

ORIGINAL

STATE OF FLORIDA

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

Public Service Commission

January 12, 2005

RECEIVED-PPSC
05 JAN 13 PM 2:31
COMMISSION
CLERK

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

Re: Docket 040173-WU-Application for transfer of majority organization control of L.W.V. Utilities, Inc. holder of Certificate No. 152-W in Pasco County

Dear Mr. Weeks:

Pursuant to our conversation on January 7, 2005, your application for transfer of majority organizational control of L.W.V. Utilities, Inc. holder of Certificate No. 152-W in Pasco County is incomplete. You have been notified of the deficiencies in your application and the need for additional information through several letters and telephone conversations. You were last notified by a deficiency letter dated October 29, 2004 which had a response deadline of November 30, 2004. I have attached a copy of the deficiency letter which still needs to be addressed.

In addition, staff needs a description of the territory that prescribes to Rule 24-30.030, Florida Administrative Code. Rule 24-30.030, Florida Administrative Code, sets forth the requirements concerning a complete legal description of the territory which includes a reference to township, range, land section and county. The description may have references to sections or partial sections, or metes and bounds references that include all bearings and distances necessary to provide a continuous description. The rule specifies that the description should not rely on references to government lots, local streets, recorded plats or lots, tracts, or other recorded instruments. The utility's territory description on file with the Commission employs the use of recorded plats and tracts, and therefore needs to be revised.

To update the utility's formal territory description, please provide the Commission with a revised description which complies with the Rule 24-30.030, Florida Administrative Code. As an example, attached to this letter is the territory description of Orangewood Lakes Services, Inc., a neighboring utility which adheres to Rule 24-30.030, Florida Administrative Code.

- CMP _____
- COM _____
- CTR _____
- ECR _____
- GCL _____
- OPC _____
- MMS _____
- RCA _____
- SCR _____
- SEC I
- OTH _____

DOCUMENT NUMBER 13300000
00485 JAN 13 2005

Mr. James Weeks
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January 12, 2005

Your response to this letter should be filed with the Commission on or before February 15, 2005. Please include to 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,

A handwritten signature in cursive script that reads "Patti Daniel".

Patti Daniel, Supervisor
Bureau of Certification & Tariffs

PD/CJ:kb

cc: **Office of General Counsel (Vining)**
Division of Economic Regulation (Johnson, Rieger)

040173

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RECEIVED FPS

COMMISSION CLERK

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.

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 _____
- GCL _____
- OPC _____
- MMS _____
- RCA _____
- SCR _____
- SEC 1
- OTH _____

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

DOCUMENT NUMBER-DATE

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Mr. James Weeks

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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

DOCKET NO. 780457-W
ORDER NO. 8703
SHEET NO. THREE (3)

Example

Orangewood Lakes Services, Inc.

In Township 26 South, Range 16 East, Pasco County, Florida.

Section 3

PARCEL NO. 1

The Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of said Section 3.

PARCEL NO. 2

Commence at the Northwest corner of the Southeast $\frac{1}{4}$ of said Section 3; thence due East along the $\frac{1}{4}$ section line 800 feet to a POINT OF BEGINNING; thence continue East along said $\frac{1}{4}$ section line 528.5 feet; thence due South 2635.6 feet to a point on the South boundary line of said Section 3; thence due West 443.1 feet; thence due North 988.6 feet; thence due West 884.7 feet; thence due North 1105.4 feet; thence due East 800.0 feet; thence due North 544.5 feet to the POINT OF BEGINNING.

PARCEL NO. 3

Commence at the Southeast corner of the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of said Section 3 for a POINT OF BEGINNING; thence due West 440.0 feet; thence due North 990.0 feet; thence due West 880.0 feet; thence due North 330 feet; thence due East 1320 feet to a point on the East boundary line of said Section 3; thence due South along said East boundary line, 1320 feet more or less to the POINT OF BEGINNING.