

Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, Fl. 32399

November 4, 1996

ORIGINAL  
FILE COPY

Re: Docket No 961015 WS Application for transfer of  
Certificates Nos. 378-W and 325-S in Marion County to Civic  
Association of RioV VistaU Utilities, Inc. bu Astor West,  
Inc.

Dear Ms. Bayo,

Enclosed please find six sets of the By- Laws and a current  
Financial Statement as per your request, along with a copy of  
the Corporation papers from the State Of Florida Dated July  
3, 1996.

If you need any other information please contact me.

Thank You,



Shirley Sereda

18860 SW 110 Place  
Dunnellon, Florida 34432

(352) 489-6360

NOV -6 AM 8 27

- ACK \_\_\_\_\_
- AFA \_\_\_\_\_
- APP \_\_\_\_\_
- CAF \_\_\_\_\_
- CMU \_\_\_\_\_
- CTR \_\_\_\_\_
- EAG \_\_\_\_\_
- LEG \_\_\_\_\_
- LIN \_\_\_\_\_
- OPC \_\_\_\_\_
- RCH \_\_\_\_\_
- SEC \_\_\_\_\_
- WAS \_\_\_\_\_
- OTH \_\_\_\_\_

*1 way cover letter*

*WAS 1 way cover letter*

DOCUMENT NUMBER-DATE  
**11856 NOV-6 96**  
FPSC-RECORDS/REPORTING

Commissioners:  
SUSAN F. CLARK, CHAIRMAN  
J. TERRY DEASON  
JULIA L. JOHNSON  
DIANE K. KIESLING  
JOE GARCIA



DIVISION OF WATER &  
WASTEWATER  
CHARLES HILL  
DIRECTOR  
(904) 413-6900

## Public Service Commission

October 10, 1996

Astor West, Inc.  
c/o Mr. S. Ray Gill, P.A.  
P. O. Box 337  
Ocala, Florida 34478

RE: Docket No. 961015-WS, Application for transfer of Certificates Nos. 378-W and 325-S in Marion County to Civic Association of Rio Vista Utilities, Inc. by Astor West, Inc.

Dear Mr. Gill:

Staff has reviewed the utility's application for transfer of certificates and determined that it is deficient pursuant to Rules 25-30.030 and 25-30.037, Florida Administrative Code. The following deficiencies have been noted:

1. **Financial Ability.** Rule 25-30.037(j), Florida Administrative Code (F.A.C.), requires a showing of the buyer's financial ability to provide service. The application states that "the buyer is committed to, and has the resources available, to make all necessary repairs to the system as may from time to time be required by the Commission." However, the application does not contain any financial information to show the buyer's financial ability to provide service. We realize the financial information may be limited since the corporation was only formed a few months ago. However, the Commission has an obligation to verify that the buyer has the financial ability to provide service. Please provide any financial information available which will demonstrate the buyer's financial ability to provide service. You may request confidential treatment of the documents if that is of concern to the buyer.
2. **Regulatory Assessment Fees, Fines, and Refunds.** Rule 25-30.037(r), F.A.C., requires a statement regarding the disposition of any outstanding regulatory assessment fees, fines, or refunds owed. Rule 25-30.120(2), F.A.C., states in part that "the obligation to remit the regulatory assessment fees for any year shall apply to any utility which is subject to this Commission's jurisdiction on or before December 31 of that year or for any part of that year." Therefore, regulatory assessment fees will continue to be due from the utility until the certificates of authorization are cancelled by the Public Service Commission (PSC). Based upon our conversation, it is my understanding that the buyer and seller will be prorating the regulatory assessment fees as of the closing date of the sale. Please provide a statement to confirm that the seller will be responsible for any regulatory assessment fees, fines or refunds owed through July 31, 1996 and the buyer will be responsible from August

Mr. S. Ray Gill  
October 10, 1996  
Page 2

- 1, 1996 through the date the certificates are cancelled by the PSC. If this is not correct, please explain who will be responsible for these items.
3. **Tariffs.** Rule 25-30.037(s), F.A.C., requires the original and two copies of sample tariff sheets reflecting the change in ownership. The application states that the "buyer is a not-for-profit corporation and will be supplying water and sewer services to its members only. Buyer is therefore exempt from the tariff requirements of PSC." Based upon my conversations with you and Mr. Randy Klein, it appears that the buyer may qualify for an exemption from PSC regulation. In order to help us make that determination, please provide a copy of the Civic Association of Rio Vista Utilities, Inc.'s articles of incorporation as filed with the Secretary of State and the bylaws.
  4. **Legal Description.** Rule 25-30.030(2), F.A.C., specifies the format that should be used for the legal description contained in the notice of application. The legal description the utility used in its notice is not in the correct format. Further, it does not agree with the territory description that was approved for the utility when it was granted its original certificates by Order No. 11336. According to our records, the utility has never requested an amendment to its territory, therefore, the utility's current territory description should be the same as that shown in Order No. 11336. Therefore, the utility will be required to reissue the notice of application with the correct territory description. Please provide a sample notice with the correct legal description for our review prior to issuing the corrected notice. We have attached a page from that Order showing the correct territory description for your reference.

Please file the original and five copies of the corrected notice no later than November 15, 1996. Please file the original and five copies of the remaining requested information no later than February 3, 1997 with Ms. Blanca Bayo, Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0850. Please feel free to call Richard Redemann at (904)413-6999 or me at (904)413-7015 if you have any questions.

Sincerely,



Martha A. Golden  
Economic Analyst

/MAG

Attachment

cc: Mr. H. Randolph Klein  
Division of Water and Wastewater (Hill, William Messer, Redemann)  
Division of Legal Services (Jaber, Cyrus-Williams)  
Division of Records and Reporting

BY - LAWS  
OF  
CIVIC ASSOCIATION OF RIO VISTA UTILITIES, INC.

ARTICLE ONE - ORGANIZATION

The name of this organization shall be Civic Association of Rio Vista, Inc.

The Organization shall have a seal which shall be in the following form:

The Organization may at its pleasure by a vote of the membership body change its name.

ARTICLE TWO - PURPOSE

The following is the purpose for which the organization has been organized.

The purpose of the corporation is all lawful purposes including, but not limited to owning and operating a water and sewer system serving Rio Vista, Rio Vista First Addition and Rio Vista Estates, Marion County, Florida.

ARTICLE THREE - MEMBERSHIP

Membership in this organization shall be open to all who are customers in good standing of either the water distribution or sanitation sewer system owned by the corporation and who are property owners within Rio Vista.

Customers utilizing both water and sewer service are entitled to one vote providing they are a paid member.

ARTICLE FOUR - MEETINGS

The annual membership meeting of this corporation shall be held on the second Saturday of September each and every year except if such day be a legal holiday. In that event the Board of Directors shall fix the day but it shall not be more than two weeks from the date fixed by these by-laws. The secretary shall cause to be mailed to every member in good standing at his or her address as it appears in the membership roll book of this organization a notice telling the time and place of such annual meeting.

DOCUMENT NUMBER-DATE

11856 NOV-6<sup>th</sup>

FPSC-RECORDS/REPORTING

At all votes by ballot the chairman of such meeting shall immediately prior to the commencement of balloting appoint a committee of three who shall act as "Inspectors of Election" and who shall at the conclusion of such balloting certify in writing to the chairperson the results and certified copy shall be physically affixed in the minute book of that meeting.

No inspector of elections shall be a candidate for office or shall be personally interested in the question voted upon. The general membership shall be allowed to vote by proxy at the annual meeting.

#### ARTICLE SIX- ORDER OF BUSINESS

1. Roll Call
2. Reading of the minutes.
3. Reports of committees.
4. Reports of Officers.
5. Old and Unfinished business.
6. New Business.
7. Good and welfare.
8. Adjournments.

#### ARTICLE SEVEN - BOARD OF DIRECTORS

The business of this organization shall be managed by a board of directors consisting of Eight members together with the Officers of this organization.

The Directors to be chosen for the ensuing year shall be chosen at the annual meeting of this organization in the same manner and style as the officers of this organization and they shall serve for a term of one or two years.

The Board of directors shall have the control and management of the affairs and business of this organization. Such board of directors shall only act in the name of the organization when it shall be regularly convened by its chairman after due notice to all the directors of such meeting.

Five of the members of the Board shall constitute a quorum and the meeting of the board of directors shall be held regularly on the first tuesday of every third month.

Each Director shall have one vote and such voting may not be done by proxy.

The Board of Directors may make such rules and regulations covering its meetings as it may in its discretion determine necessary.

Vacancies in the Board of Directors shall be filled by vote of the majority of the remaining members of the Board, for the balance of the year.

Officers shall by virtue of their office be members of the Board of Directors.

No Officer or Director shall for reason of the office be entitled to receive any salary or compensation, but nothing herein shall be construed to prevent an officer or director for receiving any compensation from the organization for duties other than as Officer or Director.

#### ARTICLE NINE - SALARIES

The Board of Directors shall hire and fix the compensation of any and all employees which they in their discretion may determine to be necessary in the conduct of the business of the organization.

#### ARTICLE TEN - COMMITTEES

All committees of this organization shall be appointed by the Board and their term of office shall be for a period of one year or less if sooner terminated by the action of the board.

#### ARTICLE ELEVEN - LATE FEE

Late Fee. If monies are not received for utility bills by the 20th day of each month a late notice ill be sent out, If not paid with in five working days, water will be turned off. A reconnect fee of Fifty dollars plus the unpaid balance will be collected before water is turned back on. A second turn off shall require compliance of the above along with a One Hundred dollars deposit, to be held in a non interest account, a fifty dollar reconnect fee.

Property Owners shall be held liable for unpaid Utility debts of renters.

#### ARTICLE TWELVE - AMENDMENTS

These By-Laws may be altered, amended, repeal or added to by an affirmative vote of not less than 2/3 of members present at a duly constituted meeting of the organization. The purposed change to the by-laws shall be mailed to the members together with the notice of the meeting.

BY - LAWS  
OF  
CIVIC ASSOCIATION OF RIO VISTA UTILITIES, INC.

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Customers utilizing both water and sewer service are entitled to one vote providing they are a paid member.

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Regular meetings of this organization shall be held on the second Saturday of every third month, commencing September 4, 1996.

The presence of not less than Twenty members shall constitute a quorum and shall be necessary to conduct the business of this organization, but a lesser number may adjourn the meeting for a period of not more than two weeks from the date scheduled by these by-laws and the secretary shall cause notice of this scheduled meeting to be sent to all members who were not present at the meeting originally called. A quorum as hereinbefore set forth shall be required at any adjourned meeting.

Special meetings of this organization may be called by the president when he or she deems it for the best interest of the organization. Notices of such meeting shall be mailed to all members at their addresses as they appear in the membership roll book at least but not more than ten days before the scheduled date set for such special meeting. Such notice shall state the reason that such a meeting has been called, the business to be transacted at such meeting and by whom called.

At the request of four members of the Board of Directors or Fifteen members of the organization the president shall cause a special meeting to be called but such request must be made in writing at least thirty days before the requested scheduled date.

No other business but that specified in the notice may be transacted at such special meeting without the unanimous consent of all present at such a meeting.

#### ARTICLE FIVE - VOTING

At all meetings, except for the election of officers and Directors, all votes shall be viva voce. The election of Officers and Directors shall be by ballots that will be provided and there shall not appear any place on such ballot any mark or marking that might tend to indicate the person who cast such a ballot.

At any regular or special meeting if a majority so required any question may be voted upon in the manner and style provided for election of Officers and Directors.

At all votes by ballot the chairman of such meeting shall immediately prior to the commencement of balloting appoint a committee of three who shall act as "Inspectors of Election" and who shall at the conclusion of such balloting certify in writing to the chairperson the results and certified copy shall be physically affixed in the minute book of that meeting.

No inspector of elections shall be a candidate for office or shall be personally interested in the question voted upon. The general membership shall be allowed to vote by proxy at the annual meeting.

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The Directors to be chosen for the ensuing year shall be chosen at the annual meeting of this organization in the same manner and style as the officers of this organization and they shall serve for a term of one or two years.

The Board of directors shall have the control and management of the affairs and business of this organization. Such board of directors shall only act in the name of the organization when it shall be regularly convened by its chairman after due notice to all the directors of such meeting.

Five of the members of the Board shall constitute a quorum and the meeting of the board of directors shall be held regularly on the first tuesday of every third month.

Each Director shall have one vote and such voting may not be done by proxy.

The Board of Directors may make such rules and regulations covering its meetings as it may in its discretion determine necessary.

Vacancies in the Board of Directors shall be filled by vote of the majority of the remaining members of the Board, for the balance of the year.

The president of the organization by virtue of the office shall be chairperson of the Board of Directors.

A Director may be removed when sufficient cause exists for such removal. The Board of Directors may entertain charges against any director. A Director may be represented by counsel upon any removal hearing. The Board of Directors shall adopt such rules as it may in its discretion consider necessary for the best interest of the organization, for this hearing.

#### ARTICLE EIGHT - OFFICERS

The Officers of the organization shall be as follows: President, Vice President, Secretary and treasurer.

The president shall preside at all membership meetings, by virtue of the office be chairperson of the Board of Directors, present at each annual meeting of the organization, an annual report of the work of the organization, appoint all committees, temporary or permanent, see that all books, reports and certificates as required by law are properly kept on file, be one of the officers who may sign the checks or drafts of the organization and have such powers as may be reasonably construed as belonging to the chief executive of any organization.

The Vice President shall in the event of the absence or inability of the president to exercise his or her office become acting president of the organization with all the rights, privileges and powers as if he or she had been duly elected president.

The Secretary shall keep the minutes and records of the organization in appropriate books, file any certificate required by any statute, federal or state, give or serve all notices to members of the organization, be the official custodian of the records and seal of the organization, be one of the Officers required to sign the check and drafts of the organization, present to the membership at any meeting any communication addressed to the secretary of the organization, submit to the Board of Directors any communications which shall be addressed to the secretary of the organization, attend to all correspondence of the organization and exercise all duties incident to the office of secretary.

The Treasurer shall have the care and custody of all monies belonging to the organization, be solely responsible for such monies or securities of the organization and be one of the officers who shall sign checks and drafts of the organization. No special fund may be set aside that shall make it unnecessary for the Treasurer to sign the checks issued upon it.

The Treasurer shall render at stated periods as the Board of Director shall determine a written account of the finances of the organization and such report shall be physically affixed to the minutes of the Board of Directors of such meeting and shall exercise all duties incident to the office of treasurer.

Officers shall by virtue of their office be members of the Board of Directors.

No Officer or Director shall for reason of the office be entitled to receive any salary or compensation, but nothing herein shall be construed to prevent an officer or director for receiving any compensation from the organization for duties other than as Officer or Director.

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These By-Laws may be altered, amended, repeal or added to by an affirmative vote of not less than 2/3 of members present at a duly constituted meeting of the organization. The purposed change to the by-laws shall be mailed to the members together with the notice of the meeting.

ARTICLE THIRTEEN - HOOK UP

There will be a fee of One Hundred and Fifty Dollars plus all cost incurred, which will include water meter, trenching, part and labor for hook up of all new water and sewer customers.

There being no further business the meeting was adjourned on motion.

Respectfully Submitted.

A large, stylized handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

Date

Sept 15, 96

**CIVIC ASSOCIATION OF RIO VISTA UTILITIES, INC.**  
**TREASURER REPORT FOR SEPTEMBER 1996**

	<u>Debits</u>	<u>Credits</u>
Safety Deposit Box	37.50	
stamp	40.00	
Fla. Power Deposit	885.00	
Fla. power Bills	371.37	
Astor West Close Out	66.87	
Enviro- Master	500.00	
Billing	250.00	
Material Blowers	2,366.89	
Crippen& Crippen	120.00	
Fla, Rural Assoc.	95.00	
Utilitie Bills		2,268.31
Property Owners		2,100.00
	<u>4,732.63</u>	<u>4,368.31</u>

Ending Balance AmSouth as of September 1996 17,004.03  
Ending balance in AmSouth \$

# State of Florida



## Department of State

I certify the attached is a true and correct copy of the Articles of Incorporation of CIVIC ASSOCIATION OF RIO VISTA UTILITIES, INC., a Florida corporation, filed on July 3, 1996, as shown by the records of this office.

The document number of this corporation is N96000003531.

Given under my hand and the  
Great Seal of the State of Florida,  
at Tallahassee, the Capitol, this the  
Third day of July, 1996



CR2EO22 (2-95)

*Sandra B. Northam*

Sandra B. Northam  
Secretary of State

FISHER, who is/are personally known to me or produced  
FDL as identification.



H. RANDOLPH KLEIN  
MY COMMISSION # CC884771 EXPIRES  
JUNE 12, 1987  
BONDED THRU TRISTAR INSURANCE, INC.

*H. Randolph Klein*  
Notary Public, State of Florida

My commission expires:

Having been named as Registered Agent and to accept service of process for the above stated corporation at the place designated in these Articles of Incorporation, I hereby accept the appointment as Registered Agent and agree to act in this capacity. I further agree to comply with the provisions of all statutes relating to the proper and complete performance of my duties, and I am familiar with and accept the obligations of my position as Registered Agent.

*Carmen M. Fisher*  
CARMEN M. FISHER  
Registered Agent

RECORDS SECTION  
STATE OF FLORIDA  
TALLAHASSEE, FLORIDA

96 JUL - 8 PM 1: 14

FILED

# State of Florida



## Department of State

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The document number of this corporation is N96000003531.

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Great Seal of the State of Florida,  
at Tallahassee, the Capitol, this the  
Third day of July, 1996



CR2EO22 (2-95)

*Sandra B. Northam*

Sandra B. Northam  
Secretary of State

**ARTICLES OF INCORPORATION**

**OF**

**CIVIC ASSOCIATION OF RIO VISTA UTILITIES, INC.**

The undersigned acting as incorporators of a corporation pursuant to Chapter 617, Florida Statutes, adopts the following Articles of Incorporation:

FILED  
JUL - 3 1966  
MARION COUNTY  
FLORIDA

**ARTICLE I. - NAME**

The name of the corporation shall be:

**CIVIC ASSOCIATION OF RIO VISTA UTILITIES, INC.**

**ARTICLE II. - PRINCIPAL PLACE OF BUSINESS AND MAILING ADDRESS**

The principal place of business of the corporation shall be:

18721 SW 108 Street  
Dunnellon, FL 34432

Mailing Address:  
P. O. Box 817  
Dunnellon, FL 34430

**ARTICLE III. - PURPOSE**

The purpose of the corporation is all lawful purposes including, but not limited to owning and operating water and sewage systems serving Rio Vista, Rio Vista First Addition and Rio Vista Estates, Marion County, Florida.

**ARTICLE IV. - MANNER OF ELECTION OF DIRECTORS**

The affairs of the corporation shall be governed by a Board of Directors. The number of Directors, their qualifications, their terms of office, and the manner of their selection shall be determined by the bylaws.

**ARTICLE V. - MEMBERS**

The membership of the corporation shall be in the manner

FISHER, who is/are personally known to me or produced  
FDL as identification.



H. RANDOLPH KLEIN  
MY COMMISSION # CC284771 EXPIRES  
JUNE 12, 1997  
BONDED THRU TROY FAHN INSURANCE, INC.

*H. Randolph Klein*  
Notary Public, State of Florida

My commission expires:

Having been named as Registered Agent and to accept service of process for the above stated corporation at the place designated in these Articles of Incorporation, I hereby accept the appointment as Registered Agent and agree to act in this capacity. I further agree to comply with the provisions of all statutes relating to the proper and complete performance of my duties, and I am familiar with and accept the obligations of my position as Registered Agent.

*Carmen M. Fisher*  
CARMEN M. FISHER  
Registered Agent

DEPARTMENT OF STATE  
TALLAHASSEE, FLORIDA

96 JUL - 8 PM 1:14

FILED

provided by the Bylaws.

**ARTICLE VI. - STREET ADDRESS OF INITIAL REGISTERED OFFICE  
AND REGISTERED AGENT**

The street address of the corporation's initial registered office and its mailing address shall be:

18721 SW 108 Street  
Dunnellon, FL 34432

Mailing Address:

P. O. Box 817  
Dunnellon, FL 34430

and the name of its initial Registered Agent at such address shall be:

**CARMEN M. FISHER**

**ARTICLE VII. - INCORPORATOR**

The name and street address of the incorporators for these Articles of Incorporation are:

CARMEN M. FISHER  
18721 SW 108 Street  
Dunnellon, FL 34430

The undersigned incorporator has caused this instrument to be executed this 2<sup>ND</sup> day of July, 1996, for the purpose of forming this corporation not for profit under the laws of the State of Florida.

Carmen M. Fisher  
CARMEN M. FISHER

STATE OF FLORIDA  
COUNTY OF MARION

The foregoing Articles of Incorporation were sworn to and subscribed before me this 2<sup>ND</sup> day of July, 1996, by CARMEN M.