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STATE OF FLORIDA



DIVISION OF ENGINEERING
TOM BALLINGER
DIRECTOR
(850) 413-6910

Public Service Commission

April 18, 2013

RECEIVED-FPSC
13 APR 18 PM 3:50
COMMISSION
CLERK

Mr. Mike Smallridge
West Lakeland Wastewater, LLC
P.O. Box 1798
Eaton Park, Florida 33840

Re: Docket No. 130065-SU - Application for authority to transfer assets and Certificate No. 515-S of West Lakeland Wastewater Inc. to West Lakeland Wastewater, LLC, in Polk County.

Dear Mr. Smallridge:

The above-referenced application has been received and reviewed by Commission staff. Please complete the following deficiencies and provide the requested additional information to clarify the application.

Deficiencies

- 1) Public Interest.** Rule 25-30.037(2)(j), Florida Administrative Code (F.A.C.), requires a statement indicating how the transfer is in the public interest, including a summary of the buyer's experience in water or wastewater utility operations, a showing of the buyer's financial ability to provide service, and a statement that the buyer will fulfill the commitments, obligations and representations of the seller with regard to utility matters. Please provide a statement attesting to the above-mentioned issues, including a description of any repairs, upgrades, or improvements made to the utility's facilities or operations while serving as the court-appointed Receiver and since becoming owner.
- 2) Sample Tariff.** Rule 25-30.037(2)(s), F.A.C., Tariffs, requires the original and two copies of sample tariff sheets reflecting the new name of the utility, the existing rates and charges and territorial description of the water and/or wastewater systems. In this regard, please provide an original and two copies of the Utility's wastewater tariff reflecting the change in ownership
- 3) Ownership of the Land.** Rule 25-30.037(2)(q), F.A.C., requires evidence that the utility owns the land upon which the utility treatment facilities are located, or a copy of an agreement which provides for the continued use of the land, such as a 99-year lease. The application indicates that pursuant to a court order, West Lakeland Wastewater, LLC (West Lakeland or Utility) was granted ownership of the land upon which the wastewater treatment plant is located. However, the application does not include proof of ownership or long-term use of the land upon which the percolation ponds and sprayfields are located. Please provide evidence that the buyer now owns or has long-term use of that land. If the buyer has not yet obtained a warranty deed, long-term lease, or easement to the land upon which the percolation ponds and sprayfields are located, please describe the current status of the buyer's efforts to secure long-term use of that land.

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

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PSC Website: <http://www.floridapsc.com>

Internet E-mail: contact@psc.state.fl.us

DOCUMENT NUMBER: 130065-SU-001
02052 APR 18 2013
FPSC-COMMISSION CLERK

- 4) **Application Fee.** Rule 25-30.020(2)(c), F.A.C., requires that an application fee be paid for an application for authority to transfer filed pursuant to Section 367.071, Florida Statutes (F.S.). Staff has determined that an application fee of \$750 is due for this application. Please remit your payment to the Commission's Division of Administrative and IT Services, referencing the docket number.
- 5) **Notice of Application and Legal Description.** Section 367.045(1)(a), Florida Statutes, and Rule 25-30.030, F.A.C., require the utility to provide notice of its application for transfer. The legal description was not included in the application. Staff suggests that the utility use the following previously approved legal description.

The following described lands located in portions of Sections 14 and 23, Township 28 South, Range 24 East, Pasco County, Florida.

Beginning at the Southwest corner of Section 14, Township 28 South, Range 24 East; run thence East along the South boundary of said Section 14 to the Southeast corner of the Southwest 1/4 of the Southwest 1/4 of said Section 14; thence North to the Northwest corner of the South 1/2 of the Southeast 1/4 of the Southwest 1/4 of said Section 14; thence East to the Northeast corner of said South 1/2 of the Southeast 1/4 of the Southwest 1/4; thence South along the East boundary of the West 1/2 of said Section 14 and the East boundary of the West 1/2 of Section 23 of said Township and Range to the Southeast corner of the Northwest 1/4 of said Section 23; thence East to the Northeast corner of the West 1/4 of the Southeast 1/4 of said Section 23; thence South to the Southeast corner of said West 1/4 of the Southeast 1/4; thence West along the South boundary of said Section 23 to a point 220 feet West of the Southeast corner of the Southwest 1/4 of said Section 23; thence North 1247.05 feet, West 100 feet, North 600 feet, West 180 feet, North 500 feet, West to the West boundary of the East 1/2 of the Southwest 1/4 of said Section 23; thence North along said West boundary of said East 1/2 of said Southwest 1/4 and along the West boundary of the Southeast 1/4 of the Northwest 1/4 of said Section 23 to the Northwest corner of said Southeast 1/4 of the Northwest 1/4; thence West along the South boundary of the Northwest 1/4 of the Northwest 1/4 of said Section 23 to the West boundary of said Section 23; thence North along said West boundary to the point of beginning. All in Sections 14 and 23, Township 28 South, Range 24 East.

A sample notice and list of parties to be noticed is attached for your reference. Please feel free to provide a draft notice to staff to review prior to mailing in order to ensure that the notice complies with the Commission's noticing rules. Upon completion of the noticing requirements, please provide the 3 required affidavits of noticing referenced as late-filed Exhibits 7 through 9 in the utility's application.

Additional Information

- 1) **Purchase Price.** Rule 25-30.037(2)(g)(1.), F.A.C., requires a copy of the contract for sale, which shall include, if applicable, the purchase price. Although the transfer of ownership to West Lakeland by the court did not include a traditional purchase price, the Commission may consider other forms of financial investment in the utility in lieu of a purchase price. If applicable, please provide a list of and dollar amount of any personal investments the buyer made in the utility facilities or operations while serving as the court-appointed Receiver, such as payments for repairs, upgrades, or other expenses made with personal funds rather than utility revenue, or personal loans to the utility.
- 2) **List of Assets and Liabilities Assumed.** Rule 25-30.037(2)(g)(2.), F.A.C., requires a copy of the contract for sale, which shall include, if applicable, a list of and the dollar amount of the assets purchased and liabilities assumed or not assumed, including those of nonregulated operations or

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entities. Referencing Exhibit A of the court order provided in the utility's application, please provide a more detailed list of and the dollar amount of the assets and liabilities assumed if possible.

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 17, 2013**. When filing the response, please be sure to refer to the docket number and to direct the response to:

Office of Commission Clerk
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 Julia Gilcher at (850) 413-6230 for legal questions, or staff members, James McRoy at (850) 413-6934, Avy Smith at (850) 413-6425) or Kelly Thompson at (850) 413-6986 for technical questions.

Sincerely,



Paul Vickery
Chief of Reliability & Resource Planning
Division of Engineering

PV/JM
Enclosure

cc: Division of Accounting & Finance (Smith)
Division of Economics (Thompson, Hudson)
Division of Engineering (McRoy, Ellis)
Office of the General Counsel (Gilcher)
Office of Commission Clerk

SAMPLE PUBLICATION / LEGAL NOTICE FOR:

APPLICATION FOR TRANSFER OF CERTIFICATE

(Section 367.071, Florida Statutes)

LEGAL NOTICE

Notice is hereby given on _____ (Date) _____, pursuant to Section 367.071, Florida Statutes, of the application for a transfer of Water Certificate No. _____ and/or Wastewater Certificate No. _____ held by _____ (Name of Utility) _____ (Name of Seller) _____ to _____ (Name of Buyer) _____, providing service to the following described territory in _____ (County) _____, Florida.

(Insert a brief description of the area proposed to be served. Use the Survey of Public Lands method (township, range, section, and quarter section) if possible, or a metes and bounds description, and also the subdivision or project name. The description should NOT refer to land grants or plat books, but may use geographic boundaries (i.e., road right-of-ways, railroads, rivers, creeks, etc.). The object is to make the description as brief, but as accurate as possible.)

Any objection to the said application must be made in writing and filed with the Director, Division of Records and Reporting, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within thirty (30) days from the date of this notice. At the same time, a copy of said objection should be mailed to the applicant whose address is set forth below. The objection must state the grounds for the objection with particularity.

(Utility name and address)

**LIST OF WATER AND WASTEWATER UTILITIES IN POLK COUNTY
(VALID FOR 60 DAYS)
04/18/2013 - 06/16/2013**

<u>UTILITY NAME</u>	<u>MANAGER</u>
<u>POLK COUNTY</u>	
ALTURAS UTILITIES, L.L.C. (WU871) P. O. BOX 2608 EATON PARK, FL 33840-2608	WILEY PRATT (863) 510-1318
ANGLERS COVE WEST, LTD. (WS817) P. O. BOX 5252 LAKELAND, FL 33807-5252	BRIAN ALTMAN (863) 647-1581
AQUA UTILITIES FLORIDA, INC. (WS884) P. O. BOX 2480 LADY LAKE, FL 32158-2480	TERRY RAKOCY (352) 674-2828
CHC VII, LTD. (WS816) P. O. BOX 5252 LAKELAND, FL 33807-5252	BRIAN ALTMAN (863) 647-1581
CROOKED LAKE PARK SEWERAGE COMPANY (SU785) 5578 COMMERICAL BLVD. WINTER HAVEN, FL 33880-1008	LOUIS F. GARRARD (863) 287-6061
CYPRESS LAKES UTILITIES, INC. (WS800) 200 WEATHERSFIELD AVENUE ALTAMONTE SPRINGS, FL 32714-4027	PATRICK C. FLYNN (407) 869-1919 EXT 1359
FOUR LAKES GOLF CLUB, LTD. (WS815) P. O. BOX 5252 LAKELAND, FL 33807-5252	BRIAN ALTMAN (863) 647-1581
FOUR POINTS UTILITY CORPORATION (WS898) P. O. BOX 1798 EATON PARK, FL 33840-1798	MICHAEL (MIKE) SMALLRIDGE (352) 302-7406
GCP PLANTATION LANDINGS, LLC (WS960) 380 PARK PLACE BLVD., SUITE 200 CLEARWATER, FL 33759-4929	JAMES R. GOLDMAN (847) 582-9400
GOLD COAST UTILITY CORP. (WS899) 2517 ELM CIRCLE LAKE WALES, FL 33898-7030	KEITH A. BURGE (772) 201-3299
GRENELEFE RESORT UTILITY, INC. (WS770) 5601 WINDHOVER DRIVE ORLANDO, FL 32819-7914	BRYON SMITH (407) 351-3350 EXT 187

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<u>UTILITY NAME</u>	<u>MANAGER</u>
<u>POLK COUNTY</u>	
HIDDEN COVE, LTD. (WS814) P. O. BOX 5252 LAKELAND, FL 33807-5252	BRIAN ALTMAN (863) 647-1581
KEEN SALES, RENTALS AND UTILITIES, INC. (WU771) 685 DYSON ROAD HAINES CITY, FL 33844-8587	MELINDA KEEN DUNNAHOE (863) 421-6827
MOUNTAIN LAKE CORPORATION (WU791) P. O. BOX 832 LAKE WALES, FL 33859-0832	ROBERT E. MARTIN (863) 676-3494
ORCHID SPRINGS DEVELOPMENT CORPORATION (WS789) 346 EAST CENTRAL AVENUE WINTER HAVEN, FL 33880-3046	ALBERT B. CASSIDY (863) 324-4445
PARK WATER COMPANY (WU776) 25 FIRST AVENUE NORTH LAKE WALES, FL 33859-8761	ANTHONY STAIANO (863) 232-7777
PINECREST UTILITIES, LLC (WU954) P. O. BOX 1798 EATON PARK, FL 33840-1798	MICHAEL A. SMALLRIDGE (352) 302-7406
RIVER RANCH WATER MANAGEMENT, L.L.C. (WS850) 5601 WINDHOVER DRIVE ORLANDO, FL 32819-7936	MARK WALTRIP (407) 351-3351 EXT 101
S. V. UTILITIES, LTD. (WS812) P. O. BOX 5252 LAKELAND, FL 33807-5252	BRIAN ALTMAN (863) 647-1581
SUNRISE UTILITIES, LLC (WU870) P. O. BOX 2608 EATON PARK, FL 33840-3608	WILEY PRATT (863) 510-1318
TBBT UTILITY LLC (WS918) 9414 LORENDALE CIRCLE SPRINGHILL, FL 34608-4762	TODD MOONEY (352) 683-4207
TEVALO, INC. D/B/A MCLEOD GARDENS WATER COMPANY (WU841) P. O. BOX 2898 WINTER HAVEN, FL 33883-2898	LAURA V. GRIFFITH (863) 293-2577

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UTILITY NAME

POLK COUNTY

MANAGER

WEST LAKELAND WASTEWATER, INC. (SU836)
P. O. BOX 1798
EATON PARK, FL 33840-1798

MICHAEL SMALLRIDGE
(352) 302-7406

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UTILITY NAME

MANAGER

GOVERNMENTAL AGENCIES

CENTRAL FL. REGIONAL PLANNING COUNCIL
P.O. BOX 2089
BARTOW, FL 33831

CITY MANAGER, CITY OF BARTOW
P. O. BOX 1069
BARTOW, FL 33830-1069

CLERK, BOARD OF COUNTY COMMISSIONERS, POLK COUNTY
P. O. BOX 9000, DRAWER CC-1
BARTOW, FL 33831-9000

DEP CENTRAL DISTRICT
3319 MAGUIRE BLVD., SUITE 232
ORLANDO, FL 32803-3767

DEP SOUTHWEST DISTRICT
13051 N. TELECOM PARKWAY
TEMPLE TERRACE, FL 33637-0926

MAYOR, CITY OF AUBURNDALE
P. O. BOX 186
AUBURNDALE, FL 33823-0186

MAYOR, CITY OF DAVENPORT
P. O. BOX 125
DAVENPORT, FL 33836-0125

MAYOR, CITY OF EAGLE LAKE
P. O. BOX 129
EAGLE LAKE, FL 33839-0129

MAYOR, CITY OF FROSTPROOF
P. O. BOX 308
FROSTPROOF, FL 33843-0308

MAYOR, CITY OF FT. MEADE
P. O. BOX 856
FT. MEADE, FL 33841-0856

MAYOR, CITY OF HAINES CITY
P. O. BOX 1507
HAINES CITY, FL 33845-1507

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UTILITY NAME

MANAGER

GOVERNMENTAL AGENCIES

MAYOR, CITY OF LAKE ALFRED
120 EAST POMELO STREET
LAKE ALFRED, FL 33850-2136

MAYOR, CITY OF LAKE WALES
P. O. BOX 1320
LAKE WALES, FL 33859-1320

MAYOR, CITY OF LAKELAND
228 SOUTH MASSACHUSETTS AVENUE
LAKELAND, FL 33801-5012

MAYOR, CITY OF MULBERRY
P. O. BOX 707
MULBERRY, FL 33860-0707

MAYOR, CITY OF WINTER HAVEN
P. O. BOX 2277
WINTER HAVEN, FL 33883-2277

MAYOR, TOWN OF DUNDEE
P. O. BOX 1000
DUNDEE, FL 33838-1000

MAYOR, TOWN OF HILLCREST HEIGHTS
151 SCENIC HIGHWAY, N.
P. O. BOX 129
BABSON PARK, FL 33827-0129

MAYOR, TOWN OF LAKE HAMILTON
P. O. BOX 126
LAKE HAMILTON, FL 33851-0126

MAYOR, TOWN OF POLK CITY
123 BROADWAY BLVD., S.E.
POLK CITY, FL 33868-9225

MAYOR, VILLAGE OF HIGHLAND PARK
P. O. BOX 168
LAKE WALES, FL 33859-0168

S.W. FLORIDA WATER MANAGEMENT DISTRICT
2379 BROAD STREET
BROOKSVILLE, FL 34609-6899

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UTILITY NAME

MANAGER

GOVERNMENTAL AGENCIES

SO. FLORIDA WATER MANAGEMENT DISTRICT
P.O. BOX 24680
WEST PALM BEACH, FL 33416-4680

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UTILITY NAME

STATE OFFICIALS

MANAGER

OFFICE OF PUBLIC COUNSEL
111 WEST MADISON STREET
SUITE 812
TALLAHASSEE, FL 32399-1400

OFFICE OF COMMISSION CLERK
FLORIDA PUBLIC SERVICE COMMISSION
2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FL 32399-0850