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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-

DATE: June 4, 2015

TO: Office of Commission Clerk (Stauffer)

FROM: Division of Engineering (P. Buys, King)
Division of Accounting and Finance (T. Brown, Norris)
Division of Economics (Bruce, Hudson)
Office of the General Counsel (Villafrate)

RE: Docket No. 150019-WS – Joint application of GCP REIT III and Sun Communities Operating Limited Partnership for authority for transfer of majority organizational control of GCP Plantation Landings, LLC.

AGENDA: 06/18/15 – Regular Agenda – Interested Persons May Participate

COMMISSIONERS ASSIGNED: All Commissioners

PREHEARING OFFICER: Brisé

CRITICAL DATES: None

SPECIAL INSTRUCTIONS: None

Case Background

GCP Plantation Landings, LLC, (Plantation Landings) is a Class C water and wastewater Utility serving approximately 419 customers in Polk County. According to Plantation Landings' 2013 Annual Report, total gross revenues were \$123,192.

Prior to 1998, water and wastewater services had been provided to Plantation Landings Mobile Home Park since 1987 under the provisions of Chapter 723, Florida Statutes (F.S.), which governs mobile home park lot tenancies. In 1998, Plantation Landings applied for a grandfather certificate and obtained Certificate Nos. 606-W and 522-S from the Commission in

Docket No. 150019-WS

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1999.¹ The Commission established rate base for Plantation Landings by Order No PSC-08-0548-PAA-WS, issued August 19, 2008.² On March 11, 2013, the Commission approved the transfer of Plantation Landings' water and wastewater systems and Certificate Nos. 606-W and 522-S to GCP Plantation Landings, LLC.³

On January 6, 2015, a joint application for authority for transfer of majority organizational control was filed by GCP REIT III and Sun Communities Operating Limited Partnership. The application as filed did not have any deficiencies. The Commission has jurisdiction in this case pursuant to Section 367.071, F.S.

¹ Order No. PSC-99-1227-PAA-WS, issued June 21, 1999, in Docket No. 981338-WS, In re: Application for grandfather certificate to operate water and wastewater utility in Polk County by Plantation Landings, Ltd.

² Order No. PSC-08-0548-PAA-WS, issued August 19, 2008, in Docket No. 070416-WS, In re: Application for staff-assisted rate case in Polk County by Plantation Landings, Ltd.

³ Order No. PSC-13-0121-PAA-WS, issued March 11, 2013, in Docket No. 120219-WS, In re: Application for approval of transfer of Plantation Landings, Ltd. water and wastewater system and Certificate Nos. 606-W and 522-S in Polk County to GCP Plantation Landings, LLC.

Discussion of Issues

Issue 1: Should the application for transfer of majority organizational control of GCP Plantation Landings, LLC, in Polk County to Sun Communities Operating Limited Partnership be approved?

Recommendation: Yes. The transfer of majority organizational control to Sun Communities Operating Limited Partnership (Sun Communities OLP) is in the public interest and should be approved effective the date of the Commission vote. The resultant order should serve as the water and wastewater certificates, with the territory described in Attachment A. The 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.). (P. Buys, T. Brown, Bruce)

Staff Analysis: This application is for the transfer of majority organizational control of GCP Plantation Landings, LLC, to Sun Communities Operating Limited Partnership. Based on staff's review, the application is in compliance with the governing statute, Section 367.071, F.S., and Rule 25-30.037(3), F.A.C., concerning applications for transfer of majority organizational control.

Noticing, Territory, and Ownership

The applicant provided proof of compliance with the noticing provisions set forth in Section 367.071, F.S., and Rule 25-30.030, F.A.C. No objections to the transfer were filed with the Commission, and the time for doing so has expired. The notice contains a description of the territory for Plantation Landings, which is appended to this recommendation as Attachment A. The application does not involve transfer of the facilities and Plantation Landings will continue to lease the land where the water and wastewater treatment plants are currently located. The evidence of the lease has previously been provided to the Commission.⁴

Technical and Financial Ability

Pursuant to Rule 25-30.037(3)(f), F.A.C., the application contains statements describing the technical and financial ability of the applicant to provide service to the proposed service area. Staff has reviewed the consolidated balance sheet of Sun Communities, Inc., (parent company of Sun Communities OLP) and the attestation in the transfer application asserting that Sun Communities, Inc., has the financial ability required to fund future capital expenditures on an "as needed" basis.⁵ Based on its review, staff believes the documents show that Sun Communities OLP has the financial capability to operate the water and wastewater systems. According to the application, there will be no immediate change in the day-to-day operational management of the systems. Sun Communities OLP is currently engaged in water and wastewater utility service

⁴ Order No. PSC-13-0121-PAA-WS, issued March 11, 2013, in Docket No. 120219-WS, In re: Application for approval of transfer of Plantation Landings, Ltd. water and wastewater system and Certificate Nos. 606-W and 522-S in Polk County to GCP Plantation Landings, LLC.

⁵ Document No. 00112-15, in Docket No. 150019-WS.

operations in Florida through its ownership of the Saddle Oak Club system in Marion County, Buttonwood Bay in Highlands County, and Water Oak in Lake County which are regulated by the Commission. In addition, Sun Communities, Inc., also operates approximately seven systems that are either unregulated, or regulated by county governments. Staff believes that the water and wastewater systems appear to be in satisfactory condition and are in compliance with Florida Department of Environmental Protection. Based on the above, it appears that Plantation Landings and Sun Communities OLP have demonstrated the technical and financial ability to provide service to the existing service territory

Rates and Charges

The Utility's rates were last approved in a staff-assisted rate case in 2008.⁶ The rates were subsequently reduced to reflect the four-year rate reduction required by Section 367.0816, F.S., in 2013. Staff notes that the Utility does not have customer deposits, miscellaneous service or service availability charges. The Utility's existing rates are shown on Schedule No. 1. Rule 25-9.044(1), F.A.C., provides that, in the case of a change of ownership or control of a utility, the rates, classifications, and regulations of the former owner must continue unless authorized to change by this Commission. Therefore, staff recommends that the Utility's existing rates and charges remain in effect until a change is authorized by this Commission in a subsequent proceeding.

Conclusion

Based on the above, staff recommends that the transfer of majority organizational control to Sun Communities Operating Limited Partnership is in the public interest and should be approved effective the date of the Commission vote. The resultant order should serve as the water and wastewater certificates, with the territory described in Attachment A. The existing rates and charges should remain in effect until a change is authorized by the Commission in a subsequent proceeding. The tariffs reflecting the transfer should be effective for services rendered or connections made on or after the stamped approval date on the tariffs, pursuant to Rule 25-30.475, F.A.C.

⁶ Order No. PSC-08-0548-PAA-WS, issued August 19, 2008, in Docket No. 070416-WS, In re: Application for staff-assisted rate case in Polk County by Plantation Landings, Ltd.

Issue 2: Should this docket be closed?

Recommendation: Yes. If the Commission approves staff's recommendation in Issue 1, this docket should be closed. (Villafrate)

Staff Analysis: If the Commission approves staff's recommendation in Issue 1, this docket should be closed.

GCP Plantation Landings, LLC

Polk County

Description of Water and Wastewater Territory

In Part of Section 25, Township 27 South, Range 26 East, and Section 31, Township 27 South, Range 27 East, Polk County, Florida described as follows:

Section 25, Township 27 South, Range 26 East

Commence at the Southwest corner of the Southeast 1/4 of the Southwest 1/4 of the Northeast 1/4, thence run North 89°50'54" East a distance of 366.37 feet to the Point of Beginning; thence run North 00°07'52" West a distance of 70.32 feet; thence run South 79°37'37" East along the southerly boundary line of U.S. 17-92 (State Road 600) to the intersection of said line with the North boundary line of said South 1/2 of Section 25; thence run South 89°50'54" West to the Point of Beginning; and

That part of the East 3/4 of the South 1/2 of Section 25, Township 27 South, Range 26 East which lies south of U.S. 17-92 (State Road 600) LESS AND EXCEPT the following tracts of land:

- A. The North 208.71 feet of the Easterly 869.6 feet of the Northeast 1/4 of the Southwest 1/4 of Section 25.
- B. That certain parcel of land described as follows: commence at the center of Section 25, Township 27 South, Range 26 East; thence run South 00°12'09" East along the quarter line a distance of 138.44 feet; thence run South 79°38'00" East a distance of 674.55 feet; thence run North 00°10'00" West a distance of 261.60 feet; thence run westerly along the North boundary line of the S 1/2 of said Section 25 to the Point of Beginning.
- C. The East 1/4 of the Northeast 1/4 of the Southeast 1/4 and West 1/2 of the Northeast 1/4 of the Northeast 1/4 of the Southeast 1/4 of said Section 25.
- D. The South 600 feet of the North 612.93 feet of the West 200 feet of the East 240 feet of the Southeast 1/4 of the Southeast 1/4 of Section 25.

Section 31, Township 27 South, Range 27 East Plantation Landings (percolation pond)

Commence at the Northwest corner of Section 31, Township 27 South, Range 27 East, Polk County, Florida run South 00°00'54" West, along the West boundary of said Section 31, a distance of 30.0 feet to the Point of Beginning; thence run North 89°38'18" East a distance of 558.0 feet; thence run South 00°16'22" West, a distance of 37.81 feet; thence run South 86°35'00" East, a distance of 688.0 feet; thence run South 03°00'00" East, a distance of 295.0 feet; thence run North 83°07'00" West, a distance of 925.0 feet; thence run North 04°25'00" East, a distance of 237.0 feet; thence run South 89°38'18" West, a distance of 360.0 feet to a point in the West boundary of said Section 31; thence run North 00°03'54" East, a distance of 25.0 feet to the Point of Beginning. LESS AND EXCEPT the West 25.0 feet, thereof, for road Right-of-Way of Dyson Road.

FLORIDA PUBLIC SERVICE COMMISSION

Authorizes

GCP Plantation Landings, LLC

pursuant to

Certificate Number 606-W

to provide water service in Polk 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>
PSC-99-1227-PAA-WS	06/21/99	981338-WS	Grandfather Certificate
PSC-13-0121-PAA-WS	03/11/13	120219-WS	Transfer of Certificate
*	*	150019-WS	Transfer of Majority Organizational Control

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

FLORIDA PUBLIC SERVICE COMMISSION

Authorizes

GCP Plantation Landings, LLC

pursuant to

Certificate Number 522-S

to provide wastewater service in Polk 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>
PSC-99-1227-PAA-WS	06/21/99	981338-WS	Grandfather Certificate
PSC-13-0121-PAA-WS	03/11/13	120219-WS	Transfer of Certificate
*	*	150019-WS	Transfer of Majority Organizational Control

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

**GCP Plantation Landings, LLC
Monthly Water Rates**

Residential and General Service

Base Facility Charge by Meter Size	
5/8" x 3/4"	\$4.71
3/4"	\$7.07
1"	\$11.78
1 1/2"	\$23.55
2"	\$37.68
3"	\$75.37
4"	\$117.76
6"	\$235.52
Charge Per 1,000 gallons	\$1.62

Monthly Wastewater Rates

Residential Service

Base Facility Charge – All Meter Sizes	\$9.41
Charge Per 1,000 gallons 6,000 gallon cap	\$2.67

General Service

Base Facility Charge by Meter Size	
5/8" x 3/4"	\$9.41
3/4"	\$14.11
1"	\$23.52
1 1/2"	\$47.05
2"	\$75.27
3"	\$150.55
4"	\$235.23
6"	\$470.47
Charge Per 1,000 gallons	\$3.22