

FLORIDA PUBLIC SERVICE COMMISSION

Item 21

VOTE SHEET

FILED NOV 25, 2014
DOCUMENT NO. 06494-14
FPSC - COMMISSION CLERK

November 25, 2014

Docket No. 140120-WU – Application for approval of transfer of Certificate No. 339-W from Brendenwood Utilities, LLC. to Brendenwood Waterworks, Inc. in Lake County.

Issue 1: Should the transfer of Brendenwood Utilities, LLC’s water system and Certificate No. 339-W to Brendenwood Waterworks, Inc. be approved?

Recommendation: Yes. The transfer of the water system and Certificate No. 339-W is in the public interest and should be approved effective the date of the Commission vote. The resultant order should serve as the buyer’s certificate and should be retained by the buyer. The Utility’s existing rates and charges should remain in effect until a change is authorized by the 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), Florida Administrative Code (F.A.C.). The seller should be responsible for all Regulatory Assessment Fees (RAFs) payable up through the date of closing. The buyer should be responsible for filing the 2014 Annual Report, paying 2014 Regulatory Assessment Fees (RAFs), and should be responsible for filing all future annual reports, and RAFs subsequent to the date of closing.

APPROVED

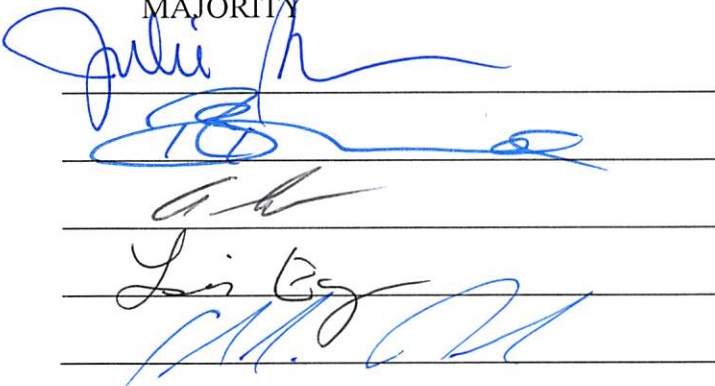
RECEIVED-FPSC
14 NOV 25 PM 2:13
COMMISSION
CLERK

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS’ SIGNATURES

MAJORITY

DISSENTING



REMARKS/DISSENTING COMMENTS: Oral Modification, assigned DN 06398-14, is attached.

Docket No. 140120-WU – Application for approval of transfer of Certificate No. 339-W from Brendenwood Utilities, LLC. to Brendenwood Waterworks, Inc. in Lake County.

(Continued from previous page)

Issue 2: What is the appropriate net book value for the water system for transfer purposes and should an acquisition adjustment be approved?

Recommendation: The net book value of Brendenwood’s water system for transfer purposes is \$22,770 as of May 23, 2014. An acquisition adjustment should not be included in rate base. Within 30 days of the date of the final order, Brendenwood should be required to provide general ledger balances which show that its books have been updated to reflect the Commission-approved balances as of May 23, 2014. The adjustments should be reflected in the Utility’s 2014 annual report when filed.

APPROVED

Issue 3: 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 order, a consummating order should be issued and the docket should be closed administratively after Brendenwood Waterworks, Inc. has provided proof that its general ledgers have been updated to reflect the Commission-approved balances as of November 25, 2014.

APPROVED

Angela Charles

From: Kate Hamrick
Sent: Thursday, November 20, 2014 2:40 PM
To: Commissioners & Staffs; Braulio Baez; Apryl Lynn; Lisa Harvey; Curt Kiser; Tom Ballinger
Cc: Jacqueline Moore; Selena Chambers; Adam Hill; Keino Young; CLK - Agenda Staff; Terri Fleming
Subject: FW: Request to make oral modification to Items # 21 and #22 on the November 25, 2014 Agenda Conference, Docket Nos. 140120-WU and 140121-WU

The request below has been approved.

Thanks,

Kate Hamrick
Executive Assistant to
Lisa Harvey, Deputy Executive Director - Technical
Florida Public Service Commission
850-413-6304

From: Braulio Baez
Sent: Thursday, November 20, 2014 2:37 PM
To: Tom Ballinger
Cc: Lisa Harvey; Selena Chambers; Kate Hamrick; Curt Kiser; Mary Anne Helton; Terri Fleming; Carlotta Stauffer
Subject: RE: Request to make oral modification to Items # 21 and #22 on the November 25, 2014 Agenda Conference, Docket Nos. 140120-WU and 140121-WU

Approved. Thanks.

Sent from my T-Mobile 4G LTE Device

----- Original message -----

From: Tom Ballinger
Date: 11/20/2014 2:04 PM (GMT-05:00)
To: Braulio Baez
Cc: Lisa Harvey ,Selena Chambers ,Kate Hamrick ,Curt Kiser ,Mary Anne Helton ,Terri Fleming ,Carlotta Stauffer
Subject: Request to make oral modification to Items # 21 and #22 on the November 25, 2014 Agenda Conference, Docket Nos. 140120-WU and 140121-WU

After filing the above recommendations, it was discovered that certain clarifications are needed for both dockets regarding payment of Regulatory Assessment Fees. The modifications do not affect the staff's overall recommendation and the modifications are highlighted below:

Item # 21, Docket No. 140120-WU

Page 3 under the recommendation header – Yes. The transfer of the water system and Certificate No. 339-W is in the public interest and should be approved effective the date of the Commission vote. The resultant order should serve as the buyer’s certificate and should be retained by the buyer. The Utility’s existing rates and charges should remain in effect until a change is authorized by the 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), Florida Administrative Code (F.A.C.). The seller should be responsible for all Regulatory Assessment Fees (RAFs) payable up through the date of closing. The buyer should be responsible for filing the 2014 Annual Report, ~~paying 2014 Regulatory Assessment Fees (RAFs), and should be responsible for filing~~ all future annual reports, and RAFs subsequent to the date of closing.

Page 3 under the staff analysis header - On June 5, 2014, Brendenwood Waterworks, Inc. filed an application for the transfer of Certificate No. 339-W from Brendenwood Utilities, LLC in Lake County. The application is in compliance with Section 367.071, F.S., and Commission rules concerning applications for transfer of certificates. The closing occurred on May 14~~23~~, 2014, contingent upon Commission approval, pursuant to Section 367.071(1), F.S.

Page 5 under the Regulatory Assessment Fees and Annual Reports header – Staff has verified that the Utility is current on the filing of annual reports and RAFs through December 31, 2013. The seller will be responsible for all RAFs payable up through the date of closing. The buyer will be responsible for filing the Utility's annual reports for 2014 and all future years, and paying RAFs ~~for 2014 and all future years~~ subsequent to the date of closing.

Page 5 under the conclusion header – Based on the foregoing, staff recommends that the transfer of the water system and Certificate No. 339-W is in the public interest and should be approved effective the date of the Commission vote. The resultant order should serve as the buyer’s certificate and should be retained by the buyer. The buyer’s existing rates and charges should remain in effect until a change is authorized by the 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. The seller should be responsible for all RAFs payable up through the date of closing. The buyer should be responsible for filing the 2014 Annual Report, ~~paying 2014 Regulatory Assessment Fees (RAFs), and should be responsible for filing~~ all future annual reports, and RAFs subsequent to the date of closing.

Item # 22, Docket No. 140121-WU

Page 3 under the recommendation header – Yes. The transfer of the water system and Certificate No. 539-W is in the public interest and should be approved effective the date of the Commission vote. The resultant order should serve as the buyer’s certificate and should be retained by the buyer. The Utility’s existing rates and charges should remain in effect until a change is authorized by the 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), Florida Administrative Code (F.A.C.). The seller should be responsible for all Regulatory Assessment Fees (RAFs) payable up through the date of closing. The buyer should be responsible for filing the 2014 Annual Report, ~~paying 2014 Regulatory Assessment Fees (RAFs), and should be responsible for filing~~ all future annual reports, and RAFs subsequent to the date of closing.

Page 3 under the staff analysis header - On June 5, 2014, Raintree Waterworks, Inc. filed an application for the transfer of Certificate No. 539-W from Raintree Harbor Utilities, LLC in Lake County. The application is in compliance with Section 367.071, F.S., and the commission rules concerning applications for transfer of certificates. The closing occurred on May 14~~23~~, 2014, contingent upon Commission approval, pursuant to Section 367.071(1), F.S.

Page 5 under the Regulatory Assessment Fees and Annual Reports header – Staff has verified that the Utility is current on the filing of annual reports and RAFs through December 31, 2013. The seller will be responsible for all RAFs payable up through the date of closing. The buyer will be responsible for filing the Utility's annual reports for 2014 and all future years, and paying RAFs ~~for 2014 and all future years~~ subsequent to the date of closing.

Page 5 under the conclusion header – Based on the foregoing, staff recommends that the transfer of the water system and Certificate No. 539-W is in the public interest and should be approved effective the date of the Commission vote. The resultant order should serve as the buyer’s certificate and should be retained by the buyer. The buyer’s existing rates and charges should remain in effect until a change is authorized by the 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. The seller should be responsible for all RAFs payable up through the date of closing. The buyer should be responsible for filing the 2014 Annual Report, ~~paying 2014 Regulatory Assessment Fees (RAFs), and should be responsible for filing~~ all future annual reports, and RAFs subsequent to the date of closing.

Please let me know if you approve of the requested modifications.

Tom Ballinger
Director, Division of Engineering
Florida Public Service Commission
(850) 413-6680