

FLORIDA PUBLIC SERVICE COMMISSION

Item 8

VOTE SHEET

June 13, 2023

FILED 6/13/2023  
DOCUMENT NO. 03610-2023  
FPSC - COMMISSION CLERK

**Docket No. 20220064-WS** – Application for transfer of water and wastewater facilities of Tymber Creek Utilities, Inc., water Certificate No. 303-W, and wastewater Certificate No. 252-S to CSWR-Florida Utility Operating Company, LLC, in Volusia County.

**Issue 1:** Should the Commission grant CSWR-Tymber Creek’s motion to dismiss the objections?

**Recommendation:** Yes. The objections to the application for transfer of water and wastewater facilities from Tymber Creek to CSWR-Tymber Creek fail to raise any issue relevant to the application. Consequently, staff recommends the Commission grant the Utility’s motion to dismiss and allow the transfer application to proceed.

**WITHDRAWN**

**COMMISSIONERS ASSIGNED:** All Commissioners

**COMMISSIONERS’ SIGNATURES**

**MAJORITY**

**DISSENTING**

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**REMARKS/DISSENTING COMMENTS:** Approved withdrawal request, assigned DN 03584-2023, is attached.

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**Issue 2:** Should the transfer of Certificate Nos. 303-W and 252-S in Volusia County from Tymber Creek Utilities, Inc. to CSWR-Florida Utility Operating Company, LLC be approved?

**Recommendation:** Yes. The transfer of the water and wastewater systems and Certificate Nos. 303-W and 252-S is in the public interest and should be approved effective the date that the sale becomes final. The resultant Order should serve as the Buyer's certificate and should be retained by the Buyer. The Buyer should submit the signed contract for sale and the executed and recorded deed for continued access to the land upon which its facilities are located and copies of its permit transfer applications to the Commission within 60 days of the Order approving the transfer, which is final agency action. If the sale is not finalized within 60 days of the transfer Order, the Buyer should file a status update in the docket file. The Utility's existing rates, late payment charges, service availability charges, and initial customer deposits, as shown on Schedule No. 2 of staff's memorandum dated June 1, 2023, should remain in effect until a change is authorized by this Commission in a subsequent proceeding. The tariff pages reflecting the transfer should be effective on or after the stamped approval date on the tariff sheets, pursuant to Rule 25-30.475(1), F.A.C. Staff has verified that the Utility is current on the filing of annual reports and regulatory assessment fees (RAFs) through December 31, 2022. The Buyer should be responsible for filing the Utility's annual reports and paying RAFs for all future years.

**Issue 3:** What is the appropriate net book value for CSWR-Florida Utility Operating Company, LLC's water and wastewater systems for transfer purposes?

**Recommendation:** For transfer purposes, the net book value (NBV) of the system is \$62,485 for water and \$131,849 for wastewater, as of February 28, 2022. Within 90 days of the date of the Consummating Order, CSWR-Tymber Creek should be required to notify the Commission in writing that it has adjusted its books in accordance with the Commission's decision. The adjustments should be reflected in the Utility's 2023 Annual Report when filed.

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**Issue 4:** Should a positive acquisition adjustment be recognized for ratemaking purposes?

**Recommendation:** No. Pursuant to Rule 25-30.0371, F.A.C., a positive acquisition adjustment should not be granted as the Buyer failed to demonstrate extraordinary circumstances.

**Issue 5:** Should CSWR-Florida Utility Operating Company, LLC's miscellaneous service charges be revised to conform to amended Rule 25-30.460, F.A.C.?

**Recommendation:** Yes. The miscellaneous service charges should be revised to conform to the recent amendment to Rule 25-30.460, F.A.C. The tariff should be revised to reflect the removal of initial connection and normal reconnection charges. The Utility should be required to file a proposed customer notice to reflect the Commission-approved charges. The approved charges should be effective on or after the stamped approval date on the tariff sheet pursuant to Rule 25-30.475(1), F.A.C. In addition, the approved charges should not be implemented until staff has approved the proposed customer notice and the notice has been received by customers. The Utility should provide proof of the date notice was given within 10 days of the date of the notice. The Utility should be required to charge the approved miscellaneous service charges until authorized to change them by the Commission in a subsequent proceeding.

**Issue 6:** Should this docket be closed?

**Recommendation:** Yes. If no protest to the proposed agency action is filed by a substantially affected person within 21 days of the date of the issuance of the Order, a Consummating Order should be issued and the docket should be closed administratively upon Commission staff's verification that the revised tariff sheets have been filed, the Buyer has notified the Commission in writing that it has adjusted its books in accordance with the Commission's decision, that the Buyer has submitted the executed and recorded warranty deed and that the Buyer has submitted copies of its applications for permit transfers to the DEP and the SJRWMD, within 60 days of the Commission's Order approving the transfer.

**Lorena Hollett**

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**From:** Kate Hamrick  
**Sent:** Monday, June 12, 2023 9:53 AM  
**To:** CLK - Agenda Staff; Tom Ballinger; Braulio Baez; Apryl Lynn; Mark Futrell; Keith Hetrick; Mary Anne Helton; Cindy Muir; Commissioners & Staffs; Jennifer Crawford; Melinda Watts; Major Thompson; Marissa Ramos  
**Cc:** Asha Maharaj-Lucas; Jacqueline Moore; Nancy Harrison  
**Subject:** RE: APPROVED: Change to Commission Conference: Item 8 Withdrawn  
**Attachments:** 2023-6 20220064 Withdrawn.pdf

Apologies for the typo in the previous email. Item 8 has been withdrawn.

Thanks all!

Kate Hamrick  
Executive Assistant to  
Mark Futrell  
Deputy Executive Director: Technical  
Florida Public Service Commission  
850-413-6304

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**From:** Kate Hamrick  
**Sent:** Monday, June 12, 2023 9:28 AM  
**To:** CLK - Agenda Staff <CLK-AgendaStaff@PSC.STATE.FL.US>; Tom Ballinger <TBallig@PSC.STATE.FL.US>; Braulio Baez <BBaez@PSC.STATE.FL.US>; Apryl Lynn <ALYNN@PSC.STATE.FL.US>; Mark Futrell <MFutrell@PSC.STATE.FL.US>; Keith Hetrick <khetrick@psc.state.fl.us>; Mary Anne Helton <MHelton@PSC.STATE.FL.US>; Cindy Muir <CMuir@PSC.STATE.FL.US>; Commissioners & Staffs <Commissioners&Staffs@PSC.STATE.FL.US>; Jennifer Crawford <jcrawfor@psc.state.fl.us>; Melinda Watts <Mwatts@PSC.STATE.FL.US>; Major Thompson <MThompso@psc.state.fl.us>; Marissa Ramos <mramos@psc.state.fl.us>  
**Cc:** Asha Maharaj-Lucas <AMaharaj@psc.state.fl.us>; Jacqueline Moore <JMoore@PSC.STATE.FL.US>; Nancy Harrison <NHarriso@PSC.STATE.FL.US>  
**Subject:** APPROVED: Change to Commission Conference: Item 8 Deferral

Please see that attached Change to Commission Conference form to defer Item 8.

Thanks!

Kate Hamrick  
Executive Assistant to  
Mark Futrell  
Deputy Executive Director: Technical  
Florida Public Service Commission  
850-413-6304

# REQUEST FOR CHANGE TO COMMISSION CONFERENCE

Request Date 06/09/23 Requested by Marissa Ramos  
Conference Date 06/13/23 Item No 8 Docket No 20220064 Title Application for Transfer from Tymber Creek to CSWR

## ACTION REQUESTED (see APM 2.11)

- Defer Item to Conference Scheduled for (date) \_\_\_\_\_
- Change Order of Item or Take Up at Time Certain (state reason) \_\_\_\_\_
- Withdraw Item
- Late Filed Recommendation (due no later than 3 p.m. on date approved for late filing). By noon on regular filing date, provide an electronic copy of the front page of recommendation to the Clerk, as a place-holder.
- File Revised Recommendation
- Add Item to Published Agenda (see s. 120.525, F.S.) – issue Addendum and provide Notice

**Provide explanation:** Requesting to withdraw this item for staff to investigate new information provided 06/09/23 regarding Utility deeds.

## SIGNATURES

Technical Marissa Ramos Director Tom Ballinger  
Legal Jennifer Crawford General Counsel \_\_\_\_\_  
Mary Anne Helton

## EXECUTIVE DIRECTOR

Approved  Disapproved  Signature Braulio Baez Date 6/9/2023

## CHAIRMAN

Approved  Disapproved  Signature Ala Baez Date 6/12/2023

The Executive Suite will scan and email approved form to CLK, CLK-Agenda Staff, OPR Director, ED, DEA, DET, Docket Manager, General Counsel, Legal Services Director, CAO Director, Commissioners' offices, and assigned attorney.