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DIVISION OF ENGINEERING  
TOM BALLINGER  
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(850) 413-6910

# Public Service Commission

January 12, 2022

Mr. Robert Finvarb  
3070 Harbor Drive  
St. Augustine, FL 32084  
robert@finvarb.com

VIA EMAIL

**Re: Docket No. 20210189-WU - Application for transfer of water facilities of Camachee Island Company, Inc. d/b/a Camachee Cove Yacht Harbor Utility and Certificate No. 647-W to Windward Camachee Marina Owner LLC, in St. Johns County**

Dear Mr. Finvarb:

Staff has reviewed Windward Camachee Marina Owner LLC's (Windward, Buyer, or applicant) application for transfer of Certificate No. 647-W from Camachee Island Company, Inc. (Seller) to Windward filed on December 1, 2021. After reviewing this information, we find the 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. Seller Information.** Rule 25-30.037(2)(c), F.A.C., requires that the applicant provide specified information relating to the seller, including its fax number, if available. Please provide the Seller's fax number, or state that the requested information is unavailable, if applicable.
- 3. Buyer Information.** Rule 25-30.037(2)(d), F.A.C., requires that the applicant provide specified information relating to the buyer, including its fax number, if available. The applicant did not provide a fax number. Please provide the Buyer's fax number, or state that the requested information is unavailable, if applicable.
- 4. Books and Records.** Rule 25-30.037(2)(e), F.A.C., requires that the fax number of the person in possession of the books and records be provided. Please provide, if available, the fax number for this person.

5. **Florida Department of State, Division of Corporations Documentation.** Rule 25-30.037(2)(f)1. and 2., F.A.C., requires that the applicant provide the nature of the buyer's business organization, and documentation from the Florida Department of State, Division of Corporations, showing: (1) The utility's business name and registration/document number for the business, unless operating as a sole proprietor; and, (2) The utility's fictitious name and registration number for the fictitious name, if operating under a fictitious name. Please provide the required documentation from the Florida Department of State, Division of Corporations.
6. **Percent Ownership.** Rule 25-30.037(2)(g), F.A.C., requires that the applicant provide name(s), address(es) and percentage of ownership of each entity or person that owns or will own more than a 5 percent interest in the utility. Please provide the addresses for the entities named in the application that are the Buyers.
7. **Incorporation Information.** Rule 25-30.037(2)(h), F.A.C., requires that the applicant provide the date and state of incorporation or organization of the buyer. Please provide the state of incorporation of the Buyer.
8. **Contract for Sale.** Rule 25-30.037(2)(i), F.A.C., requires a copy of the contract for sale and all auxiliary or supplemental agreements. If the sale, assignment, or transfer occurs prior to Commission approval, the contract shall include a provision stating that the contract is contingent upon Commission approval. Please provide a copy of the contract for sale and all auxiliary or supplemental agreements with a statement that the transfer is contingent upon Commission approval.
9. **Terms of Payment.** Rule 25-30.037(2)(j)2, F.A.C., states that the buyer must provide documentation detailing the purchase price and terms of payment for the transfer. The Bill of Sale does not include the terms of payment. Please provide the terms of payment.
10. **Legal Description.** Rule 25-30.037(2)(n), F.A.C., requires that the applicant provide a legal description of the proposed service area in the format prescribed in Rule 25-30.029, F.A.C. Since the buyer has not requested to add or delete service territory, the territory description should match the one approved by the Commission in Order No. PSC-09-0752-PAA-WU, issued on November 16, 2009, in Docket No. 090185-WU, *In re: Application for grandfather certificate to operate water utility in St. Johns County by Camachee Island Company, Inc. d/b/a Camachee Cove Yacht Harbor Utility*. Please provide the territory description from the referenced docket.
11. **Net Book Value.** Rule 25-30.037(2)(o), F.A.C., states that the buyer is to provide the Proposed Net Book Value of the system as of the date of proposed transfer. Please provide the Proposed Net Book Value of the water system as of August 31, 2021.
12. **Permits.** Rule 25-30.037(2)(r), F.A.C., requires that the applicant provide: (1) a copy of the utility's current permits from the DEP and the water management district; (2) a copy of the most recent DEP and/or county health department sanitary survey, compliance inspection report, and secondary standards drinking water report; (3) a copy of all of the utility's correspondence with the DEP, county health department, and water management

Mr. Robert Finvarb

Page 2

January 12, 2022

district, including consent orders and warning letters, and the utility's responses to the same, for the past five years; and (4) a copy of all customer complaints that the utility has received regarding DEP secondary water quality standards during the past five years. Please provide the required documents and information, including the secondary standards drinking water report and a copy of all of the utility's correspondence with the DEP, county health department, and water management district, including consent orders and warning letters, and the utility's responses to the same, for the past five years.

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 **February 2, 2022**, 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 or need assistance in curing the deficiencies, please feel free to contact Mrs. Kerri Maloy by phone at (850) 413-6836 or email at [kmaloy@psc.state.fl.us](mailto:kmaloy@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/ Kerri Maloy*

Kerri Maloy  
Engineering Specialist

KM:pz

cc: Office of Commission Clerk (Docket No. 20210189-WU)