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# Public Service Commission

October 29, 2004

Mr. James Weeks  
7552 Congress Street Suite #4  
New Port Richey, Florida 34653

**Re: Application for transfer of majority organizational control of L.W.V. Utilities, Inc. holder of Certificate No. 152-W in Pasco County**

Dear Mr. Weeks:

The information you provided on October 8, 2004 regarding your application for transfer of majority organizational control of L.W.V. Utilities, Inc. was reviewed by staff. This letter addresses the deficiencies and additional information needed regarding your application.

Deficiencies

1. **Tariff Sheets.** Pursuant to Rule 25-30.037(3)(j), Florida Administrative Code, the applicant shall provide an original and two copies of the sample tariff sheets reflecting the change in ownership, the new issuing officers, and the name of the utility. Please provide a complete set of original tariffs for the system. The tariff should include a written description of the utility's service availability policy. A copy of the tariffs can be accessed from the Commission website: [www.floridapsc.com](http://www.floridapsc.com).
2. **Notice.** Rules 25-30.030, Florida Administrative Code, sets forth the requirements for providing notice of the application. The territory description provided in the utility's legal notice for this case is inadequate because of the lack of reference to township, range and land section. Therefore, the utility must renote and provide the required affidavits. It would be acceptable if the above references were incorporated with the utility previously submitted notice. The notice should start off as follows: "Providing service to customers of LWV Utilities, Inc., in a portion of Section 3, Township 26 South, Range 16 East, located in the Lakewood Villas subdivision . . ." In addition to the problem mentioned above, the date of notice given and the actual published date by the West Pasco Press were apart by four days. This may be misleading to the public. To allow for the required 30 days protest period availability, the date of notice given should be the same as the published date. Also, please refer to the application as a **"transfer of majority organizational control"** in the first paragraph of the notice. Please be advised that the governmental noticing list that was provided expires on November 27, 2004. If noticing can't be completed on or before November 27, 2004 you will need to request an updated list.

CMP \_\_\_\_\_  
 COM \_\_\_\_\_  
 CTR \_\_\_\_\_  
 ECR \_\_\_\_\_  
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 SEC 1 \_\_\_\_\_  
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3. **Customer deposits.** Pursuant to Rule 25-30.311(5), Florida Administrative Code, after a customer has established a satisfactory payment record and has had continuous service for a period of 23 months, the utility will refund the customer's deposits with interest. According to the staff's audit report, the utility has not been charging the approved tariff rate for customer deposits or refunding those deposits, with interest as required by Rule 25-30.311(4) and (5), Florida Administrative Code. Please provide a statement indicating your understanding of the utility's authority to collect customer

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FPSO COMMISSION CLERK

Mr. James Weeks

Page 2

October 29, 2004

deposits. In addition, please provide a statement indicating how you intend to comply with Rule 25-30.311, Florida Administrative Code.

4. Services. Please provide a description of the operating and maintenance services provided by contract personnel or employees of the utility, including the names, duties, and Department Environmental of Protection operating certificate numbers of the plant operators. If services to operate and manage the utility are under contract, please provide a copy of the contract.

Your response to this letter should be filed with the Commission on or before November 30, 2004. Please include the docket number and direct the response to the Director, Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399. If you have any questions please call Ms. Cheryl Johnson at (850) 413-6984, Ms. Adrienne Vining at (850) 413-6183, or Mr. Stan Rieger at (850) 413-6970.

Sincerely,



Patti Daniel, Supervisor  
Bureau of Certification & Tariffs

PD/CJ:kb

cc: Office of General Counsel (Vining)  
Division of Economic Regulation (Johnson, Rieger)  
Division of the Commission Clerk & Administrative Services