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STATE OF FLORIDA



DIVISION OF ENGINEERING
TOM BALLINGER
DIRECTOR
(850) 413-6910

Public Service Commission

August 16, 2021

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

VIA EMAIL

Re: 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.

Dear Ms. Clark:

Staff has reviewed CSWR-Florida Utility Operating Company, LLC's (CSWR-FL or Buyer) July 7, 2021, response to staff's June 18, 2021, deficiency letter. After reviewing this information we find that the application continues to be deficient. The specific deficiencies are identified as:

1. **Assets and Liabilities.** Rule 25-30.037(2)(j)(3), Florida Administrative Code, (F.A.C.), requires a list of and the dollar amount of the assets purchased and liabilities assumed or not assumed, including those of nonregulated operations or entities. In response to staff's first deficiency letter, the Utility only provided a list of the specific assets. Please also provide the corresponding dollar amount allocated to each.

Staff acknowledges that, based on CSWR-FL's July 7, 2021, response to staff's June 18, 2021, deficiency letter, CSWR-FL has not cured the following deficiencies pending the completion of various actions. However, staff is repeating them here for tracking purposes.

2. **Notice of Application.** Rule 25-30.030(6), F.A.C., incorporated by reference in Rule 25-30.037(2)(b), F.A.C., states that all applications requiring noticing shall be deemed deficient until affidavits of noticing required by Sections 367.045(1)(e) and (2)(f), Florida Statutes, along with a copy of the notice, are filed with the Office of Commission Clerk. After staff has reviewed and approved the notice of application, and the notices have been distributed in accordance with Rule 25-30.030(5), F.A.C., please provide affidavits of noticing.

3. **Permits.** Rule 25-30.037(2)(r)1., F.A.C., requires the applicant provide a copy of the utility's current permits from the Department of Environmental Protection (DEP) and the water management district (WMD). The copies of the permits included in the application were issued by the respective agency to the Seller. Please provide copies of the applications required by the DEP and the St. Johns River WMD for transfer of the permits to the Buyer. Also, please ensure that the WMD permit transfer application also corrects the reference to the township/section/range information for the areas served to include all of the certificated service territory for Certificate No. 517-W.
4. **Right to Land.** Rule 25-30.037(2)(s), F.A.C., requires documentation of the utility's right to access and continued use of the land upon which the utility treatment facilities are located. Documentation of continued use shall be in the form of a recorded warranty deed, recorded quit claim deed accompanied by title insurance, recorded lease such as a 99-year lease, or recorded easement. The applicant may submit an unrecorded copy of the instrument granting the utility's right to access and continued use of the land upon which the utility treatment facilities are or will be located, provided that the applicant files a recorded copy within the time required in the order granting the transfer. Please be advised that this item will remain deficient until the required documentation has been provided. In Exhibit H to the application, the Buyer makes the following statement:

Between the date of this application and closing, CSWR-Florida will conduct additional due diligence, which includes engaging a Florida title company to review relevant records related to real property assets Aquarina Utilities proposes to transfer to confirm the rightful owner(s) and identify any title defects that will be cured prior to closing. Although documents required by Section 4.01(b) do not currently exist, they can be provided post-closing if necessary to establish CSWR-Florida's ownership or long-term use rights.

Your application will not be deemed filed until the deficiencies identified in this letter have been corrected. These corrections should be submitted no later than **September 13, 2021**, to the following address:

Office of Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Ms. Susan Clark

Page 3

August 16, 2021

Should you have any questions concerning the information in this letter, please feel free to contact Mrs. Melinda Watts by phone at (850) 413-6952 or email at mwatts@psc.state.fl.us for technical questions, or Ms. Stefanie-Jo Osborn by phone at (850) 413-6175 or email at sosborn@psc.state.fl.us for legal questions. Please include the docket number on all submissions to the Commission Clerk.

Sincerely,

/s/Melinda Watts

Melinda Watts
Engineering Specialist
Division of Engineering

MW:pz

cc: Office of Commission Clerk (Docket No. 20210093-WS
Mr. Thomas Crabb, Radey Law Firm (tcrabb@radeylaw.com)