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# Public Service Commission

October 5, 2010

Robert C. Brannan, Esquire  
Rose, Sundstrom & Bentley, LLP  
2548 Blairstone Pines Drive  
Tallahassee, FL 32301

**Re: Docket No. 100388-WS - Application for transfer of water and wastewater facilities to Florida Government Utility Authority, and cancellation of Certificate Nos. 353-W and 247-S, by North Fort Myers Utility, Inc. in Lee County**

Dear Mr. Brannan:

Staff has reviewed the above referenced docket and determined that the following information is necessary to meet the requirements of Commission rules and to clarify the application.

## Deficiencies

- Contract Document.** In accordance with Rule 25-30.037(4)(c), Florida Administrative Code, an application for transfer to a government authority should include a copy of the contract or other document transferring the utility system to the governmental authority. On page four of the application, item 8 refers to an Agreement for Purchase and Sale of Water and Wastewater Assets, which was approved by Resolution No. 010-23, passed and adopted on June 17, 2010. Although a copy of the Resolution was included with the application, a copy of the agreement was not. Please submit a copy of the Agreement for Purchase and Sale of Water and Wastewater Assets for the Docket File.
- Transfer Date.** Rule 25-30.037(4)(f), F.A.C., requires that the application include the date on which the governmental authority proposes to take official action to acquire the utility. The application indicates that the closing date was July 29, 2010. Please confirm whether this was also the transfer date.

## Clarification

- Additional Clarifying Information.** On page four of the application, at line four, reference is made to the potential impact on Aloha's customers. Staff believes that the name Aloha is a typographical error. Please confirm whether this is, in fact, an error.

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Robert C. Brannan, Esquire

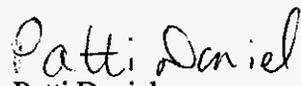
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If you have any questions concerning the above-reference items, please feel free to contact either myself or Ms. Melissa Jones-Alexis, of my staff, by phone at (850) 413-6997 or by e-mail at [mjonesal@psc.state.fl.us](mailto:mjonesal@psc.state.fl.us). To ensure timely processing of your application, the above-referenced documents and statements should be filed on or before October 11, 2010. Please ensure that the transmittal references Docket No. 100388-WS and that it is mailed directly to:

Ann Cole, Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

Sincerely,



Patti Daniel

Public Utilities Supervisor

Bureau of Certification, economics, and Tariffs

PD:mkja

cc: Division of Economic Regulation (Jones-Alexis, Brady)

Office of the General Counsel (Fleming)

Office of Commission Clerk (Docket No. 100388-WS)