

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: September 28, 2022

TO: Docket File

FROM: Adam J. Teitzman, Commission Clerk, Office of Commission Clerk 

RE: 20220156-WS - Application for name change on Certificate Nos. 277-W and 223-S in Seminole County from CWS Communities, LP d/b/a Palm Valley Utilities to Hometown Palm Valley, LLC d/b/a Palm Valley Utilities.

Please place the attached email in the correspondence file for the above-referenced docket.

From: [Diana Danin](#)
To: [Adam Teitzman](#)
Cc: [John Plescow](#)
Subject: Re: utility company WS832
Date: Wednesday, September 28, 2022 11:29:02 AM
Attachments: [staff assigned to docket.pdf](#)
[Palm Valley Utilities exp dec 2020-sunbiz.org - Florida Department of State.pdf](#)

Thank you Mr. Teitzman
The link to the docket is very informative.

Hometown America, in my opinion, operates their public utility company as if they have impunity from all PSC rules, any obligations to treat their customers fairly, or any obligation to respond to inquiries as a provider of utilities.

They have a NEW application before the PSC. But the contact person they provided, "Terri Passaro", is no longer employed by Palm Valley - for almost a year now. I dare the PSC to find even one direct employee of the utility company. Will the PSC accept a formal request without benefit of a contact person from the utility that is in charge of coordinating the information necessary to effect this change? Because that person is certainly not the manufactured home park manager that stuffs the monthly bills into mailing envelopes.

I allege they have increased their rates without proper documentation submitted to the PSC to support the rate increases for the last three years. Even the standard rate increases to cover routine cost increases, the one that is linked to the CPI, even that rate increase requires submission of financial information to the PSC. They applied in the name of a business that divested itself of interest in the public utility company. So what financial information did they submit to the PSC to support the rate increases since 2018? I hope not financial information of CWS that didn't even own the company anymore. But how would the PSC have know to ask for something different if they never informed the PSC of the change in ownership? The utility continues to communicate with their customers as if that was the active name of the company.

I allege that each of their rate increases over the last three years should be revoked by the PSC for failure to follow required rules when transferring majority organizational control from one business entity to another. I don't care that the subsidiary companies were presumably owned by the same parent company. If that mattered then it would be so very easy for any

public utility company that was subject to EPA or PSC fines or warnings to simply transfer the utility company asset to a newly formed subsidiary. And I am certain that protection does not exist.

The attached document lists the names of the people within the PSC that is handling this request. Can you please provide me with their contact information and forward this email on to them on my behalf. They should at least know that the current request before them has provided the wrong contact information and I want to make sure they ask for every single document required under 25-30.037 governing the transfer of majority organizational control.

And by the way, they didn't just forget to file with the PSC. They failed to file the dba with the secretary of state of florida until July 2022 when I told them about it. The prior DBA under CWS expired in 2020! Isn't there some kind of penalty assessed when a public utility continues to operate in a defunct business name that is not even registered with the Division of Corporations with the Secretary of State. Or do they just get to do whatever they want without consequence?

I truly apologize if there is an undertone of pissedoffedness seething from these words. I assure you it is not directed at the PSC. It is just that everything I look at with respect to this utility company's operations is indicative of "no management, no controls, no accountability". There is so much more happening with this company - they overcharge every new senior resident that signs a lease for their water by billing them for water/sewer for the two months prior to purchase=lease signing - bills that belonged to prior owner. I've given them every opportunity to go back and provide refunds but they refuse to correct back - but assure me they will not "do it again going forward". I'm working on correcting this but really the PSC should be on top of this company like white on rice.

Anyway, I have not finished looking at the information provided in the docket but I wanted to ask for the contact information of the PSC staff that is handing the "name change request".

Thank you for your cooperation
Diana Danin
938 East Palm Valley Drive
Oviedo, Fl 32765
407-733-2662

jeladi1@gmail.com

On Wed, Sep 28, 2022 at 8:53 AM Adam Teitzman <ATEITZMA@psc.state.fl.us> wrote:

Ms. Danin,

This is to confirm receipt of the additional requests you submitted yesterday. I will be adding these requests to yesterday's PRR and the estimated response date will remain 10/11/22. Although Commission staff will need to research each of your requests to determine whether the Commission is in possession of any responsive records, I am aware that CWS Communities, LP d/b/a Palm Valley currently has an open proceeding before the Commission in which they have submitted an application for a name change on its active certificates (Docket No. 20220156-WS).

You may access the documents in Docket No. 20220156 by following these steps:

- From the PSC home page www.floridapsc.com
- Select "Clerk's Office" tab
- Select "Dockets" tab
- Enter Docket Number 20220156 and select "Search"
- Click on "Document Filings Index"
- Click on Document Number to view the document

I will be in touch as soon as I have any additional information regarding your requests.

Sincerely,

Adam J. Teitzman

Commission Clerk

Florida Public Service Commission

2540 Shumard Oak Boulevard

Tallahassee, Florida 32399

Adam.Teitzman@psc.state.fl.us

850.413.6826

From: Diana Danin <jeladi1@gmail.com>

Sent: Tuesday, September 27, 2022 5:34 PM

To: John Plescow <JPlescow@PSC.STATE.FL.US>; Adam Teitzman <ATEITZMA@psc.state.fl.us>;
Diana Danin-Gmail <jeladi1@gmail.com>

Subject: utility company WS832

Dear Mr. Plescow and Mr. Teitzman

Mr. Plescow: In your recent email to me you wrote:

Thank you for contacting the Florida Public Service Commission (FPSC).

You have indicated that you wanted to make a public records request regarding CWS Utilities, doing business as Palm Valley Utilities. Please note, **the FPSC's records show that CWS' certificate was transferred to Home Town America in 2005. Home Town America holds the majority interest, and can remain certificated with the FPSC as CWS Utilities, doing business as Palm Valley.** Also, for your information, the utility's company code is WS832.

You also wanted to get copies of filings related to CWS Utilities. To

get the requested documents, you will need to contact the FPSC's Office of the Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0850. You can also contact the Clerk's office via E-mail at <http://www.floridapsc.com/ClerkOffice/CopyRequest>. Finally, you can call the FPSC's Office of Commission Clerk at 850-413-6770.

I regret that the FPSC can be of no further assistance in this matter. If you have any questions in the future, please contact me.

In a letter from Gena Paugh, the Regional Director for Hometown America she informed me that ownership of the utility company was transferred in 2018 to Hometown Palm Valley LLC, a business formed in 2018 according to the records on file with the Secretary of State. The water company is no longer operating in the name of CWS Communities LP and yet they continue to communicate with their customer base in that name.

Further, PSC Rule 25-30.037 governs the transfer of majority organizational control of a utility and outlines a list of items that needs to be provided in order to obtain approval from the PSC for that transfer.

I've attached a copy of this rule with what I think are the items that would apply in this instance.

Under the FOIA, I am requesting copies of all documents, financial information and communications between the PSC and Hometown America, CWS Communities, Hometown Palm Valley or any of their affiliates that support the transfer/sale of this utility from CWS to Hometown Palm Valley as described in the letter from Gena Paugh or any communications the PSC has had with any representatives of this utility company between 2018 and today. If there is an official register of outgoing phone calls made from your office to Hometown America, please provide that as well.

If there is a reason why the documents required under Rule 25-30.037 would not apply in this instance, please provide those reasons in writing to me.

The PSC's most recent list of rates on the PSC website still reflects that this company is in the name of CWS Communities. While there might be common ownership, transfer of a public utility from one subsidiary corporation to a different subsidiary corporation would still require appropriate PSC filings.

I look forward to your response. I don't know where you all are located but please stay safe during the upcoming storm and feel free to delay responding to this inquiry until next week after the storm passes.

Very truly yours,

Diana Danin

938 East Palm Valley Drive

Oviedo, FL 32765

407-733-2662

jeladi1@gmail.com