

STATE OF FLORIDA



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# Public Service Commission

September 8, 2021

Susan Clark, Esq.  
Radey Thomas Yon & Clark, P.A.  
301 South Bronough Street, Suite 200  
Tallahassee, FL 32301  
sclark@radelylaw.com

VIA EMAIL

**Re: Docket No. 20210133-SU - Application for transfer of wastewater systems of North Peninsula Utilities Corporation, Wastewater Certificate No. 249-S to CSWR-Florida Utility Operating Company, LLC, in Volusia County.**

Dear Ms. Clark:

Staff has reviewed CSWR-Florida Utility Operating Company, LLC's (CSWR-FL or Buyer) application for transfer of Certificate No. 249-S from North Peninsula Utilities Corporation (Seller) to CSWR-FL. After reviewing this information we find this application to be deficient. The specific deficiencies are identified as:

1. **Notice of Application.** Rule 25-30.030(6), Florida Administrative Code, (F.A.C.), incorporated by reference in Rule 25-30.037(2)(b), 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.
2. **Permits.** Rule 25-30.037(2)(r)1, F.A.C., requires the applicant provide a copy of the utility's current permits from the Department of Environmental Protection (DEP) and the water management district (WMD). The copies of the permits included in the application were issued by the respective agency to the Seller. Please provide copies of the applications required by the DEP and the St. Johns River WMD for transfer of the permits to the Buyer. Also, please ensure that the WMD permit transfer application also corrects the reference to the township/section/range information for the areas served to include all of the certificated service territory for Certificate No. 249-S.
3. **Right to Land.** Rule 25-30.037(2)(s), 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. In Exhibit H to the application, the Buyer makes the following statement:

Between the date of this application and closing, CSWR-Florida will conduct additional due diligence, which includes engaging a Florida title company to review relevant records related to real property assets North Peninsula proposes to transfer to confirm the rightful owner(s) and identify any title defects that will be cured prior to closing. Although documents required by Section 4.01(b) do not currently exist, they can be provided post-closing if necessary to establish CSWR-Florida's ownership or long-term use rights.

Please be advised that this item will remain deficient until the required documentation has been provided.

4. **Compliance Inspection Report.** Rule 25-30.037(2)(r)2, F.A.C., requires a copy of the most recent DEP and/or county health department sanitation survey, compliance inspection report, and secondary standards drinking water report. In Exhibit J to the application, the Buyer makes the following statement:

North Peninsula Utilities Corporation does not have any DEP and/or county health department sanitary survey, compliance inspection report, or secondary water quality standards report, as it is a wastewater only facility.

While the Buyer is not required to provide the DEP and/or county health department sanitation surveys, and secondary standards drinking water reports, a DEP compliance inspection report is required for wastewater facilities. Please provide the latest DEP compliance inspection report for the wastewater facility.

5. **Legal Description.** Rule 25-30.037(2)(n), F.A.C., requires a legal description of the proposed service area in the format prescribed in Rule 25-30.029, F.A.C. The legal description provided was approved in 1989. There have been multiple amendments to Certificate No. 249-S since that time. Please provide the legal description for the currently certificated service territory for the Utility.
6. **Assets and Liabilities.** Rule 25-30.037(2)(j)(3), F.A.C., requires a list of and the dollar amount of the assets purchased and liabilities assumed or not assumed, including those of nonregulated operations or entities. Please provide a list of the specific assets and, if applicable, liabilities including the dollar amount allocated to each.
7. **Rate Base.** Rule 25-30.037(2)(o), F.A.C, requires that if rate base has been established by this commission, provide the docket and order number. In addition, provide a schedule

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of all subsequent changes to rate base. Please provide the docket and order number from the last case establishing rate base and a schedule showing all subsequent changes to rate base.

8. **Tariffs.** Rule 25-30.037(2)(u), F.A.C., requires a copy of the tariff sheets reflecting any changes resulting from the transfer. Please provide the tariff sheets.

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 1, 2021**, 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 email at [mwatts@psc.state.fl.us](mailto:mwatts@psc.state.fl.us) for technical questions, or Mr. Ryan Sandy by phone at (850) 413-6856 or email at [rsandy@psc.state.fl.us](mailto:rsandy@psc.state.fl.us) for legal questions. Please include the docket number in all submissions to the Commission Clerk.

Sincerely,

*/s/Melinda Watts*

Melinda Watts  
Engineering Specialist

MW:jp

cc: Thomas Crabb, Esq. ([tcrabb@radeylaw.com](mailto:tcrabb@radeylaw.com))  
Office of Commission Clerk (Docket No. 20210133-SU)