

FLORIDA PUBLIC SERVICE COMMISSION

Item 7

VOTE SHEET

February 1, 2022

FILED 2/1/2022
DOCUMENT NO. 00936-2022
FPSC - COMMISSION CLERK

Docket No. 20210093-WS – Application for transfer of water and wastewater systems of Aquarina Utilities, Inc., water Certificate No. 517-W, and wastewater Certificate No. 450-S to CSWR-Florida Utility Operating Company, LLC, in Brevard County.

Issue 1: Should the transfer of Certificate Nos. 517-W and 450-S in Brevard County from Aquarina Utilities, Inc. to CSWR-Florida Utility Operating Company, LLC be approved?

Recommendation: Yes. The transfer of the water and wastewater systems and Certificate Nos. 517-W and 450-S is in the public interest and should be approved effective the date that the sale becomes final. The resultant Order should serve as the Buyer’s certificate and should be retained by the Buyer. The Buyer should submit the executed and recorded deed for continued access to the land upon which its facilities are located and copies of its permit transfer applications to the Commission within 60 days of the Order approving the transfer, which is final agency action. If the sale is not finalized within 60 days of the transfer Order, the Buyer should file a status update in the docket file. The Utility’s existing rates and charges, including the modification to miscellaneous service charges pursuant to Rule 25-30.460, Florida Administrative Code (F.A.C.), 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 sheet, pursuant to Rule 25-30.475(1), F.A.C. The Seller is current with respect to annual reports and regulatory assessment fees (RAFs) through December 31, 2020. The Seller should be responsible for filing annual reports and paying RAFs for 2021, and the Buyer should be responsible for filing the annual reports and paying RAFs for all future years.

DEFERRED

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS’ SIGNATURES

MAJORITY

DISSENTING

REMARKS/DISSENTING COMMENTS:

See DN 00675-2022.

Docket No. 20210093-WS – Application for transfer of water and wastewater systems of Aquarina Utilities, Inc., water Certificate No. 517-W, and wastewater Certificate No. 450-S to CSWR-Florida Utility Operating Company, LLC, in Brevard County.

(Continued from previous page)

Issue 2: What is the appropriate net book value for the CSWR-Aquarina potable water, non-potable water, and wastewater systems for transfer purposes?

Recommendation: For transfer purposes, the net book value (NBV) of potable water, non-potable water, and wastewater systems is \$278,878, \$262,867, and \$82,768, respectively, as of August 16, 2021. Within 90 days of the date of the Consummating Order, CSWR-Aquarina should be required to notify the Commission in writing, that it has adjusted its books in accordance with the Commission's decision. The adjustments should be reflected in CSWR-Aquarina's 2022 Annual Report when filed.

Issue 3: Should a positive acquisition adjustment be recognized for ratemaking purposes?

Recommendation: No. Pursuant to Rule 25-30.0371, F.A.C., a positive acquisition adjustment should not be granted as the Buyer failed to demonstrate extraordinary circumstances.

Issue 4: 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 issuance of the Order, a Consummating Order should be issued and the docket should be closed administratively upon Commission staff's verification that the revised tariff sheets have been filed, the Buyer has notified the Commission in writing that it has adjusted its books in accordance with the Commission's decision, that the Buyer has submitted the executed and recorded warranty deed and that the Buyer has submitted copies of its applications for permit transfers to the DEP and the SJRWMD, within 60 days of the Commission's Order approving the transfer.

Lisa Smith

From: Asha Maharaj-Lucas
Sent: Tuesday, January 25, 2022 11:10 AM
To: Braulio Baez; Mark Futrell; Apryl Lynn; Keith Hetrick; Mary Anne Helton; Adam Teitzman; CLK - Agenda Staff; Melinda Watts; Marissa Ramos; Jonathan Blocker; Sonica Bruce; Cheryl Bulecza-Banks; Jennifer Crawford; Cindy Muir; Commissioners & Staffs
Cc: Kate Hamrick; Jacqueline Moore; Nancy Harrison
Subject: Request for Change 20210093-WS
Attachments: RFC 20210093-WS.pdf; 2022 01-24 Ltr to Jennifer Crawford re Agenda Conference.pdf

Hello:

Please see the approved Request for Change on item 7 of the February 1, 2022 Agenda Conference.

Thanks,
Asha Maharaj-Lucas
Executive Assistant to
Braulio L. Baez
Executive Director
Florida Public Service Commission
850-413-6053

**REQUEST FOR CHANGE
TO COMMISSION CONFERENCE**

Request Date 1/24/22 Requested by Melinda Watts
Conference Date 2/1/22 Item No 7 Docket No 20210093-WS Title Transfer from Aquarina to CSWR-Florida

ACTION REQUESTED (see APM 2.11)

- Defer Item to Conference Scheduled for (date) 3/1/22
- Change Order of Item or Take Up at Time Certain (state reason) _____
- Withdraw Item
- Late Filed Recommendation (due no later than 3 p.m. on date approved for late filing). By noon on regular filing date, provide an electronic copy of the front page of recommendation to the Clerk, as a place-holder.
- File Revised Recommendation
- Add Item to Published Agenda (see s. 120.525, F.S.) – issue Addendum and provide Notice

Provide explanation: Utility requested deferral.

SIGNATURES

Technical [Signature] Director [Signature]
Legal [Signature] General Counsel [Signature]

EXECUTIVE DIRECTOR

Approved Disapproved Signature [Signature] Date 1/25/2022

CHAIRMAN

Approved Disapproved Signature [Signature] Date 1/25/2022

The Executive Suite will scan and email approved form to CLK, CLK-Agenda Staff, OPR Director, ED, DEA, DET, Docket Manager, General Counsel, Legal Services Director, CAO Director, Commissioners' offices, and assigned attorney.



RADEY

ATTORNEYS & COUNSELORS AT LAW

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January 24, 2022

Jennifer Crawford, Esq.
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-7019
jcrawfor@psc.state.fl.us

Re: FPSC February 1, 2022 Agenda Conference; Docket No. 20210093-WS
and Docket No. 20210095-WU

Dear Ms. Crawford:

Pursuant to our telephone call on Friday, this letter is to respectfully request the deferral of two items from the Public Service Commission's (Commission) February 1, 2022 Agenda Conference: Item 7, Docket No. 20210093-WS, Application for transfer of water and wastewater systems of Aquarina Utilities, Inc., Water Certificate No. 517-W and Wastewater Certificate No. 450-S to CSWR-Florida Utility Operating Company, LLC in Brevard County; and Item 8, Docket No. 20210095-WU Application for transfer of water facilities of Sunshine Utilities of Central Florida, Inc. and Water Certificate No. 363-W to CSWR-Florida Utility Operating Company, LLC in Marion County.

Mr. Josiah Cox, President of Central States Water Resources (CSWR) would like to provide comments to Commission on these dockets and due to prior commitments is unable to attend the February 1, 2022 Conference. CSWR requests the two items be deferred to the Commission's March 1st Agenda Conference.

We appreciate your consideration of this request.

Sincerely,

/s/ Susan F. Clark

Susan F. Clark
Thomas A. Crabb
Counsel for Buyer CSWR-FL

Jennifer Crawford, Esq.
Florida Public Service Commission
January 24, 2022
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cc: Chairman Andrew Fay, FPSC (Commissioner.Fay@psc.state.fl.us)
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