

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-**

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**DATE:** February 20, 2024

**TO:** Jennifer S. Crawford, Attorney Supervisor, Office of the General Counsel

**FROM:** Thomas E. Ballinger, Director, Division of Engineering *TB*

**RE:** Docket No. 20230133-SU - Joint application for acknowledgement of corporate reorganization and approval of name change on Certificate No. 137-S in Brevard County from Merritt Island Utility Company, Inc. to Florida Community Water Systems, Inc.

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On December 12, 2023, a request was filed on behalf of Merritt Island Utility Company, Inc. (Merritt Island) and Florida Community Water Systems, Inc. (FCWS) (collectively the “Utility”) for acknowledgement of corporate reorganization and approval of name change of the Utility. The regulated history of the Utility began in 1974, when Mobile Home Investors, Inc. was granted Certificate No. 137-S in Brevard County.<sup>1</sup> The wastewater system and Certificate No. 137-S were subsequently transferred two times, amended once, and underwent two transfers of majority organizational control, prior to being acquired by Merritt Island in 2017.<sup>2</sup> The Florida Public Service Commission (Commission) granted Merritt Island’s transfer of Certificate No. 137-S in 2017.<sup>3</sup> Since Merritt Island’s acquisition of the wastewater system in Brevard County, the Commission has approved one amendment.<sup>4</sup>

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<sup>1</sup>Order No. 6365, issued December 2, 1974, in Docket No. 73391-S, *In re: Application of Mobile Home Investors, Inc., for a certificate to operate an existing sewer utility in Brevard County, Florida.*

<sup>2</sup>Order No. 7296, issued June 28, 1976, in Docket No. 750664-S, *In re: Application of MOBILE HOME INVESTORS, INC., and COLONY PARK UTILITIES, INC. for approval of the transfer of assets and Certificate No. 137-S from the former to the latter. (Section 367.071, Florida Statutes);* Order No. PSC-03-0320-FOF-SU, issued March 6, 2003, in Docket No. 20020930-SU, *In re: Application for transfer of majority organizational control of Colony Park Utilities, Inc. holder of Certificate No. 137-S in Brevard County, from Robert Warren, Lenore Warren, William Warren, and Carol Kendall to Eileen Rogow, Arthur Rogow, and Philip Young;* Order No. PSC-07-0420-FOF-SU issued May 14, 2007, in Docket No. 20060636-SU, *In re: Application for transfer of majority organizational control of Colony Park Utilities, Inc., holder of Certificate No. 137-S in Brevard County from Eileen Rogow to Michael Abramowitz;* and Order No. PSC-14-0673-PAA-SU, issued December 5, 2014, in Docket No. 20120285-SU, *In re: Application to transfer wastewater facilities and Certificate No. 137-S in Brevard County from Colony Park Utilities, Inc. to Colony Park Development Utilities, LLC.*

<sup>3</sup>Order No. PSC-2017-0366-PAA-SU, issued September 27, 2017, in Docket No. 20170018-SU, *In re: Application to transfer wastewater system and Certificate No. 137-S in Brevard County from Colony Park Development Utilities, LLC to Merritt Island Utility Company, Inc.*

<sup>4</sup>Order No. PSC-2018-0243-FOF-SU, issued May 10, 2018, in Docket No. 20170142-SU, *In re: Application for amendment of Certificate No. 137-S for extension of wastewater service territory in Brevard County, by Merritt Island Utility Company.*

February 20, 2024

Rule 25-30.039, Florida Administrative Code (F.A.C.), sets forth the filing requirements for changes in name only, with no change in the ownership or control of the utility or its assets. The Utility provided a statement attesting that there will be no change in the ownership or control of the Utility and its assets. The parties also provided documentation from the Florida Department of State (DOS), Division of Corporations, regarding the Articles of Merger of Merritt Island and FCWS showing that FCWS would be the surviving corporation effective January 1, 2024. The parties also provided documentation from the DOS amending FCWS's Articles of Incorporation effective January 1, 2024. On February 7, 2024, the Utility filed a written affirmation stating that it mailed the approved customer notice to its customers on December 28, 2024. Staff has reviewed the Utility's filings and finds that the request for acknowledgement of change in name is in compliance with the provisions of Rule 25-30.039, F.A.C.

Section 2.07(C)(2)(a) of the Commission's Administrative Procedures Manual grants the Director of the appropriate technical division and the Office of the General Counsel authority to approve changes of names and corporate reorganizations of regulated utilities, where no change of ownership or control or transfer of assets is involved, by notifying the Office of Commission Clerk. Therefore, staff recommends that an administrative order be issued within 30 days acknowledging the change of name on Certificate No. 137-S from Merritt Island Utility Company, Inc. to Florida Community Water Systems, Inc. The resultant order should serve as the Utility's wastewater certificate and should be retained by the Utility. Finally, upon issuance of the order, the docket should be closed.

TB/MW/da

Attachment

cc: Office of Commission Clerk (Docket No. 20230133-SU)

# FLORIDA PUBLIC SERVICE COMMISSION

## Authorizes

### Florida Community Water Systems, Inc. pursuant to Certificate Number 137-S

to provide wastewater service in Brevard County, in accordance with the provisions of Chapter 367, Florida Statutes, and the Rules, regulations, and Orders of this Commission in the territory described by the Orders of this Commission. This authorization shall remain in force and effect until superseded, suspended, cancelled or revoked by Order of this Commission.

<u>Order Number</u>	<u>Date Issued</u>	<u>Docket Number</u>	<u>Filing Type</u>
6365	12/02/1977	1973391-S	Original Certificate
7296	06/28/1976	19750664-S	Transfer
PSC-03-0320-FOF-SU	03/06/2003	20020930- SU	TMOC
PSC-07-0420-FOF-SU	05/14/2007	20060636- SU	TMOC
PSC-14-0673-PAA-SU	12/05/2014	20120285- SU	Transfer
PSC-2017-0366-PAA-SU	09/27/2017	20170018- SU	Transfer
PSC-2018-0243-FOF-SU	05/10/2018	20170142-SU	Amendment
*	*	20230133-SU	Name Change

**\* Order Number and date to be provided at time of issuance.**