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RICHARD CORCORAN
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February 14, 2018

Walt Trierweiler, Esq.
Office of General Counsel
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0854

Re: Docket No. 20170151 – Heather Hills Utilities, LLC – Application for authority to transfer water and wastewater Certificate Nos. 577-W and 498-S in Manatee County

Dear Mr. Trierweiler:

On December 4, 2017, the Office of Public Counsel (OPC) submitted correspondence to the above-referenced docket identifying a deficiency in Heather Hills Utilities, LLC's (Utility) Application for Authority to Transfer (Application) and requesting the Florida Public Service Commission (Commission) require the Utility to submit additional documentation demonstrating its right to access and continued use of the land upon which its lines and meters are located (Utility's Right to Access), in light of certain ongoing litigation and disputes. The Utility responded to both of OPC's concerns in correspondence from the Utility to the Commission dated December 11, 2017 (Utility's Response Letter), and placed into the docket on or about February 9, 2018.

The Utility's Response Letter provides an explanation regarding the identified deficiency - the omission of Exhibit "A" to the contract of sale. The plain language of the contract of sale makes clear the purpose of Exhibit "A" is for the identification of all real property owned and held by the seller. Here, the Utility instructs that the seller lacked any such real property interest and Exhibit "A" was therefore omitted because it was unnecessary. OPC is of the opinion that this explanation, when considered together with the the Application as a whole, cures the stated defect.

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The following documentation was included in the Utility's Response Letter regarding the Utility's Right to Access: (i) a copy of the Deed Restrictions as recorded in the public records of Manatee County for Heather Hills Estates; and (ii) a copy of the recorded plat maps for Heather Hills Estates Unit 1-5 reflecting the dedicated utility easements. OPC has reviewed this documentation and finds it to alleviate our primary concerns regarding the Utility's Right to Access. However, because this issue is one of continued dispute and the subject of litigation, OPC maintains its objection to any attempt to make the customers responsible for costs, legal fees and/or assessments that relate to the Utility's Right to Access in a future proceeding before the Commission.

Sincerely,

s/ Virginia L. Ponder

Virginia L. Ponder
Associate Public Counsel

cc: Division of Engineering (Melinda Watts)
Michael Smallridge