

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: August 5, 2021

TO: Jennifer S. Crawford, Attorney Supervisor, Office of the General Counsel

FROM: Tom Ballinger, Director, Division of Engineering 

RE: Docket No. 20210069-WS - Application for acknowledgment of name change on Wastewater Certificate No. 104-S in Pasco County and Water Certificate No. 388-W in Lee County from Ni Florida, LLC, to Ni Florida, Inc.

On April 7, 2021, a request was filed on behalf of Ni Florida, LLC (Ni or Utility) for acknowledgement of the name change of the Utility. In 1973, Allyn Water Supply, Inc. was granted Certificate Nos. 147-W and 104-S in Pasco County.¹ Certificate No. 147-W was subsequently cancelled when the water system was transferred to the City of Port Richey.² The wastewater system and Certificate No. 104-S was subsequently transferred once, amended six times, and underwent three transfers of majority organizational control prior to being acquired by Ni in 2007.³ The Florida Public Service Commission (Commission) granted Ni's transfer of

¹ Order No. 5781, issued June 19, 1973, in Docket Nos. C-72695-W and C-72696-S, *In re: Application of Allyn Water Supply, Inc. for certificates to operate its existing water and sewer system in Pasco County.*

² Order No. 6628, issued April 24, 1975, in Docket No. C-72695-W, *In re: Allyn Water Supply, Inc. sale of its water system to the City of Port Richey.*

³ Order No. 7824, issued June 2, 1977, in Docket No. 19750558-S, *In re: Joint application for the transfer of the assets of Allyn Water Supply, Inc., and Certificate No. 104-S to Hudson Utilities, Inc., pursuant to Section 367.071, Florida Statutes.*; Order No. 13823, issued October 31, 1984, in Docket No. 19840296-SU, *In re: Application of Hudson Utilities, Inc., for amendment of Certificate No. 104-S to include additional territory in Pasco County, Florida.*; Order No. 14477, issued June 18, 1985, in Docket No. 19850149-SU, *In re: Application of Hudson Utilities, Inc. for amendment of Certificate No. 104-S to include additional territory in Pasco County, Florida.*; Order No. 15556, issued January 16, 1986, in Docket No. 19850779-SU, *In re: Application of Hudson Utilities, Inc., for the transfer of Certificate No. 104-S from the Florida Conference of Seventh Day Adventists to Al Meyer, King Helie, and Robert Bammann in Pasco County, Florida.*; Order No. 21949, issued September 27, 1989, in Docket No. 19890662-SU, *In re: Application of Hudson Utilities, Inc., for the transfer of majority organizational control from Al Meyer, King Helie, and Robert Bammann to Robert Bammann and Judith Bammann in Pasco County, Florida.*; Order No. 22852, issued April 24, 1990, in Docket No. 19900065-SU, *In re: Application for amendment of Certificate No. 104-S in Pasco County by Hudson Utilities, Inc.*; Order No. 23846, issued December 10, 1990, in Docket No. 19900020-SU, *In re: Application for amendment of Certificate No. 104-S in Pasco County by Hudson Utilities, Inc.*; Order No. PSC-99-1916-PAA-SU, issued September 27, 1999, in Docket No. 19981079-SU, *In re: Application for amendment of Certificate No. 104-S to extend service territory in Pasco County by Hudson Utilities, Inc., and request for limited proceeding.*; Order No. PSC-99-2381-FOF-SU, issued December 6, 1999, in Docket No. 19981080-SU, *In re: Application by Hudson Utilities, Inc., for transfer of majority organizational control in Pasco County.*; and Order No. PSC-04-1278-AS-SU, issued December 27, 2004, in Docket No. 20041207-SU, *In re: Application for amendment of Certificate No. 104-S to delete territory in Pasco County by Hudson Utilities, Inc.*

Certificate No. 104-S in 2008.⁴

In 1983, the Commission granted Tamiami Utility Company (Tamiami) Certificate Nos. 388-W and 332-S in Lee County.⁵ Certificate No. 332-S was subsequently cancelled when the wastewater treatment plant failed and the Florida Department of Environmental Regulation ordered it to interconnect to the North Fort Myers Utility, Inc. wastewater collection system.⁶ In addition to the territory transfer/certificate cancellation discussed above, Tamiami underwent three transfers and one service territory amendment prior to being acquired by Ni in 2008.⁷ The Commission granted Ni's application for transfer of Certificate No. 388-W in 2008.⁸ Since Ni's acquisition of the wastewater system in Pasco County and the water system in Lee County, the Commission has approved two transfers of majority organizational control of the Utility's parent company.⁹

With respect to the instant docket, the Utility's requested name change is consistent with Rule 25-30.039, Florida Administrative Code (F.A.C.), which provides for changes in name only, with no change in the ownership or control of the utility or its assets. The Utility provided a statement attesting that there will be no change in the ownership or control of the Utility and its assets. The Utility also provided documentation from the Florida Department of State, Division of Corporations, that the new corporation was registered in Florida effective March 2, 2021. On July 30, 2021, the Utility filed an affidavit stating that it mailed the approved customer notice to its customers with their bill on July 28, 2021.

⁴ Order No. PSC-08-0226-FOF-WS, issued April 7, 2008, in Docket No. 20070740-SU, *In re: Joint application for approval of Hudson Utilities, Inc.'s wastewater system and Certificate No. 104-S, in Pasco County, to Ni Florida, LLC.*

⁵ Order No. 11734, issued March 18, 1983, in Docket No. 19820183-WS, *In re: Application of Tamiami Utility Company for an original certificate to operate a water and sewer utility in Lee County, Florida.*

⁶ Order No. PSC-95-0576-FOF-SU, issued May 9, 1995, in Docket No. 19940963-SU, *In re: Application for transfer of territory served by Tamiami Village Utility, Inc., in Lee County, to North Fort Myers Utility, Inc., cancellation of Certificate No. 247-S; and for a limited proceeding to impose current rates, charges, classifications, rules and regulations, and service availability policies.*

⁷ Order No. 21421, issued June 20, 1989, in Docket No. 19890127-WS, *In re: Joint application for transfer of Certificates Nos. 388-W and 332-S from Tamiami Utility Company in Lee County to Tamiami Village Utility, Inc.*; Order No. 22449, issued January 23, 1990, in Docket No. 19891148-WS, *In re: Application of Tamiami Village Utility, Inc. for amendment of Certificates 388-W and 332-S in Lee County*; Order No. PSC-95-1444-FOF-WU, issued November 28, 1995, in Docket No. 19950015-WU, *In re: Application for transfer of Certificate No. 388-W in Lee County from Tamiami Village Utility, Inc.; and for a limited proceeding to increase rates to recover increased operation and maintenance expenses as a result of pending transfer by Tamiami Village Water Company, Inc.*

⁸ Order No. PSC-08-0621-FOF-WU, issued September 24, 2008, in Docket No. 20080183-WU, *In re: Joint application for approval of transfer of Tamiami Village Water Company, Inc.'s water system and Certificate No. 388-W in Lee County to Ni Florida, LLC.*

⁹ Order No. PSC-15-0315-FOF-WS, issued August 5, 2015, in Docket No. 20150115-WS, *In re: Joint application for approval of transfer of majority organizational control of Ni Florida, LLC, holder of Certificate Nos. 388-W in Lee County and 104-S in Pasco County, to Ni Pacolet Milliken Utilities, LLC.*; and Order No. PSC-2021-0073-FOF-WS, issued February 8, 2021, in Docket No. 20200221-WS, *In re: Joint application for approval of transfer of majority organizational control of Ni Florida, LLC, holder of Certificate Nos. 388-W in Lee County and 104-S in Pasco County, to Florida Utility Systems, Inc.*

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Section 2.07(C)(2)(a) of the Administrative Procedures Manual grants the Director of the appropriate technical division and the Office of the General Counsel authority to approve changes of names and corporate reorganizations of regulated utilities, where no change of ownership or control or transfer of assets is involved, by notifying the Office of Commission Clerk. Staff, therefore, recommends that the request for acknowledgement of change in name is in compliance with the provisions of Rule 25-30.039, F.A.C., and that an administrative order be issued within 30 days acknowledging the change of name on Certificate Nos. 388-W and 104-S from Ni Florida, LLC, to Ni Florida, Inc. The resultant Order should serve as the Utility's water and wastewater certificates and should be retained by the Utility. Finally, upon issuance of the Order, the docket should be closed.

TB/MW/pz

Attachment

cc: Office of Commission Clerk (Docket No. 20210069-WS)

FLORIDA PUBLIC SERVICE COMMISSION

Authorizes

**Ni Florida, Inc.
pursuant to
Certificate Number 388-W**

to provide water service in Lee County in accordance with the provisions of Chapter 367, Florida Statutes, and the Rule, regulations, and Orders of this Commission in the territory described by the Orders of this Commission. This authorization shall remain in force and effect until superseded, suspended, cancelled or revoked by Order of this Commission.

<u>Order Number</u>	<u>Date Issued</u>	<u>Docket Number</u>	<u>Filing Type</u>
11734	03/18/83	19820183-WS (MC)	Original Certificate
21421	06/20/89	19890127-WS	Transfer of Certificate
21421-A	08/09/89	19890127-WS	Correction
22449	01/23/90	891148-WS	Amendment
PSC-95-1441-FOF-WU	11/28/95	950015-WU	Transfer of Certificate
PSC-08-0621-FOF-WU	09/24/08	20080183-WU	Transfer of Certificate
PSC-09-0832-FOF-WU	12/21/2009	20080183-WU	Corrections
PSC-15-0315-FOF-WU	08/05/2015	20150115-WU	TMOC
PSC-2021-0073-FOF-WS	02/08/2021	20200221-WS	TMOC
*	*	20210069-WS	Name Change

* Order Number and date to be provided at time of issuance.

FLORIDA PUBLIC SERVICE COMMISSION

Authorizes

**Ni Florida, Inc.
pursuant to
Certificate Number 104-S**

to provide water service in Pasco County in accordance with the provisions of Chapter 367, Florida Statutes, and the Rule, regulations, and Orders of this Commission in the territory described by the Orders of this Commission. This authorization shall remain in force and effect until superseded, suspended, cancelled or revoked by Order of this Commission.

<u>Order Number</u>	<u>Date Issued</u>	<u>Docket Number</u>	<u>Filing Type</u>
5781	6/19/73	C-72696-S	Original Certificate
7824	6/02/77	19750558-S	Transfer
13823	10/31/84	19840296-SU	Amendment
14477	06/18/85	19850149-SU	Amendment
15556	01/16/86	19850779-SU	TMOC
22852	04/24/90	19900065-SU	Amendment
23846	12/10/90	19900020-SU	Amendment
PSC-98-1543-FOF-SU	11/20/98	19981081-SU	Name Change
PSC-99-1916-PAA-SU	09/27/99	19981079-SU	Amendment
PSC-99-2381-FOF-SU	12/06/99	19981080-SU	TMOC
PSC-04-1278-AS-SU	12/27/04	20041207-SU	Amendment
PSC-08-0226-FOF-SU	04/07/08	20070740-SU	Transfer
PSC-15-0315-FOF-WU	08/05/2015	20150115-WU	TMOC
PSC-2021-0073-FOF-WS	02/08/2021	20200221-WS	TMOC
*	*	20210069-WS	Name Change

* Order Number and date to be provided at time of issuance.