

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: March 14, 2023

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

FROM: Marissa Ramos, Supervisor, Division of Engineering *MR LK*

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 d/b/a Camachee Cove Yacht Harbor Utility, in St. Johns County.

Please file the attached letter from Victor Recondo, on behalf of Windward Camachee Marina Owner LLC d/b/a Camachee Cove Yacht Harbor Utility, dated March 8, 2023, in the above mentioned docket file.

MR/jp

Attachment



March 8, 2023

Adam Teitzman
Director of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Re: Docket No. 20210189-WS; Clarification related to the water treatment plant land.

Dear Mr. Teitzman:

Windward Camachee Marina Owner LLC d/b/a Camachee Cove Yacht Harbor Utility (“Windward”) is writing to clarify the status of the land ownership requirement pursuant to Rule 25-30.037(2)(s) (“Rule”). It has come to our attention that the Partial Release of Mortgage filed on November 29, 2022 in this case, contained a drawing that had a scrivener’s error indicating that the water treatment plant was occupying the land pursuant to an easement. This error on the drawing did not affect the partial release related to the land underlying the water treatment plant. I have provided an affidavit confirming that there is no easement agreement in order to resolve any doubt. This indication of easement is incorrect.

With the treatment plant site being released from the mortgage, the land underlying the facility as shown in the drawing attached to the recorded partial release is owned by Windward in fee simple pursuant to the August 31, 2021 special warranty deed that was submitted with the application. This meets the requirements of Section 367.1213, Florida Statutes and the Rule. This is also consistent with the grandfather certification and last rate case decisions by the Commission (Order No. PSC-2010-0126-PAA-WS at 4 Order No. PSC-2009-0752-PAA-WS at 2.

I have spoken to the Office of Public Counsel and they have stated that with this clarification I am authorized to represent that they support the transfer now that it has been clarified that the proof of continuous use is evidenced by the special warranty deed and the release of the water treatment plant from the mortgage.

With this clarification Winward requests that the Staff’s Recommendation be revised accordingly and that the matter be rescheduled for the April 4, 2022 Agenda.

Please do not hesitate to call with any questions.



Sincerely,



Victor Recondo
General Counsel

Cc: Ryan Sandy, Esq., Commission Staff
Charles J. Rehwinkel, Deputy Public Counsel

AFFIDAVIT

BEFORE ME, the undersigned authority, personally appeared Victor Recondo (“**Affiant**”), after being duly sworn, deposes, and says the following:

1. Affiant is the General Counsel for Windward Camachee Marina Owner LLC d/b/a Camachee Cove Yacht Harbor Utility (the “**Company**”) and has personal knowledge of the matters contained herein, specifically those matters relating to Docket No, 20210189-WS (the “**Docket**”).

2. The Company is the owner, in fee simple, of the real property and improvements which comprise the utility being transferred and referenced in the Docket (the “**Utility**”).

3. The reference in the legal description attached to the Partial Release of Mortgage filed on November 29, 2022 was in error.

4. There is no easement for the operation of the Utility. The Company owns and operates the Utility.

FURTHER AFFIANT SAYETH NAUGHT.




VICTOR RECONDO

STATE OF FLORIDA }
 } SS.:
COUNTY OF MIAMI-DADE }

The foregoing instrument was sworn to and subscribed before me by means of physical presence or online notarization this 9th day of March, 2023 by Victor Recondo, who is personally known to me or has produced _____ as identification.



 Nindiri Rivas
NOTARY PUBLIC
STATE OF FLORIDA
Comm# GG946759
Expires 1/13/2024



Notary Public, State of Florida
Print name: Nindiri Rivas

[Notary Seal]