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BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION

In the Matter of:

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.

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PROCEEDINGS: COMMISSION CONFERENCE AGENDA  
ITEM NO. 3

COMMISSIONERS  
PARTICIPATING: CHAIRMAN ANDREW GILES FAY  
COMMISSIONER ART GRAHAM  
COMMISSIONER GARY F. CLARK  
COMMISSIONER MIKE LA ROSA  
COMMISSIONER GABRIELLA PASSIDOMO

DATE: Tuesday, October 3, 2023

PLACE: Betty Easley Conference Center  
Room 148  
4075 Esplanade Way  
Tallahassee, Florida

REPORTED BY: DEBRA R. KRICK  
Court Reporter and  
Notary Public in and for  
the State of Florida at Large

PREMIER REPORTING  
112 W. 5TH AVENUE  
TALLAHASSEE, FLORIDA  
(850) 894-0828

## 1 P R O C E E D I N G S

2 CHAIRMAN FAY: All right. Commissioners next  
3 we will move to Item No. 3, which I believe also  
4 has an oral modification.

5 Ms. Watts, when you are ready, you are  
6 recognized.

7 MS. WATTS: Commissioners, Item 3 is staff's  
8 recommendation on the transfer of facilities and  
9 certificates from Tymber Creek Utilities, Inc., in  
10 Volusia County to CSWR-Florida Utility Operating  
11 Company, LLC.

12 Tymber Creek serves approximately 423 water  
13 and wastewater customers. In response to the  
14 notice of transfer, 25 customers filed objections  
15 to the transfer and two of them requested a hearing  
16 on the matter. Tymber Creek responded by filing a  
17 motion to dismiss, which is discussed in Issue 1.

18 On June 1st, 2023, staff filed its  
19 recommendation for the instant docket, after which  
20 additional information was provided to staff  
21 regarding the utility's warranty deeds on behalf of  
22 the Tymber Creek Homeowners' Association. Staff  
23 withdrew its recommendation to review this  
24 information and facilitated an informal meeting  
25 with the parties. Based on staff's review of the

1 information and discussions with the parties, staff  
2 has not changed its ultimate recommendation.

3 CSWR has negotiated a purchase agreement with  
4 the utility but will not close on the sale until it  
5 has received Commission approval for the transfer.  
6 In conjunction with the transfer request, CSWR is  
7 also requesting a positive acquisition adjustment.

8 Staff recommends the Commission approve the  
9 transfer of the facilities and certificate  
10 effective the date that the sale becomes final.  
11 Staff also recommends the Commission deny the  
12 request for a positive acquisition adjustment as  
13 CSWR did not demonstrate extraordinary  
14 circumstances.

15 Oral modifications were made to staff's  
16 recommendation to correct the calculation of  
17 accumulated depreciation for both water and  
18 wastewater systems. A copy of the oral  
19 modifications has been provided to each  
20 Commissioner.

21 Representatives of CSWR and the Office of  
22 Public Counsel are available if you have questions.  
23 Staff is also available to answer any questions.

24 CHAIRMAN FAY: Okay. Great. Thank you, Ms.  
25 Watts.

1           Commissioners, any questions this morning on  
2           Item No. 3?

3           Seeing no questions, I will take up a motion  
4           for Item No. 3.

5           COMMISSIONER CLARK: Move staff  
6           recommendation, Mr. Chairman.

7           COMMISSIONER GRAHAM: Second.

8           CHAIRMAN FAY: Okay. We have a motion and a  
9           second.

10          All that approve say aye.

11          (Chorus of ayes.)

12          CHAIRMAN FAY: Okay. Show Item 3 with the  
13          oral modifications approved staff's recommendation.

14          Thank you, Ms. Watts.

15          (Agenda item concluded.)

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CERTIFICATE OF REPORTER

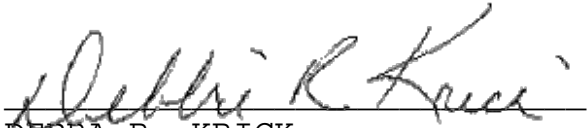
STATE OF FLORIDA )  
COUNTY OF LEON )

I, DEBRA KRICK, Court Reporter, do hereby  
certify that the foregoing proceeding was heard at the  
time and place herein stated.

IT IS FURTHER CERTIFIED that I  
stenographically reported the said proceedings; that the  
same has been transcribed under my direct supervision;  
and that this transcript constitutes a true  
transcription of my notes of said proceedings.

I FURTHER CERTIFY that I am not a relative,  
employee, attorney or counsel of any of the parties, nor  
am I a relative or employee of any of the parties'  
attorney or counsel connected with the action, nor am I  
financially interested in the action.

DATED this 12th day of October, 2023.

  
DEBRA R. KRICK  
NOTARY PUBLIC  
COMMISSION #HH31926  
EXPIRES AUGUST 13, 2024