

State of Florida



Public Service Commission

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

-M-E-M-O-R-A-N-D-U-M-

DATE: June 5, 2014
TO: Carlotta S. Stauffer, Commission Clerk, Office of Commission Clerk
FROM: Pamela H. Page, Office of the General Counsel *PHP*
RE: Docket No. 140115-WS

Please file the attached letter and enclosure to JAPC regarding Declaratory Statement by Continental Utility, Inc. in the docket file listed above.

Thank you.

Attachment

RECEIVED-FPSC
14 JUN -5 AM 8:21
COMMISSION
CLERK

COMMISSIONERS:
ART GRAHAM, CHAIRMAN
LISA POLAK EDGAR
RONALD A. BRISÉ
EDUARDO E. BALBIS
JULIE I. BROWN

STATE OF FLORIDA



OFFICE OF THE GENERAL COUNSEL
S. CURTIS KISER
GENERAL COUNSEL
(850) 413-6199

Public Service Commission

June 5, 2014

Kenneth J. Plante, Coordinator
Joint Administrative Procedures Committee
Room 680, Pepper Building
111 W. Madison Street
Tallahassee, FL 32399-1400

RE: Petition for Declaratory Statement by Continental Utility, Inc. that in providing service only to other entities owned by Continental Country Club R.O., Inc., Continental Utility, Inc., would be exempt from Public Service Commission jurisdiction.
Docket No. 140115-WS

Dear Mr. Plante:

The Florida Public Service Commission received a Petition for Declaratory Statement from Continental Utility, Inc. on May 28, 2014. A copy of the petition is enclosed. A notice was published in the Florida Administrative Register on Wednesday, June 4, 2014.

Sincerely,

A handwritten signature in cursive script that reads "Pamela H. Page".

Pamela H. Page
Senior Attorney
Office of the General Counsel

Enclosure



May 20, 2014

Carlotta S. Stauffer, Commission Clerk
 Office of Commission Clerk
 Florida Public Service Commission
 2540 Shumard Oak Blvd.
 Tallahassee, FL 32399-0850

RE: Docket No. 140115-WS; Petition for Declaratory Statement by Continental Utility, Inc.
 Our File No.: 42060.05

Dear Ms. Stauffer:

Enclosed for docketing is the original Petition for Declaratory Statement of Continental Utility, Inc., along with fifteen (15) copies.

Should you have any questions regarding this filing, please do not hesitate to give me a call.

Very truly yours,

MARTIN S. FRIEDMAN
 For the Firm

MSF/der
 Enclosures

cc: Paul Gryniowski, (via e-mail)

- COM _____
- AFD 2
- APA _____
- ECC 1
- ENC 2
- GOL 4
- IDM _____
- TEL _____
- CLK _____

RECEIVED-PPSC
 14 MAY 28 AM 9:13
 COMMISSION
 CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Petition for Declaratory Statement
Before the Florida Public Service Commission
by Continental Utility, Inc.

Docket No.: _____-WS

CONTINENTAL UTILITY, INC.'S PETITION FOR DECLARATORY STATEMENT

CONTINENTAL UTILITY, INC. ("CUI"), by and through its undersigned attorneys, and pursuant to Rule 28-105.002, Florida Administrative Code, files this Petition for Declaratory Statement, and states as follows:

1. The exact name of the Petitioner and the address of its principal business offices are:

CONTINENTAL UTILITY, INC.
50 Continental Blvd.
Wildwood, FL 34785-9701
PGryniewski@continentalcountryclub.com

2. The name and address of the person authorized to receive notices and communications with respect to this Petition is:

Martin S. Friedman, Esquire
Bridget M. Friedman, Esquire
Friedman, Friedman & Long, P.A.
766 N. Sun Drive, Suite 4030
Lake Mary, FL 32746
(407) 830-6331
(407) 878-2178 fax
mfriedman@ffllegal.com
bfriedman@ffllegal.com

3. The statutory provision upon which the declaratory statement is sought is Section 367.022(7), Florida Statutes.

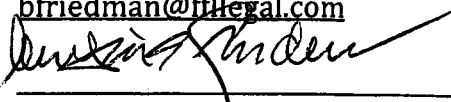
4. CUI is a for profit corporation wholly owned by Continental Country Club R.O., Inc., a not-for-profit corporation. The officers and director of both corporations are identical. CUI currently provides water and wastewater service to the residents of Continental Country Club, all of whom are members of Continental Country Club R.O., Inc., a not-for-profit corporation, to Sandalwood Condominium, (an unrelated party), and to the golf club and restaurant which are owned by Continental Country Club R.O., Inc. Thus, with the exception of the Sandalwood Condominium, all of the customers of CUI own and control CUI, albeit through their wholly owned for profit subsidiary.

5. The agreement by which Sandalwood Condominium receives water and wastewater service from CUI terminates December 16, 2015, and CUI is in need of this declaration to determine whether to enter into negotiations to renew that agreement.

WHEREFORE, Continental Utility, Inc., requests this Commission issue a Declaratory Statement that in providing service only to other entities owned by Continental Country Club R.O., Inc. it would be exempt from Public Service Commission jurisdiction.

Respectfully submitted this 20th day of
May, 2014, by:

FRIEDMAN, FRIEDMAN & LONG, P.A.
766 North Sun Drive, Suite 4030
Lake Mary, FL 32746
Phone: (407) 830-6331
Fax: (407) 878-2178
mfriedman@ffllegal.com
bfriedman@ffllegal.com



MARTIN S. FRIEDMAN
Florida Bar No.: 0199060
BRIDGET M. FRIEDMAN
Florida Bar No.: 20538
For the Firm