

ORIGINAL

STATE OF FLORIDA

COMMISSIONERS:
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TIMOTHY DEVLIN, DIRECTOR
DIVISION OF ECONOMIC REGULATION
(850) 413-6900

Public Service Commission

July 13, 2004

RECEIVED-PPSC
01 JUL 14 PM 3:34
COMMISSION
CLERK

Ms. Earlene Keen
Keen Sales, Rentals and Utilities, Inc.
685 Dyson Road
Haines City, Florida 33844

Re: Docket No. 040160-WU: Application for transfer of portion of Certificate No. 582-W by Keen Sales, Rentals and Utilities, Inc. to Alturas Utilities, LLC, in Polk County.

Dear Ms. Keen:

We have reviewed the application for transfer from Keen filed on February 24, 2004, and the deficiency response filed on May 26, 2004. The application remains deficient pursuant to Chapter 367 Florida Statutes and Rule 25-30.037, Florida Administrative Code (F.A.C.). All deficiencies must be corrected in order for staff to process your application. Also, additional information is needed to clarify portions of your application.

Deficiencies

- Contract. Pursuant to Rule 25-30.037(2)(g) and (h), F.A.C., the application is to contain a copy of the contract between the seller and buyer of the utility. The rule is very specific regarding the minimum requirements of such a contract. The contract did not contain any information as to the disposition of the "customer deposits interest." Please provide an addendum to the contract for Sale and Purchase, signed by the two parties, which addresses the customer deposits interest.
- Financing. Pursuant to Rule 25-30.037(2)(i) and (k), F.A.C., the application is to contain specific information as to the amount of the purchase price which is being financed, the terms of the financing, and those entities being relied upon for financing. The deficiency response stated that the "purchase price for Alturas Utilities, LLC is \$40,000," however, the Contract for Sale and Purchase shows the purchase price to be \$45,000. Please provide the correct purchase price for the Alturas system.
- Public Interest. Pursuant to Rule 25-30.037(2)(j), F.A.C., the application is to contain a convincing statement as to how the transfer is in the public interest, including a showing of the Buyer's financial ability. Please provide a convincing statement as to why the sale of the system is in the public interest. In addition, the letter from Turnberry Bank does not satisfy the requirement of the showing of the buyer's financial ability. Please provide

CMP _____
 COM _____
 CTR _____
 ECR _____
 GCL _____
 OPC _____
 MMS _____
 RCA _____
 SCR _____
 SEC 1 _____
 OTH _____

DOCUMENT NUMBER-DATE
07637 JUL 14 03

a copy of the buyer's financial statement which demonstrates buyer's ability to provide service.

4. Noticing. As required by Section 367.045(1)(a), Florida Statutes, and Rule 25-30.030, F.A.C., the utility must provide notice of the application and provide affidavits that the notice was given. The notice must be given to each customer of the utility. The notice must also be given to all cities located in the county, to specific governmental entities and all utilities in the county which are included on the noticing list provided by the Public Service Commission. It appears that neither of these notices have been issued. Please notice the customers and the entities on the enclosed noticing list for Polk County. Please submit proper affidavits for the notices and attach a copy of the notice to each affidavit along with a copy of the list of entities receiving the notice. The noticing list and a sample of proper affidavits for the two notices are enclosed. Remember that where the notice states "Notice is hereby given on month day, year, you must enter the actual date the notices are mailed. Also, be certain that the notice states that "objections must be filed with the Director, Division of the Commission Clerk and Administrative Services." Questions about the notice or the affidavits may be directed to Ms. Jennifer Brubaker at (850) 413-6228 in the Office of General Counsel. Questions about the notice or the affidavits may be directed to Ms. Jennifer Brubaker at (850) 413-6228 in the Office of the General Counsel.

Other Information Needed

1. Utility Name. The application indicates that the name of the buyer and for the Water Certificate is Alturas Utilities, LLC. You recently submitted a statement that said, "The new owners of have requested that the name of Sunrise Utilities, LLC stand for Sunrise as well as Sunrise Utilities, LLC d/b/a Alturas Utilities, LLC." Please provide an explanation as to whether the buyer wants both systems to be know as Sunrise Utilities, LLC and certificated under one certificate, or if the buyer wants one certificate as Sunrise Utilities, LLC and one as Sunrise Utilities, LLC d/b/a Alturas Utilities, LLC.
2. Amanda Chambers. It has come to staff's attention that Ms. Chambers is no longer employed by Keen Sales, Rentals and Utilities, Inc. She was specifically named in the Contract for Sale and Purchase and alluded to in the deficiency response as the manager with eight years of technical experience hired by Mr. Stuart Sheldon to run this utility. Please provide a statement regarding how Ms. Chambers' departure from Keen will impact the contract for transfer and how Mr. Sheldon intends to demonstrate his technical ability to run the utility.

Any mail sent directly to Ms. Clapp will be delayed in being processed. Be sure to file your deficiency response letter as directed below.

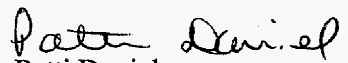
The **original and four copies** of the response to the information requested in this letter should be filed with the Commission on or before **August 13, 2004**. When filing the response, please be sure to refer to the docket number and to **direct the response to:**

Ms. Earlene Keen
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July 13 2004

Division of Commission Clerk and Administrative Services
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 Stephanie Clapp, of my staff, at (850) 413-6997.

Sincerely,


Patti Daniel
Supervisor of Certification

PD/sc

cc: Mr. Stuart Sheldon
Division of Economic Regulation (Clapp, Redemann, Romig)
Office of the General Counsel (Brubaker)
Division of Commission Clerk and Administrative Services

AFFIDAVIT OF MAILING

STATE OF FLORIDA

COUNTY OF SEMINOLE

Before me, the undersigned authority, authorized to administer oaths and take acknowledgments, personally appeared MICHELE PARKS, who, after being duly sworn on oath, did depose on oath and say that she is the Legal Assistant to Martin S. Friedman, attorney for L.P. UTILITIES CORPORATION and that on the 28TH of January, 2003, she did send by U.S. Mail a copy of the Notice attached hereto to each of the utilities, governmental bodies, agencies, or municipalities, in accordance with the list provided by the Florida Public Service Commission, which is also attached hereto.

FURTHER AFFLIANT SAYETH NAUGHT.


MICHELE PARKS

Sworn to and subscribed before me this 29 day of January, 2003, by Michele Parks, who is personally known to me.



Martin S. Friedman
MY COMMISSION # CC928326 EXPIRES
August 16, 2004
BONDED THROUGH TROY FAIN INSURANCE, INC.

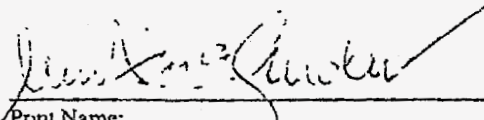

Print Name: _____
NOTARY PUBLIC
My Commission Expires: _____

EXHIBIT "F"

AFFIDAVIT OF MAILING

STATE OF FLORIDA

COUNTY OF Highlands

Before me, the undersigned authority, authorized to administer oaths and take acknowledgments, personally appeared Johann Lovelotte who, after being duly sworn on oath, did depose on oath and say that he/she is the MANAGER of L.P. UTILITIES CORPORATION and that on the 3rd day of FEBRUARY, 2003, he/she did send by first class U.S. Mail a copy of the notice attached hereto to each of the Utility's customers.

FURTHER AFFIANT SAYETH NAUGHT.

L.P. UTILITIES CORPORATION

By: Johann Lovelotte

As: MANAGER

Sworn to and subscribed to before me this 4th day of February, 2003, by Oath, on behalf of L.P. Utilities Corporation. He/she is personally known to me or has provided personally known as identification.

Patricia A da Silva

Print Name: PATRICIA A da SILVA

NOTARY PUBLIC

My Commission Expires



Patricia A da Silva
My Commission DD050265
Expires August 15, 2005

**LIST OF WATER AND WASTEWATER UTILITIES IN POLK COUNTY
(VALID FOR 60 DAYS)
07/14/2004 - 09/11/2004**

<u>UTILITY NAME</u>	<u>POLK COUNTY</u>	<u>MANAGER</u>
ANGLERS COVE WEST, LTD. (WS817) P. O. BOX 5252 LAKELAND, FL 33807-5252		TODD MAXWELL (941) 647-1581
AQUASOURCE UTILITY, INC. (WS819) % AQUASOURCE, INC. 6960 PROFESSIONAL PARKWAY EAST, #400 SARASOTA, FL 34240-8432		NANCE GUTH (941) 907-7411
CAL CLAIR, INC. D/B/A BREEZE HILL UTILITY (WS863) P. O. BOX 1408 LAKE WALES, FL 33859-1408		CALVIN C. BLAKE (863) 696-1666
CHC VII, LTD. (WS816) P. O. BOX 5252 LAKELAND, FL 33807-5252		TODD MAXWELL (941) 647-1581
CROOKED LAKE PARK SEWERAGE COMPANY (SU785) 227 CALOOSA LAKE CIRCLE, NORTH LAKE WALES, FL 33859-8605		KENNETH J. KNOWLTON (863) 638-3117
CRYSTAL RIVER UTILITIES, INC. (WS772) % AQUASOURCE, INC. 6960 PROFESSIONAL PARKWAY EAST, #400 SARASOTA, FL 34240-8432		NANCE GUTH (941) 907-7411
CYPRESS LAKES UTILITIES, INC. (WS800) 200 WEATHERSFIELD AVENUE ALTAMONTE SPRINGS, FL 32714-4027		PATRICK C. FLYNN (407) 869-1919
FLORIDA WATER SERVICES CORPORATION (WS765) P. O. BOX 609520 ORLANDO, FL 32860-9520		CARLYN KOWALSKY (407) 598-4297
FOUR LAKES GOLF CLUB, LTD. (WS815) P. O. BOX 5252 LAKELAND, FL 33807-5252		TODD MAXWELL (941) 647-1581
HIDDEN COVE, LTD. (WS814) P. O. BOX 5252 LAKELAND, FL 33807-5252		TODD MAXWELL (941) 647-1581
KEEN SALES, RENTALS AND UTILITIES, INC. (WU771) 685 DYSON ROAD HAINES CITY, FL 33844-8587		EARLENE KEEN (863) 421-6827

**LIST OF WATER AND WASTEWATER UTILITIES IN POLK COUNTY
(VALID FOR 60 DAYS)
07/14/2004 - 09/11/2004**

UTILITY NAME

POLK COUNTY

MANAGER

LAKE HAVEN UTILITY ASSOCIATES, LTD. D/B/A LAKE WALES UTILI (WS786)
P. O. BOX 9076
LAKESHORE, FL 33854-9076

DAVID K. PEARCE
(863) 696-1128

MOUNTAIN LAKE CORPORATION (WU791)
P. O. BOX 832
LAKE WALES, FL 33859-0832

ROBERT E. MARTIN
(863) 676-3494

ORCHID SPRINGS DEVELOPMENT CORPORATION (WS789)
295 FIRST STREET SOUTH
WINTER HAVEN, FL 33880-3272

CAROL C. RHINEHART
(863) 324-3698

PARK WATER COMPANY INC. (WU776)
25 FIRST AVENUE NORTH
LAKE WALES, FL 33859-8761

ANTHONY STAIANO
(863) 638-1285

PINECREST RANCHES, INC. (WU779)
P. O. BOX 2427
BARTOW, FL 33831-2427

S. NORMAN DUNCAN
(863) 559-7997

PLANTATION LANDINGS, LTD. (WS813)
P. O. BOX 5252
LAKELAND, FL 33807-5252

TODD MAXWELL
(941) 647-1581

RIVER RANCH WATER MANAGEMENT, L.L.C. (WS850)
5601 WINDHOVER DRIVE
ORLANDO, FL 32819-7936

MARK WALTRIP
(407) 351-3351 EXT 101

S. V. UTILITIES, LTD. (WS812)
P. O. BOX 5252
LAKELAND, FL 33807-5252

TODD MAXWELL
(941) 647-1581

SPORTS SHINKO UTILITY, INC. D/B/A GRENELEFE UTILITIES (WS770)
3200 STATE ROAD 546
GRENELEFE, FL 33844-9732

GREG MAULTSBY
(863) 421-5037

TEVALO, INC. D/B/A MCLEOD GARDENS WATER COMPANY (WU841)
P. O. BOX 2898
WINTER HAVEN, FL 33883-2898

JAMES O. VAUGHN
(863) 293-2577

WEST LAKELAND WASTEWATER, INC. (SU836)
P. O. BOX 2303
EATON PARK, FL 33840-2303

SUZZANE AVERETT BRITT
(863) 665-1748 EXT 25



**LIST OF WATER AND WASTEWATER UTILITIES IN POLK COUNTY
(VALID FOR 60 DAYS)
07/14/2004 - 09/11/2004**

UTILITY NAME

MANAGER

GOVERNMENTAL AGENCIES

CENTRAL FL. REGIONAL PLANNING COUNCIL
P.O. BOX 2089
BARTOW, FL 33831

CITY MANAGER, CITY OF BARTOW
450 NORTH WILSON
BARTOW, FL 33831-3954

CLERK, BOARD OF COUNTY COMMISSIONERS, POLK COUNTY
P. O. BOX 9000, DRAWER CC-1
BARTOW, FL 33831-9000

DEP CENTRAL DISTRICT
3319 MAGUIRE BLVD., SUITE 232
ORLANDO, FL 32803-3767

DEP SOUTHWEST DISTRICT
3804 COCONUT PALM DRIVE
TAMPA, FL 33618-8318

MAYOR, CITY OF AUBURNDALE
P. O. BOX 186
AUBURNDALE, FL 33823-0186

MAYOR, CITY OF DAVENPORT
P. O. BOX 125
DAVENPORT, FL 33836-0125

MAYOR, CITY OF EAGLE LAKE
P. O. BOX 129
EAGLE LAKE, FL 33839-0129

MAYOR, CITY OF FROSTPROOF
P. O. BOX 308
FROSTPROOF, FL 33843-0308

MAYOR, CITY OF FT. MEADE
P. O. BOX 856
FT. MEADE, FL 33841-0856

MAYOR, CITY OF HAINES CITY
P. O. BOX 1507
HAINES CITY, FL 33845-1507

**LIST OF WATER AND WASTEWATER UTILITIES IN POLK COUNTY
(VALID FOR 60 DAYS)
07/14/2004 - 09/11/2004**

UTILITY NAME

MANAGER

GOVERNMENTAL AGENCIES

MAYOR, CITY OF LAKE ALFRED
120 EAST POMELO STREET
LAKE ALFRED, FL 33850-2136

MAYOR, CITY OF LAKE WALES
P. O. BOX 1320
LAKE WALES, FL 33859-1320

MAYOR, CITY OF LAKELAND
228 SOUTH MASSACHUSETTS AVENUE
LAKELAND, FL 33801-5086

MAYOR, CITY OF MULBERRY
P. O. BOX 707
MULBERRY, FL 33860-0707

MAYOR, CITY OF WINTER HAVEN
P. O. BOX 2277
WINTER HAVEN, FL 33883-2277

MAYOR, TOWN OF DUNDEE
P. O. BOX 1000
DUNDEE, FL 33838-1000

MAYOR, TOWN OF HILLCREST HEIGHTS
151 SCENIC HIGHWAY, N.
P. O. BOX 129
BABSON PARK, FL 33827-0127

MAYOR, TOWN OF LAKE HAMILTON
P. O. BOX 126
LAKE HAMILTON, FL 33851-0126

MAYOR, TOWN OF POLK CITY
P. O. BOX 1139
POLK CITY, FL 33868-1139

MAYOR, VILLAGE OF HIGHLAND PARK
1337 NORTH HIGHLAND PARK
LAKE WALES, FL 33853-7422

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

**LIST OF WATER AND WASTEWATER UTILITIES IN POLK COUNTY
(VALID FOR 60 DAYS)
07/14/2004 - 09/11/2004**

UTILITY NAME

GOVERNMENTAL AGENCIES

MANAGER

SO. FLORIDA WATER MANAGEMENT DISTRICT
P.O. BOX 24680
WEST PALM BEACH, FL 33416-4680

**LIST OF WATER AND WASTEWATER UTILITIES IN POLK COUNTY
(VALID FOR 60 DAYS)
07/14/2004 - 09/11/2004**

UTILITY NAME

MANAGER

STATE OFFICIALS

STATE OF FLORIDA PUBLIC COUNSEL
C/O THE HOUSE OF REPRESENTATIVES
THE CAPITOL
TALLAHASSEE, FL 32399-1300

DIVISION OF THE COMMISSION CLERK AND ADMINISTRATIVE SERVICES
FLORIDA PUBLIC SERVICE COMMISSION
2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FL 32399-0850