

ORIGINAL

040173-WU

Information Package to Comply with Rule 25-30.037(3), Florida Administrative Code
FOR TRANSFER OF MAJORITY ORGANIZATIONAL CONTROL
(Pursuant to Section 367.071, Florida Statutes)

CK# 1118

CK# 750.00

2-26-04

PT

TO: Director, Division of the Commission Clerk & Administrative Services
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850

9456 FEB 27 2004

The undersigned hereby makes application for the transfer of the majority organizational control of LWV UTILITY INC. utility operating under Water Certificate No. 152W and/or Wastewater Certificate No. NO located in WASCO County, Florida, and submits the following information:

COMPANY CODE: WU135

PART I APPLICANT INFORMATION

A) The full name (as it appears on the certificate), address and telephone number of the seller:

LWV UTILITY INC.
Name of utility

727 849-9389
Phone No.

() SAME
Fax No.

9552 CONGRESS ST. #4
Office street address

NEW PONT RICHEY FL 34653
City State Zip Code

SAME
Mailing address if different from street address

WATER@FASTESTSERVER.COM
Internet address if applicable

RECEIVED PSC
FEB 27 AM 8:38
COMMISSION CLERK

- AUS _____
- CAF _____
- CMP _____
- COM _____
- CTR _____
- ECR _____
- GCL _____
- OPC _____
- MMS _____
- SEC _____
- OTH _____

PSC/ECR 015-R (Rev. 2/91)

REGULATION

04 FEB 26 AM 10:50

DOCUMENT NUMBER-DATE

02890 FEB 27 04

FPSC-COMMISSION-CLERK

B) The name, address and telephone number of the person to contact concerning this application:

JAMES WEEKS 727 849-9389 Name
Phone No.
1406 CYPRESS KNOW DN
Street address
NEW PORT RICHEY FL 34653
City State Zip Code

C) The full name (as it appears on the certificate), address and telephone number of the buyer:

LWV UTILITY INC.
Name of utility
727 849-9389 () SAME
Phone No. Fax No.
1552 CONGRESS ST. #4
Office street address
NEW PORT RICHEY FL 34653
City State Zip Code
SAME
Mailing address if different from street address
WATER@FASTESTSERVER.COM
Internet address if applicable

D) The name(s) and address(es) of all of the buyer's corporate officers, directors, partners and any other person(s) who will own an interest in the utility.

JAMES WEEKS 1406 CYPRESS KNOW DN
NEW PORT RICHEY FL 34653

PART II FINANCIAL AND TECHNICAL INFORMATION

- A) Exhibit _____ - A statement by the buyer indicating how the transfer is in the public interest, including a summary of the buyer's experience in water and/or wastewater utility operations, a showing of the buyer's financial ability to provide service and a statement that the buyer will fulfill the commitments, obligations and representations of the seller with regard to utility matters.
- B) List the names and locations of other water and/or wastewater utilities owned by the buyer and PSC certificate numbers, if any.

SILVER OAK HILLS, ADVISOR ENTERPRISES INC.

- C) Exhibit _____ - A copy of the purchase agreement.
- D) Exhibit _____ - A statement of how the buyer is financing the purchase.
- E) Exhibit _____ - A list of all entities, including affiliate which have provided or will provide funding to the buyer, and an explanation of the manner and amount of such funding, which shall include their financial statements and copies of any financial agreements with the utility. This requirement shall not apply to any person or entity holding less than 10 percent ownership interest in the utility.
- F) Exhibit _____ - A statement from the buyer that after reasonable investigation, the system being acquired appears to be in satisfactory condition and in compliance with all applicable standards set by the DEP.

If the system is in need of repair or improvement, has any outstanding Notice of Violation(s) of any standard(s) set by the DEP or any outstanding consent orders with the DEP, the buyer shall provide a list of the improvements and repairs needed and the approximate cost to make them, a list of the action taken by the utility with regard to the violations, a copy of the Notice of Violation(s), a copy of the consent order and a list of the improvements and repairs consented to and the approximate cost.

PART III NOTICE OF ACTUAL APPLICATION

- A) Exhibit _____ - An affidavit that the notice of actual application was given in accordance with Section 367.045(1)(a), Florida Statutes, and Rule 25-30.030, Florida Administrative Code, by regular mail to the following:
- (1) the governing body of the municipality, county, or counties in which the system or the territory proposed to be served is located,
 - (2) the privately owned water and wastewater utilities that hold a certificate granted by the Public Service Commission and that are located within the

county in which the utility or the territory proposed to be served is located;

- (3) if any portion of the proposed territory is within one mile of a county boundary, the utility shall notice the privately owned utilities located in the bordering counties and holding a certificate granted by the Commission
- (4) the regional planning council;
- (5) the Office of Public Counsel;
- (6) the Public Service Commission's Director of the Division of the Commission Clerk and Administrative Services;
- (7) the appropriate regional office of the Department of Environmental Protection; and
- (8) the appropriate water management district. Copies of the Notice and a list of entities noticed shall accompany the affidavit. THIS MAY BE A LATE-FILED EXHIBIT.

B) Exhibit _____ - An affidavit that the notice of actual application was given in accordance with Rule 25-30.030, Florida Administrative Code, by regular mail or personal delivery to each customer of the system being transferred. A copy of the Notice shall accompany the affidavit. THIS MAY BE A LATE-FILED EXHIBIT.

C) Exhibit _____ - Immediately upon completion of publication, an affidavit that the notice of actual application was published once in a newspaper of general circulation in the territory in accordance with Rule 25-30.030, Florida Administrative Code. A copy of the proof of publication shall accompany the affidavit. THIS MAY BE A LATE-FILED EXHIBIT.

PART IV FILING FEE

Indicate the filing fee enclosed with the application:

\$ _____ (for water) \$ _____ (for wastewater).

Note: Pursuant to Rule 25-30.020, Florida Administrative Code, the amount of the filing fee as follows:

- (1) For applications in which the utility to be transferred has the capacity to serve up to 500 ERC's, the filing fee shall be \$750.

(2) For applications in which the utility to be transferred has the capacity to serve from 501 to 2,000 ERC's the filing fee shall be \$1,500.

(3) For applications in which the utility to be transferred has the capacity to serve from 2,001 ERC's to 4,000 ERC's the filing fee shall be \$2,250.

(4) For applications in which the utility to be transferred has the capacity to serve more than 4,000 ERC's the filing fee shall be \$3,000.

PART V OTHER

- A) Exhibit _____ - Evidence that the utility owns the land where the utility treatment facilities are located. If the utility does not own the land, a copy of the agreement which provides for the long term, continuous use of the land such as a 99-year lease. The Commission may consider a written easement or other cost-effective alternative.
- B) Exhibit _____ - The original and two copies of revised tariff sheet(s) reflecting the change in ownership. **Sample tariff sheets are attached.**
- C) Exhibit _____ - The utility's current certificate(s). If not available, an explanation of the steps taken to obtain the certificate(s).

PART VIAFFIDAVIT

I JAMES WEEKS (applicant) do solemnly swear or affirm that the facts stated in the forgoing application and all exhibits attached thereto are true and correct and that said statements of fact thereto constitutes a complete statement of the matter to which it relates.

BY: *Jan Week*
Applicant's Signature

JAMES WEEKS

Applicant's Name (Typed)

MANAGER

Applicant's Title *

Subscribed and sworn to before me this 23rd day of the month of February

in the year of 2004 by JAMES WEEKS who is

personally known to me _____ or produced the following identification

Type of Identification Produced

Michele J Stebbins-Towns
Notary Public's Signature

Michele J Stebbins-Towns
Print, Type or Stamp Commissioned



MICHELE J. STEBBINS-TOWNS
MY COMMISSION # DD 278674
EXPIRES: February 6, 2008
Bonded Thru Budget Notary Services

Nar
of Not
Public