

STATE OF FLORIDA



COMMISSIONERS:
ART GRAHAM, CHAIRMAN
JULIE I. BROWN
DONALD J. POLMANN
GARY F. CLARK
ANDREW GILES FAY

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

Public Service Commission

September 20, 2019

Mr. Scott Middlebrooks
St. Johns River Estates Utilities, LLC
2581 Pope Master Road
Milton, FL 32570
scottmiddlebrooks@yahoo.com

VIA EMAIL & US MAIL

Re: Docket No. 20180214-WS - Application to transfer facilities and Certificate Nos. 542-W and 470-S in Putnam County from St. John's River Club Utility Company, LLC to St. Johns River Estates Utilities, LLC.

Dear Mr. Middlebrooks:

Staff reviewed St. Johns River Estates Utilities, LLC's (St. Johns or Utility) August 27, 2019 response to staff's July 16, 2019 deficiency letter. After reviewing this information we find the application is still deficient. The specific deficiencies are identified as:

1. **Right to Land.** Rule 25-30.037(2)(s), Florida Administrative Code (F.A.C.), requires documentation of the utility's right to access and continued use of the land upon which the utility treatment facilities are located. Documentation of continued use shall be in the form of a recorded warranty deed, recorded quit claim deed accompanied by title insurance, recorded lease such as a 99-year lease, or recorded easement. The applicant may submit an unrecorded copy of the instrument granting the utility's right to access and continued use of the land upon which the utility treatment facilities are or will be located, provided that the applicant files a recorded copy within the time required in the order granting the transfer. One of the documents provided in the Utility's August 27, 2019 deficiency response, the "Assignment of Lease" document, pages 5 and 6, should be duly signed and notarized, and the noted "Attachment A," the lease, should be attached. Please provide the required documentation.
2. **Notice of Application.** Rule 25-30.030(4), F.A.C., requires that the notice of application be provided to the Office of Commission Clerk, for Commission staff approval, prior to distribution. Staff reviewed the draft notice provided in the Utility's August 27, 2019 response to staff's July 16, 2019 deficiency letter. Please make the following corrections to St. Johns' draft notice and provide the revised draft notice for staff review.
 - a. Rule 25-30.030(3)(e), F.A.C., specifies the wording of the title of the notice, with the title, to be modified to reflect the type of service or services being transferred. The title of the draft notice submitted omits the reference to water service. Please amend the title of the notice to read as follows:

Mr. Scott Middlebrooks
Page 2
September 20, 2019

“Notice of Application for Authority to Transfer Water and Wastewater Certificates of Authorization to Another Regulated Utility.”

- b. Rule 25-30.030(4)(b), F.A.C., requires the utility to provide its name, address, telephone number, and, if available, its email address and fax number. The notice does not contain the Utility’s fax number. Please either amend the notice to include the Utility’s fax number, or, in its response to this deficiency letter, state that the Utility does not have a fax number.
 - c. The title above the legal description only references the wastewater legal description. Please amend the notice to correctly identify that the legal description applies to the water and wastewater service territory.
3. **Notice of Application.** Rule 25-30.030(6), F.A.C., states that all applications requiring noticing shall be deemed deficient until affidavits of noticing required by Sections 367.045(1)(e) and (2)(f), Florida Statutes, along with a copy of the notice, are filed with the Office of Commission Clerk. After staff has reviewed and approved the notice of application, and the notices have been distributed in accordance with Rule 25-30.030(5), F.A.C., please provide affidavits of noticing.

Your application will not be deemed filed until the deficiencies identified in this letter have been corrected. These corrections should be submitted no later than **October 21, 2019**, to the following address:

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

Should you have any questions concerning the information in this letter, please feel free to contact Mrs. Melinda Watts by phone at (850) 413-6952 or by email at mwatts@psc.state.fl.us for technical questions, or Ms. Kristen Simmons by phone at (850) 413-6175 or by email at ksimmons@psc.state.fl.us for legal questions. Please include the docket number on all submissions to the Commission Clerk.

Sincerely,



Melinda Watts
Engineering Specialist

MW:jp

cc: Office of Commission Clerk (Docket No. 20180214-WS)