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MARSHALL WILLIS, DIRECTOR  
DIVISION OF ECONOMIC REGULATION  
(850) 413-6900

Public Service Commission

May 11, 2012

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12 MAY 11 AM 10:15  
COMMISSION  
CLERK

Martin S. Friedman, Esquire  
Sundstrom, Friedman & Fumero, LLP  
766 North Sun Drive, Suite 4030  
Lake Mary, FL 32746

**Re: Docket No. 120084-WS, Application of Utilities, Inc. for authority to transfer majority organizational control of Hydro Star, LLC to Corix Utilities (Illinois), LLC.**

Dear Mr. Friedman:

Staff has reviewed the above-reference application. With the exceptions of the items which are pending the Commission's decision on Utilities, Inc.'s Petition for variance or waiver of certain rule requirements, staff requests the following information to complete its review of the application.

**Deficiency**

1. **Financial Ability.** Rule 25-30.037(3)(f), Florida Administrative Code (F.A.C.), requires a statement describing how the transfer is in the public interest including a showing of the buyer's financial ability to support Utilities, Inc.'s operations. The application contains a document called "The Corix Group Overview," which is an overview of how Corix Utilities (Illinois), LLC (Corix) is organized and includes the value of Corix's assets. While the information is useful, it is not a financial statement. Please provide a copy of Corix's most recent annual statement or recent financial statement showing its assets and liabilities.

**Additional Information**

2. **Transfer or Merger Document.** Since transfers of majority control do not move utility assets from one corporation to another, Rule 25-30.037(3), F.A.C., does not require a copy of the sales contract. However, in order to verify how the transfer, or merger, is constructed and whether it will have any affect on the commitments, obligations, and representations of the seller, staff will need to review the terms and conditions of the transfer or merger document. Please provide a copy of the merger document and any auxiliary or supplemental agreements which describe the considerations between the parties.

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If you have any questions on the above requested information, please contact technical staff, Patricia Brady at (850) 413-6686 or [pbrady@psc.state.fl.us](mailto:pbrady@psc.state.fl.us), or legal staff, Ralph Jaeger, Esq., at (850) 413-6076 or [rjaeger@psc.state.fl.us](mailto:rjaeger@psc.state.fl.us). Otherwise, please file your response as soon as practicable in order to facilitate the transfer, but no later than June 11, 2012. Your response should identify Docket Number 120084-WS and either be filed electronically at [filings@psc.state.fl.us](mailto:filings@psc.state.fl.us) or mailed directly to:

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

Sincerely,



Patti Daniel  
Public Utilities Supervisor  
Bureau of Certification, Economics, and Tariffs

PD:pb:lr

Attachment

cc: Division of Economic Regulation (Brady)  
Office of the General Counsel (Jaeger)  
Office of Commission Clerk