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STATE OF FLORIDA



MARSHALL WILLIS, DIRECTOR  
DIVISION OF ECONOMIC REGULATION  
(850) 413-6900

Public Service Commission

June 27, 2012

RECEIVED-FPSC  
12 JUN 28 PM 1:10  
COMMISSION  
CLERK

Mr. Daniel W. Hartman, Esq.  
Hartman Law Firm, P.A.  
207 W. Park Avenue, Suite A  
Tallahassee, Florida 32301

**Re: Docket No. 120162-WS, Application for transfer of facilities, and Certificates Nos. 524-W and 459-S, from Silver Fox Utility Company, LLC, to Hometown Canada Utility, Inc., in Pasco County.**

Dear Mr. Hartman:

The above referenced application has been received and reviewed by my staff. Please complete the following deficiencies and provide the requested additional information to clarify the application. A description of the rule requirement is provided in each item for your reference.

Deficiencies

1. **Financial Ability.** Rule 25-30.037(2)(j), Florida Administrative Code (F.A.C.), requires in part that the application include a showing of the Buyer's financial ability to provide service. Exhibit 1 of the application states that "financial information reflecting the substantial financial backing of the Buyer is attached to this application as part of this composite Exhibit 1." However, there was no additional information attached to the Exhibit 1 that we received. Please provide the additional information that demonstrates that the Buyer has the financial ability to provide service.
2. **Technical Experience.** Rule 25-30.037(2)(j), F.A.C., requires a summary of the Buyer's experience in water or wastewater utility operations. The application includes information regarding the technical ability of the personnel who will handle the daily operations of the utility systems but does not include any information regarding the Buyer's experience. Please describe any previous experience the Buyer has with owning and operating water or wastewater utilities.
3. **Purchase Price.** Rule 25-30.037(2)(g)(1), F.A.C., requires a copy of the contract for sale that includes the purchase price, if applicable. The application indicates that the water and wastewater facilities were included in the purchase price of the Arbor Oaks Mobile Home Park, and did not provide a specific purchase price for the utility. Is it the Buyer's intention to use the net book value of the utility assets as established by the Commission to represent the

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portion of the total purchase price attributable to the utility property? If not, please provide the amount of the purchase price that the Buyer has allocated to the utility.

4. **Ownership of the Land.** Rule 25-30.037(2)(q), F.A.C., requires evidence that the utility owns the land upon which the utility treatment facilities are located, or a copy of an agreement which provides for the continued use of the land, such as a 99-year lease. The information provided in the application demonstrates that the Seller owns and has continued use of the land. Please provide evidence that the Buyer now owns or has continued use of the land upon which the utility facilities are located, such as an executed warranty deed or revised 99-year lease.
5. **Notice of Application and Legal Description.** Section 367.045(1)(a), Florida Statutes, and Rule 25-30.030, F.A.C., require the utility to provide notice of its application for transfer. The legal description included in the application is not in the correct format for noticing purposes. Staff suggests that the utility use the following previously approved legal description:

The following described lands located in a portion of Section 9, Township 26 South, Range 21 East, Pasco County, Florida:

In Section 9

The SW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  and the S  $\frac{1}{2}$  of the SE  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  and the N  $\frac{1}{2}$  of the N  $\frac{1}{2}$  of the SE  $\frac{1}{4}$  of the NW  $\frac{1}{4}$ .

A sample notice and list of parties to be noticed is attached for your reference. Please feel free to provide a draft notice to staff to review prior to mailing in order to ensure that the notice complies with the Commission's noticing rules. Upon completion of the noticing requirements, please provide the three required affidavits of noticing referenced as late-filed Exhibits 7 through 9 in the utility's application.

Additional Information

1. **Names of Seller and Buyer.** Rule 25-30.037(2)(a & b), F.A.C., require that the application include the complete name of the Seller and Buyer. Currently, the Seller is certified with the Commission under the name Silver Fox Utility Company, LLC d/b/a Timberwood Utilities. According to the Florida Department of State's Division of Corporations, the Seller's fictitious name of Timberwood Utilities expired on December 31, 2011. Does the Seller or Buyer plan to renew the fictitious name of Timberwood Utilities or register under another fictitious name? If not, please verify that the Buyer intends to operate the utility under the name Hometown Canada Utility, Inc. if the transfer is approved.
2. **Tariffs.** Rule 25-30.037(2)(s), F.A.C., requires the original and two copies of sample tariff sheets reflecting the change in ownership. The sample tariff sheets provided in the application are sufficient as this time. However, the utility will need to update all pages in its water and wastewater tariffs to reflect the change in ownership if the transfer application is approved.

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Please provide an **original and two copies** of the utility's complete water and wastewater tariffs reflecting the change in ownership.

3. **Sale Closing Date.** The application indicates the Agreement for Purchase and Sale was signed on July 12, 2011, but did not provide the closing date. Please provide the date upon which the sale closed and the Buyer took over operation of the utility facilities.

The **original and four copies** of the response to the information requested in this letter should be filed with the Commission on or before **July 31, 2012**. As noted above, only the **original and two copies of the tariff** are required. When filing the response, please be sure to refer to the docket number and to direct the response to:

Office of Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

Should you have any questions concerning the information in this letter, please contact Martha Brown at (850) 413-6187 for legal questions, or my staff members, Martha Golden at (850) 413-7015 or Robert Simpson at (850) 413-7001 for technical questions.

Sincerely,



Patti Daniel  
Public Utilities Supervisor  
Bureau of Certification, Economics & Tariffs

pd/mg

cc: Division of Economic Regulation (Golden, Kaproth, Slemkewicz, Simpson)  
Office of the General Counsel (Brown)  
Office of Commission Clerk

SAMPLE PUBLICATION / LEGAL NOTICE FOR:

**APPLICATION FOR TRANSFER OF CERTIFICATE**

**(Section 367.071, Florida Statutes)**

**LEGAL NOTICE**

Notice is hereby given on \_\_\_\_\_ (Date) \_\_\_\_\_, pursuant to Section 367.071, Florida Statutes, of the application for a transfer of Water Certificate No. \_\_\_\_\_ and/or Wastewater Certificate No. \_\_\_\_\_ held by \_\_\_\_\_ (Name of Utility) from \_\_\_\_\_ (Name of Seller) \_\_\_\_\_ to \_\_\_\_\_ (Name of Buyer) \_\_\_\_\_, providing service to the following described territory in \_\_\_\_\_ (County) \_\_\_\_\_, Florida.

(Insert a brief description of the area proposed to be served. Use the Survey of Public Lands method (township, range, section, and quarter section) if possible, or a metes and bounds description, and also the subdivision or project name. The description should NOT refer to land grants or plat books, but may use geographic boundaries (i.e., road right-of-ways, railroads, rivers, creeks, etc.). The object is to make the description as brief, but as accurate as possible.)

Any objection to the said application must be made in writing and filed with the Director, Division of Records and Reporting, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within thirty (30) days from the date of this notice. At the same time, a copy of said objection should be mailed to the applicant whose address is set forth below. The objection must state the grounds for the objection with particularity.

(Utility name and address)

**LIST OF WATER AND WASTEWATER UTILITIES IN PASCO COUNTY  
(VALID FOR 60 DAYS)  
06/27/2012 - 08/25/2012**

UTILITY NAME

MANAGER

PASCO COUNTY

ALLEN LAFORTUNE AND OTIS FONDER (WU556)  
36645 SUNSHINE ROAD  
ZEPHYRHILLS, FL 33541-1182

ALLEN LAFORTUNE  
(813) 782-6929

AQUA UTILITIES FLORIDA, INC. (WS883)  
2228 CAPITAL CIRCLE N.E., SUITE 1A  
TALLAHASSEE, FL 32308-4306

TROY RENDELL  
(850) 575-8500

CRESTRIDGE UTILITY CORPORATION (WU049)  
4804 MILE STRETCH DRIVE  
HOLIDAY, FL 34690-4358

JUDY RIVETTE  
(727) 937-6275

HOLIDAY GARDENS UTILITIES, INC. (WU109)  
4804 MILE STRETCH DRIVE  
HOLIDAY, FL 34690-4358

JUDY RIVETTE  
(727) 937-6275

HV UTILITY SYSTEMS, L.L.C. (SU866)  
% EQUITY LIFESTYLE PROPERTIES, INC.  
TWO NORTH RIVERSIDE PLAZA, SUITE 800  
CHICAGO, IL 60606-2682

KENNETH KROOT  
(312) 279-1652

KEMPLE WATER COMPANY (WU132)  
37502 MARCLIFF TERRACE  
ZEPHYRHILLS, FL 33541-8451

RICHARD KEMPLE  
(813) 782-2972

L W V UTILITIES, INC. (WU135)  
7552 CONGRESS STREET, SUITE 4  
NEW PORT RICHEY, FL 34653-1106

JAMES C. WEEKS  
(727) 849-9389

LABRADOR UTILITIES, INC. (WS851)  
200 WEATHERSFIELD AVENUE  
ALTAMONTE SPRINGS, FL 32714-4027

PATRICK C. FLYNN  
(407) 869-1919 EXT 1359

MAD HATTER UTILITY, INC. (WS155)  
2348 RADEN DRIVE  
LAND O' LAKES, FL 34639-5136

LARRY G. DELUCENAY  
(813) 949-2167 OR -5977

NI FLORIDA, LLC (SU915)  
10913 METRONOME  
HOUSTON, TX 77043-2201

MARSHA RULE  
(850) 681-6788

ORANGELAND WATER SUPPLY (WU179)  
2109 OVERVIEW DRIVE  
NEW PORT RICHEY, FL 34655-4131

FRED J. SNELL  
(727) 372-8330

**LIST OF WATER AND WASTEWATER UTILITIES IN PASCO COUNTY  
(VALID FOR 60 DAYS)  
06/27/2012 - 08/25/2012**

UTILITY NAME

MANAGER

PASCO COUNTY

ORANGEWOOD LAKES SERVICES, INC. (WS180)  
7602 CONGRESS STREET, SUITE 4  
NEW PORT RICHEY, FL 34653-1107

ALFRED G. HEILER  
(727) 849-9555

PARADISE LAKES UTILITY, L.L.C. (WS446)  
2348 RADEN DRIVE  
LAND O' LAKES, FL 34639-5136

JANICE L. DELUCENAY  
(813) 949-2167

SILVER FOX UTILITY COMPANY LLC D/B/A TIMBERWOOD UTILITIES (WS896)  
4436 BRYNWOOD DRIVE  
NAPLES, FL 34119-8412

DAVID BOLLINGER  
(239) 593-6749

UTILITIES, INC. OF FLORIDA (WU372)  
200 WEATHERSFIELD AVENUE  
ALTAMONTE SPRINGS, FL 32714-4027

PATRICK C. FLYNN  
(407) 869-1919 EXT 1359

UTILITIES, INC. OF FLORIDA (SU640)  
200 WEATHERSFIELD AVENUE  
ALTAMONTE SPRINGS, FL 32714-4027

PATRICK C. FLYNN  
(407) 869-1919 EXT 1359

**LIST OF WATER AND WASTEWATER UTILITIES IN PASCO COUNTY  
(VALID FOR 60 DAYS)  
06/27/2012 - 08/25/2012**

UTILITY NAME

MANAGER

GOVERNMENTAL AGENCIES

CLERK, BOARD OF COUNTY COMMISSIONERS, PASCO COUNTY  
14236 6TH STREET, SUITE 201  
DADE CITY, FL 33523-3411

DEP SOUTHWEST DISTRICT  
13051 N. TELECOM PARKWAY  
TEMPLE TERRACE, FL 33637-0926

MAYOR, CITY OF DADE CITY  
P. O. BOX 1355  
DADE CITY, FL 33526-1355

MAYOR, CITY OF NEW PORT RICHEY  
5919 MAIN STREET  
NEW PORT RICHEY, FL 34652

MAYOR, CITY OF PORT RICHEY  
ATTN: CITY CLERK  
6333 RIDGE ROAD  
PORT RICHEY, FL 33668-6746

MAYOR, CITY OF SAN ANTONIO  
32819 PENNSYLVANIA AVENUE  
P. O. BOX 75  
SAN ANTONIO, FL 33576-0075

MAYOR, CITY OF ST. LEO  
P. O. BOX 2479  
ST. LEO, FL 33574-2479

MAYOR, CITY OF ZEPHYRHILLS  
5335 8TH STREET  
ZEPHYRHILLS, FL 33540-5133

MIKE WELLS, PASCO COUNTY PROPERTY APPRAISER  
14236 6TH STREET, SUITE 101  
P. O. BOX 401  
DADE CITY, FL 33526-0401

PASCO COUNTY ADMIN., 7530 LITTLE ROAD  
PUBLIC WORKS UTILITY BUILDING  
NEW PORT RICHEY, FL 34654

S.W. FLORIDA WATER MANAGEMENT DISTRICT  
2379 BROAD STREET  
BROOKSVILLE, FL 34609-6899

**LIST OF WATER AND WASTEWATER UTILITIES IN PASCO COUNTY  
(VALID FOR 60 DAYS)  
06/27/2012 - 08/25/2012**

UTILITY NAME

MANAGER

GOVERNMENTAL AGENCIES

TAMPA BAY REGIONAL PLANNING COUNCIL  
4000 GATEWAY CENTRE BLVD., SUITE 100  
PINELLAS PARK, FL 33782



**LIST OF WATER AND WASTEWATER UTILITIES IN PASCO COUNTY  
(VALID FOR 60 DAYS)  
06/27/2012 - 08/25/2012**

UTILITY NAME

MANAGER

STATE OFFICIALS

OFFICE OF PUBLIC COUNSEL  
111 WEST MADISON STREET  
SUITE 812  
TALLAHASSEE, FL 32399-1400

OFFICE OF COMMISSION CLERK  
FLORIDA PUBLIC SERVICE COMMISSION  
2540 SHUMARD OAK BOULEVARD  
TALLAHASSEE, FL 32399-0850