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STATE OF FLORIDA



DIVISION OF ENGINEERING  
TOM BALLINGER  
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# Public Service Commission

September 21, 2022

Ms. Susan Clark, Esq.  
Radey Thomas Yon & Clark, P.A.  
301 South Bronough Street, Suite 200  
Tallahassee, FL 32301  
sclark@radeylaw.com

STAFF'S SECOND DATA REQUEST  
VIA EMAIL

**Re: Docket No. 20220064-WS - Application for transfer of water and wastewater facilities of Tymber Creek Utilities, Inc., water Certificate No. 303-W, and wastewater Certificate No. 252-S to CSWR-Florida Utility Operating Company, LLC, in Volusia County.**

Dear Ms. Clark:

Please provide the information requested below regarding CSWR-Florida Utility Operating Company, LLC (CSWR or Utility) to the Office of Commission Clerk by **Friday, October 21, 2022**.

1. Would CSWR agree that its equity investors expect to earn a reasonable return on their investment?
2. Would CSWR agree that any amount of goodwill on its balance sheet represents an amount on which its equity investors are not earning a return? If not, please explain.
3. Could the level of goodwill potentially impact an entity's ability to attract capital? If not, please explain.
4. Would CSWR agree that, when an entity has a fiduciary duty to another entity, the entity with the duty must act in a way that will benefit that party?
5. Would you agree that CSWR management has a fiduciary responsibility to its equity investors?
6. Has CSWR management considered any measures to reduce the level of goodwill on its balance sheet? If so, please describe the measures considered in detail.

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7. Could CSWR management, acting in its fiduciary responsibility role to the equity investors, decide to divest systems to recoup some of the investment on which it is not earning a return via the denial of a positive acquisition adjustment(s)? If not, please explain.
8. Could its equity investors advise CSWR management to divest systems to recoup some of its investment on which it was not earning a return via the denial of a positive acquisition adjustment(s)? If not, please explain.

Please file all responses electronically at the Commission's website at [www.floridapsc.com](http://www.floridapsc.com), by selecting the Clerk's Office and Electronic Filing Web Form. Please contact me by phone at (850) 413-6952 or email [mwatts@psc.state.fl.us](mailto:mwatts@psc.state.fl.us), if you have any questions.

Sincerely,

*/s/ Melinda Watts*

Melinda Watts  
Engineering Specialist

MW:pz

cc: Mr. Thomas Crabb, Esq. ([tcrabb@radeylaw.com](mailto:tcrabb@radeylaw.com))  
Ms. Suzanne Turner ([sturner@radeylaw.com](mailto:sturner@radeylaw.com))  
Office of the Commission Clerk (Docket No. 20220064-WS)