms, you have not provided any documentation, such as promissory notes, mortgages, or contracts supporting the purchasing/financing arrangements.

DOCUMENT NUMBER DATE

05076 MAY 10 2002

FPSC-COMMISSIONER CLERK

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD • TALLAHASSEE, FL 32399-0850

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PSC Website: <http://www.floridapsc.com>

Internet E-mail: [contact@psc.state.fl.us](mailto:contact@psc.state.fl.us)



Mr. Frank J Seifert  
May 10, 2002  
Page 2

5. Rule 25-30.037(2)(1) requires a proposed book value be claimed for the utility. Your application must state some certain amount, rather than "unknown at this time". Additionally, you have failed to indicate whether you seek an acquisition adjustment. An affirmative statement, yes or no, is required to process the application.

In addition to the above deficiencies, your 2001 Annual Report and Regulatory Assessment Fees (RAFs) were due on March 31, 2002. As of today's date, the Annual Report and RAFs have not been filed. As of May 9, 2002, the outstanding penalties on the Annual Report amounts to \$126.00. Also, for the RAFs, penalties will be assessed at 5% per month for up to five months and interest will be accruing at 1% per month from March 31, 2002 until the date of payment. These must be filed immediately in order to avoid further late payment penalties, interest, and additional complications.

As a result of the above, you are operating a regulated utility without a Certificate of Authorization from the Commission, in apparent violation of Section 367.031 and 367.071, Florida Statutes. The Commission takes its responsibilities very seriously, and this matter cannot be ignored. In light of the above, and given staff's repeated, diligent attempts to assist you with the completion of the application, I have no choice but to recommend to the Commission that show cause proceedings be initiated against ESAD Enterprises, Inc. Show cause proceedings can result in the imposition of significant penalties and fines of up to \$5000.00 per day, and in extreme circumstances, the denial of the transfer from the seller to the buyer.

Accordingly, if the above information is not fully provided to the Commission by June 7, 2002, I will be filing a Recommendation to Show Cause. I would also like to note that the staff of the Public Service Commission remains committed to assisting you in processing this application and providing any and all assistance possible. Further, should the utility wish to expand its service territory or begin serving additional customers, timely resolution of the above matters will be a prerequisite to the modification or addition of territory to Certificate No. 422-S.

Sincerely,



Larry D. Harris  
Senior Attorney

LDH/dm

cc: Division of the Commission Clerk and Administrative Services  
Division of Economic Regulation (Clapp, Rieger, Kaproth)

CCA Official Filing:

7/24/02\*\*\*\*\*3:26 PM\*\*\*\*\*Kay Flynn\*\*\*\*\*1

011379-SU

Kay Flynn

---

To: Stephanie Clapp  
Subject: RE: 011379-SU

Thanks! I'll put a copy in interoffice mail to you.

-----Original Message-----

From: Stephanie Clapp  
Sent: Wednesday, July 24, 2002 3:14 PM  
To: Kay Flynn  
Subject: RE: 011379-SU

Of course - I would be happy to respond to the letter. Thanks!

-----Original Message-----

From: Kay Flynn  
Sent: Wednesday, July 24, 2002 2:32 PM  
To: Stephanie Clapp  
Cc: Ruth Nettles  
Subject: 011379-SU

Stephanie, we received a letter from Ike Duren today asking if the transfer in this docket has occurred (I see by events, etc. it has not), on what date, and he also asks current status of docket.

May I forward a copy of the letter to you for response?

Kay

## Hong Wang

---

**From:** Kay Flynn  
**Sent:** Wednesday, July 31, 2002 9:54 AM  
**To:** Stephanie Clapp  
**Cc:** Hong Wang  
**Subject:** RE: 011379-SU

Yes, we'll take care of it. Thanks for pointing it out.

(Hong please note.)

-----Original Message-----

**From:** Stephanie Clapp  
**Sent:** Wednesday, July 31, 2002 9:45 AM  
**To:** Kay Flynn  
**Subject:** RE: 011379-SU

One more thing regarding this letter. (Response has been drafted awaiting OK from GCL) I noticed that the two utilities we have as parties of record have the same address. Mr. Duren, who used to own Gulf Aire, had a different address for himself on the letter he sent to us. Would you see that he is entered as a party on the Docket? His address is: PO Box 9595, Panama City Beach, FL 32417.

Thank you!

-----Original Message-----

**From:** Kay Flynn  
**Sent:** Wednesday, July 24, 2002 3:33 PM  
**To:** Stephanie Clapp  
**Subject:** RE: 011379-SU

Thanks! I'll put a copy in interoffice mail to you.

-----Original Message-----

**From:** Stephanie Clapp  
**Sent:** Wednesday, July 24, 2002 3:14 PM  
**To:** Kay Flynn  
**Subject:** RE: 011379-SU

Of course - I would be happy to respond to the letter. Thanks!

-----Original Message-----

**From:** Kay Flynn  
**Sent:** Wednesday, July 24, 2002 2:32 PM  
**To:** Stephanie Clapp  
**Cc:** Ruth Nettles  
**Subject:** 011379-SU

Stephanie, we received a letter from Ike Duren today asking if the transfer in this docket has occurred (I see by events, etc. it has not), on what date, and he also asks current status of docket.

May I forward a copy of the letter to you for response?

Kay

CCA Official Filing:

9/23/02\*\*\*\*\*2:01 PM\*\*\*\*\*Matilda Sanders\*\*\*\*\*1

Matilda Sanders

1299-BAA

From: Dorothy Menasco  
Sent: Monday, September 23, 2002 1:59 PM  
To: CCA - Orders / Notices  
Subject: Order / Notice Submitted

26

Date and Time: 9/23/02 1:58:00 PM  
Docket Number: 011379-SU  
Filename / Path: 011379OR.LDH

ORDER APPROVING TRANSFER OF CERTIFICATE,  
APPROVING REVISED TARIFF, AND HOLDING DOCKET OPEN  
AND  
NOTICE OF PROPOSED AGENCY ACTION ORDER  
ESTABLISHING RATE BASE, DISALLOWING ACQUISITION ADJUSTMENT  
AND ORDERING CUSTOMER REFUNDS

Atty: Larry Harris

*attach's online*

Pages: 26

*1/2 + 1 Gulf Clerk*

CCA Official Filing:

10/17/02\*\*\*\*\*1:53 PM\*\*\*\*\*Matilda Sanders\*\*\*\*\*1

**Matilda Sanders**

1425 - CO

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**From:** Dorothy Menasco  
**Sent:** Thursday, October 17, 2002 12:43 PM  
**To:** Hong Wang; Kay Flynn; Kimberley Pena; LaSandra Givens; Marguerite Lockard; Matilda Sanders; Ruth McGill; Ruth Nettles  
**Subject:** Order Transferred to GCOrders for Issuance  
**Sensitivity:** Private

2

**Consummating Order**

**Docket No. 011379-SU**

**File Name: 011379co.ldh**

**Atty: Larry Harris**

**Pages: 2**

1/2 + 1 Gulf Clerk