

**SUNDSTROM  
& MINDLIN, LLP**

Attorneys | Counselors



PHONE (850) 877-6555  
FAX (850) 656-4029

www.sfflaw.com

December 14, 2023

Adam Teitzman, Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

**Re: Docket No. 20220142-WS; Joint Application of Grenelefe Resort Utility, Inc., NC Real Estate Projects, LLC and Grenelefe Resort Utilities Development, LLC for authority to transfer assets and Certificate Nos. 589-W and 507-S, in Polk County, from Grenelefe Resort Utility, Inc. to NC Real Estate Projects, LLC.**

Dear Mr. Teitzman:

This letter will serve as the response of the Applicant to the Florida Public Service Commission's "deficiency letter" issued in the above-referenced matter on December 6, 2023. I have outlined below each of the six deficiencies raised in the Commission's letter and the utility response to each.

1. **Fictitious Name.** Rule 25-30.037(2)(F)(2), Florida Administrative Code (F.A.C.), requires the utility's buyer's fictitious name and registration number for the fictitious name. Currently, NC Real Estate, LLC is requesting approval for NC Real Estate Projects, LLC d/b/a Grenelefe Utility. Please provide documentation of NC Real Estate's authorization to operate as Grenelefe Utility.

**Utility Response.** Attached hereto are documents from the State of Florida to comply with this request.

2. **Financial Statements.** Rule 25-30.037(2)(1)1, F.A.C., requires a detailed financial statement (balance sheet and income statement), audited if available, of the financial condition of the applicant that shows all assets and liabilities of every kind and character. While the Utility has filed the balance sheet for Mr. Frederick Scott House, the Rule also requires an income statement be filed as well. Please provide the current income statement of Mr. House. The income statement may be filed confidentially.

**Utility Response.** In looking at the amended application as filed, I realize that we did not provide an explanation on Financial Statement requirements of Section 25-30.037(2)(L)1 that I normally provide and should have been provided in this case. The rule requires "detailed financial statement (balance sheet and income statement), audited if available, of the applicant...". In this case, as in many cases I have been involved with over the years, a new entity which purchases the existing utility has no financial statements to provide as they have just begun operations with the acquisition of the utility. I usually provide a statement to that effect in the application. We did not do so here. By this letter, I wish to official add the following language to our application, as a new first paragraph, at the

beginning of Section 14:

The Buyer applicant was created for the purpose of owning and operating the utility after the transfer. As such the Buyer/Applicant has no "detailed Financial Statement" as required by Section 25-30.037(2)(1)1 for the preceding calendar year. However, in order to demonstrate the financial ability of the Buyer to maintain the acquired utility we also offer the following.

We did provide a balance sheet for the person who owns the applicant but that was not to comply with the requirements of the above-referenced section but instead to show financial ability to fund the utility by another method. In many previous cases, this balance sheet from a related entity along with an affidavit of support from the related entity, has satisfied the Commission as to the "financial ability" requirement of the statute and Rule 25-30.037(2)(1) FAC. I have never been asked for an income statement for the related entity. It is not a rule requirement and it is not relevant to the Commission's desire to see "financial ability" which has always been about assets not income and expenses of a related entity. In any case, Mr. House does not produce a personal income statement.

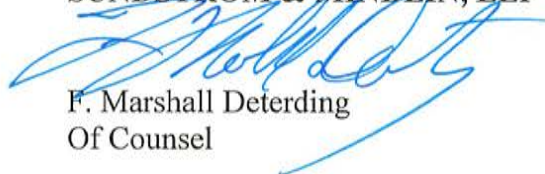
- Legal Description.** Rule 25-30.037(2)(n), F.A.C., requires a legal description of the proposed service area in compliance with Rule 25-30.029(2)(b)2 which requires that all points of beginning must be in reference to a section corner or a subsection corner. The legal description provided includes a portion of the service area described as started from the center of a section. Rule 25-30.029(2)(b)2 states that a transfer of a regulated entity must meet the current rule requirements. Please provide a revised legal description of the service area with all points of beginning in compliance with this rule.

**Utility Response.** The legal does refer to a "center of Section 7" as a POB but that is the same thing by definition as "The SE corner of the NW quarter of Section 7" or "The SW corner of the NE quarter of Section 7", either of which is specifically allowed by the Rule. (See attached illustration.) I don't believe it is necessary under the rule, but if the Commission prefers, we can change the wording on the notice and tariff to one of those alternatives outlined above. Please let me know.

If you need anything further or have any questions in this regard, please let me know.

Sincerely,

**SUNDSTROM & MINDLIN, LLP**



F. Marshall Deterding  
Of Counsel

FMD/brf  
Enclosures



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*an official State of Florida website*

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## Fictitious Name Detail

### Fictitious Name

GRENELEFE UTILITY

### Filing Information

Registration Number	G23000148888
Status	ACTIVE
Filed Date	12/08/2023
Expiration Date	12/31/2028
Current Owners	1
County	POLK
Total Pages	1
Events Filed	NONE
FEI/EIN Number	NONE

### Mailing Address

3425 TURNBERRY DRIVE  
LAKELAND, FL 33803

### Owner Information

NC REAL ESTATE PROJECTS LLC  
3425 TURNBERRY DRIVE  
LAKELAND, FL 33803  
FEI/EIN Number: 85-1556856  
Document Number: L21000401386

### Document Images

[12/08/2023 -- Fictitious Name Filing](#) [View image in PDF format](#)

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# APPLICATION FOR REGISTRATION OF FICTITIOUS NAME

REGISTRATION# G23000148888

**Fictitious Name to be Registered:** GRENELEFE UTILITY

**Mailing Address of Business:** 3425 TURNBERRY DRIVE  
LAKELAND, FL 33803

**Florida County of Principal Place of Business:** POLK

**FEI Number:**

**FILED**  
**Dec 08, 2023**  
**Secretary of State**

**Owner(s) of Fictitious Name:**

NC REAL ESTATE PROJECTS LLC  
3425 TURNBERRY DRIVE  
LAKELAND, FL 33803 US  
Florida Document Number: L21000401386  
FEI Number: 85-1556856

I the undersigned, being an owner in the above fictitious name, certify that the information indicated on this form is true and accurate. I further certify that the fictitious name to be registered has been advertised at least once in a newspaper as defined in Chapter 50, Florida Statutes, in the county where the principal place of business is located. I understand that the electronic signature below shall have the same legal effect as if made under oath and I am aware that false information submitted in a document to the Department of State constitutes a third degree felony as provided for in s. 817.155, Florida Statutes.

FREDERICK SCOTT HOUSE

12/08/2023

Electronic Signature(s)

Date

**Certificate of Status Requested ( )**

**Certified Copy Requested ( )**

NC REAL ESTATE PROJECTS, LLC D/B/A GRENELEFE UTILITY  
WATER TARIFF

ORIGINAL SHEET NO. 3.1

DESCRIPTION OF TERRITORY SERVED

The following areas in Range 28 East, Township 28 South, Sections 5, 6, 7 and 8, Polk County, Florida;

The South 1/2 of Section 6;  
The North 1/2 of Section 7; and **Meets 25-30.029 (2)(b)(1)**

In Sections 7 and 8 described as follows:

The Point of Beginning (POB) identified as the center of Section 7; from the POB run N 89°42'32" E a distance of 2,599.05 feet; to the NW corner of Section 8; thence N 89°50'22" E a distance of 1,320.00 feet; thence South a distance of 1,317.85 feet more or less; thence S 03°59'01" E a distance of 827.42 feet; thence N 89°54'04" W a distance of 1,378.88 feet; to the East line of Section 7; thence S 89°26'13" W a distance of 2,574.02 feet; thence N 00°37'09" W a distance of 2,152.99 feet; to the POB; and **Meets 25-30.029 (2)(b)(2)**

In Section 5 described as follows:

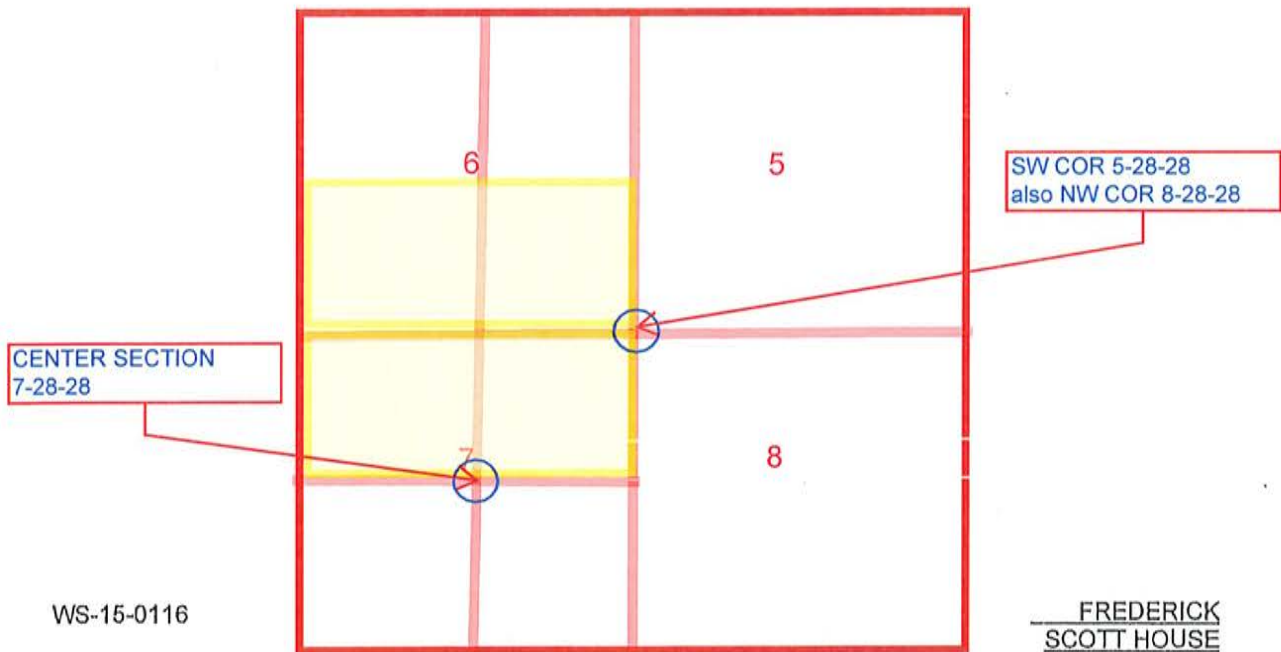
Begin at the SW corner of Section 5, Range 28 E, Township 28 S; run N 00°13'39" E a distance of 2,641.87 feet to the POB; from the POB run N 00°05'32" W a distance of 660.00 feet; thence N 89°49'05" E a distance of 1,600 feet more or less; thence Southerly along the waters edge of Lake Polk a distance of 688 feet more or less; thence S 89°50'03" W a distance of 1,407 feet more or less to the POB; and **Meets 25-30.029 (2)(b)(2)**

In Section 5 described as follows:

From the SW corner of Section 5, Range 28 E, Township 28 S, also the POB; run N 00°13'39" E a distance of 2,641.87 feet; thence N 89°49'05" W a distance of 971.87 feet; thence S 00°43'25" E a distance of 2,642.27 feet; thence S 89°50'03" W a distance of 994.74 feet to the POB; and **Meets 25-30.029 (2)(b)(2)**

In Section 8 described as follows:

From the NW corner of Section 8, Range 28 E, Township 28 S, also the POB; run N 89°50'03" E a distance a 994.74 feet; thence S 00°02'32" W a distance of 2,634.51 feet; thence S 89°50'22" W a distance of 1,000.27 feet; thence N 00°09'45" E a distance of 2,634.45 feet to the POB. **Meets 25-30.029 (2)(b)(2)**



FREDERICK  
SCOTT HOUSE  
ISSUING OFFICER  
  
MANAGING MEMBER  
TITLE