

State of Florida



ORIGINAL

Public Service Commission

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

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MAY 10 PM 1:12

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

DATE: May 10, 2004

TO: Director, Division of the Commission Clerk and Administrative Services

FROM: Division of Economic Regulation (Clapp) *CPD*

RE: Docket No. 040276-WU: Application for transfer of majority organizational control of Brendenwood Water System, Inc., holder of Certificate No. 339-W in Lake County, from Paul E. Day to Deborah J. Miller.

Please add the attached deficiency response letter from Kristee Mollerup to the docket file.

Please note that the original and one copy of the letter are attached.

Thank you.

- CMP _____
- COM _____
- CTR _____
- ECR _____
- GCL _____
- OPC _____
- MMS _____
- RCA _____
- SCR _____
- SEC 1 + cover Hr.
- OTH _____

DOCUMENT NUMBER DATE
05416 MAY 10 8

April 29, 2004

Kristee Mollerup
Brendenwood Water System, Inc.
3153 Penwa Ct.
Longwood, FL 32779
(407) 333-0182 (407) 435-5773
nmollerup@msn.com

Stephanie Clapp
Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

RE: Docket # 040276 - WU

Dear Stephanie:

This letter is in response to your deficiency letter dated April 19, 2004. A copy of the letter is attached.

Deficiency 1. - We have attached the last two pages of the transfer of majority organizational control application form.

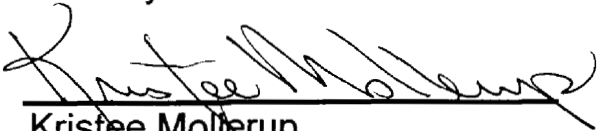
Deficiency 2 - The original certificate was previously mailed to you with the paperwork dated March 27, 2004.

Deficiency 3 - We have attached the affidavits of two of the notices issued for the transfer. They have been notarized.

Clarification - We have attached Page 2 of the "Written Consent in Lieu of Annual Meeting."

We have enclosed the original and four copies of the response to the information requested. Please call if you have questions.

Thank you.



Kristee Mollerup
Bookkeeper, Brendenwood Water System

DOCUMENT NUMBER-DATE

05416 MAY 10 8

FPSC-COMMISSION CLERK

STATE OF FLORIDA

COMMISSIONERS:
BRAULIO L. BAEZ, CHAIRMAN
J. TERRY DEASON
LILA A. JABER
RUDOLPH "RUDY" BRADLEY
CHARLES M. DAVIDSON



TIMOTHY DEVLIN, DIRECTOR
DIVISION OF ECONOMIC REGULATION
(850) 413-6900

Public Service Commission

April 19, 2004

Ms. Kristee Mollerup
Brendenwood Water System, Inc.
3153 Penwa Ct
Longwood, Florida 32779

Re: Docket No. 040276-WU: Application for transfer of majority organizational control of Brendenwood Water System, Inc., holder of Certificate No. 339-W in Lake County, from Paul E. Day to Deborah J. Miller.

Dear Ms. Mollerup:

The above referenced application has been received and reviewed by my staff. This letter addresses the deficiencies found by staff in the application filed on March 30, 2004, and also notes additional clarifications or corrections. All items must be addressed in order to process the application.

Deficiencies

1. Application Form: The last two pages of the transfer of majority organizational control application form are missing from the submitted application. Copies of these two pages are enclosed with this letter. Please complete the two pages and submit with the other deficiency corrections.
2. Certificate: Pursuant to Rule 25-30.037(3)(k), Florida Administrative Code (F.A.C.), the applicant is to submit the original certificate or an explanation of the steps the applicant took to obtain the certificate. It appears that only a copy of the certificate was provided with the application. Please provide either the original certificate or the required explanation.
3. Notices: The copies of the notices issued for the transfer have been received. However, the affidavits required pursuant to Rule 25-30.030, F.A.C., are not notarized and therefore are incomplete. Please have the affidavits notarized and resubmit.

Additional Clarifications

Page one of the "Written Consent in Lieu of Annual Meeting" statement ends in mid sentence. Please provide the remainder of the statement.

Ms. Kristee Mollerup
Page 2
April 19, 2004

The original and four copies of the response to the information requested in this letter should be filed with the Commission on or before **May 28, 2004**. When filing the response, please be sure to refer to the docket number and to direct the response to:

Division of Commission Clerk and Administrative Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Should you have any questions concerning the information in this letter, please contact Stephanie Clapp, of my staff, at (850) 413-6997.

Sincerely,



Patti Daniel
Supervisor of Certification

PD:sc

Enclosure

cc: Division of Economic Regulation (Clapp, Rieger, Romig)
Office of the General Counsel (Brown)
Division of Commission Clerk and Administrative Services

- (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 VIII - 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 ^{No}# - The original and two copies of revised tariff sheet(s) reflecting the change in ownership. **Sample tariff sheets are attached.** Previously Provided.
- C) Exhibit ^{No}# - The utility's current certificate(s). If not available, an explanation of the steps taken to obtain the certificate(s). Previously Provided

PART VI AFFIDAVIT

I, DEBORAH J. MILLER (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: *Deborah J. Miller*
Applicant's Signature

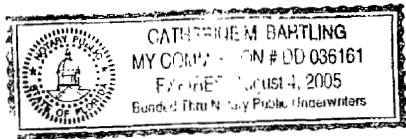
DEBORAH J. MILLER
Applicant's Name (Typed)

PRESIDENT BRANDENWOOD WATER SYSTEM, INC
Applicant's Title *

Subscribed and sworn to before me this 29th day of the month of APRIL
in the year of 2004 by DEBORAH J MILLER who is
personally known to me or produced the following identification

Type of Identification Produced

Catherine M Bartling
Notary Public's Signature



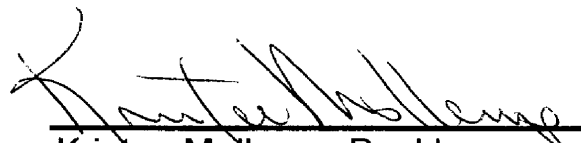
Print, Type or Stamp Commissioned
Name of Notary Public

* If applicant is a corporation, the affidavit must be made by the president or other officer authorized by the by-laws of the corporation to act for it. If applicant is a partnership or association, a member of the organization authorized to make such affidavit shall execute same.

AFFIDAVIT

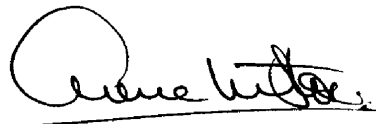
DOCKET # 040276 - WU

I, Kristee Mollerup, do solemnly swear or affirm as bookkeeper of Brendenwood Water System, Inc., that on March 29th, 2004 I sent by regular U.S. mail, a copy of the notice attached hereto to each of the utilities, governmental bodies, agencies or municipalities, in accordance with the list provided by the Florida Public Service Commission, which is also attached hereto. This was completed in accordance with Section 367.045 (1)(a), Florida Statutes, and Rule 25-30.030, Florida Administrative Code.

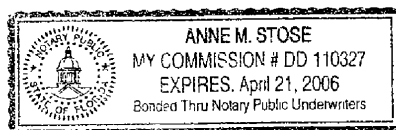


Kristee Mollerup, Bookkeeper
Brendenwood Water System, Inc.

Personally APPEARED BEFORE ME THIS 28th DAY OF APRIL, 2004



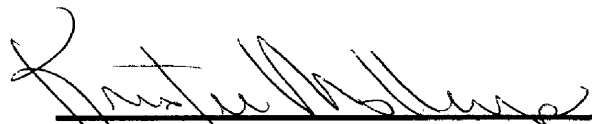
Anne M. Stose



AFFIDAVIT

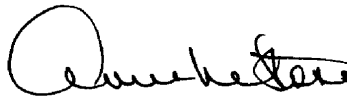
DOCKET # 040276 - WU

I, Kristee Mollerup, do solemnly swear or affirm as bookkeeper of Brendenwood Water System, Inc., that on March 29th, 2004 I sent by regular U.S. mail, a copy of the notice attached hereto to each customer of the system. This was completed in accordance with Rule 25-30.030, Florida Administrative Code.



Kristee Mollerup, Bookkeeper
Brendenwood Water System, Inc.

PERSONALLY APPEARED BEFORE ME THIS 28th DAY OF APRIL, 2004



Anne M. Stose



best interests of the Corporation, during the period since the date of the last preceding general ratification resolution of the directors be, and the same hereby are, ratified, confirmed, and approved in all respects.

SHAREHOLDERS:

DATED: 12-4-03

Kristee S. Mollerup, Sole Successor Trustee
Trust Agreement of Paul E. Day dated September 13, 2002, by Kristee S. Mollerup, Sole Successor Trustee

DIRECTORS:

DATED: 12-4-03

Kristee S. Mollerup, Power of Attorney
Paul E. Day, by Kristee S. Mollerup
Power of Attorney