

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for acknowledgment of name change on Wastewater Certificate No. 104-S in Pasco County and Water Certificate No. 388-W in Lee County from Ni Florida, LLC, to Ni Florida, Inc.

DOCKET NO. 20210069-WS
ORDER NO. PSC-2021-0327-FOF-WS
ISSUED: August 30, 2021

ORDER ACKNOWLEDGING NAME CHANGE

BY THE COMMISSION:

On April 7, 2021, a request was filed on behalf of Ni Florida, LLC (Ni or Utility) for acknowledgement of the name change of the Utility. In 1973, Allyn Water Supply, Inc. was granted Certificate Nos. 147-W and 104-S in Pasco County.¹ Certificate No. 147-W was subsequently cancelled when the water system was transferred to the City of Port Richey.² The wastewater system and Certificate No. 104-S was subsequently transferred once, amended six times, and underwent three transfers of majority organizational control prior to being acquired by Ni in 2007.³ We granted Ni's transfer of Certificate No. 104-S in 2008.⁴

¹ Order No. 5781, issued June 19, 1973, in Docket Nos. C-72695-W and C-72696-S, *In re: Application of Allyn Water Supply, Inc. for certificates to operate its existing water and sewer system in Pasco County.*

² Order No. 6628, issued April 24, 1975, in Docket No. C-72695-W, *In re: Allyn Water Supply, Inc. sale of its water system to the City of Port Richey.*

³ Order No. 7824, issued June 2, 1977, in Docket No. 19750558-S, *In re: Joint application for the transfer of the assets of Allyn Water Supply, Inc., and Certificate No. 104-S to Hudson Utilities, Inc., pursuant to Section 367.071, Florida Statutes.*; Order No. 13823, issued October 31, 1984, in Docket No. 19840296-SU, *In re: Application of Hudson Utilities, Inc., for amendment of Certificate No. 104-S to include additional territory in Pasco County, Florida.*; Order No. 14477, issued June 18, 1985, in Docket No. 19850149-SU, *In re: Application of Hudson Utilities, Inc. for amendment of Certificate No. 104-S to include additional territory in Pasco County, Florida.*; Order No. 15556, issued January 16, 1986, in Docket No. 19850779-SU, *In re: Application of Hudson Utilities, Inc., for the transfer of Certificate No. 104-S from the Florida Conference of Seventh Day Adventists to Al Meyer, King Helie, and Robert Bammann in Pasco County, Florida.*; Order No. 21949, issued September 27, 1989, in Docket No. 19890662-SU, *In re: Application of Hudson Utilities, Inc., for the transfer of majority organizational control from Al Meyer, King Helie, and Robert Bammann to Robert Bammann and Judith Bammann in Pasco County, Florida.*; Order No. 22852, issued April 24, 1990, in Docket No. 19900065-SU, *In re: Application for amendment of Certificate No. 104-S in Pasco County by Hudson Utilities, Inc.*; Order No. 23846, issued December 10, 1990, in Docket No. 19900020-SU, *In re: Application for amendment of Certificate No. 104-S in Pasco County by Hudson Utilities, Inc.*; Order No. PSC-99-1916-PAA-SU, issued September 27, 1999, in Docket No. 19981079-SU, *In re: Application for amendment of Certificate No. 104-S to extend service territory in Pasco County by Hudson Utilities, Inc., and request for limited proceeding*; Order No. PSC-99-2381-FOF-SU, issued December 6, 1999, in Docket No. 19981080-SU, *In re: Application by Hudson Utilities, Inc., for transfer of majority organizational control in Pasco County*; and Order No. PSC-04-1278-AS-SU, issued December 27, 2004, in Docket No. 20041207-SU, *In re: Application for amendment of Certificate No. 104-S to delete territory in Pasco County by Hudson Utilities, Inc.*

⁴ Order No. PSC-08-0226-FOF-WS, issued April 7, 2008, in Docket No. 20070740-SU, *In re: Joint application for approval of Hudson Utilities, Inc.'s wastewater system and Certificate No. 104-S, in Pasco County, to Ni Florida, LLC.*

In 1983, we granted Tamiami Utility Company (Tamiami) Certificate Nos. 388-W and 332-S in Lee County.⁵ Certificate No. 332-S was subsequently cancelled when the wastewater treatment plant failed and the Florida Department of Environmental Regulation ordered it to interconnect to the North Fort Myers Utility, Inc. wastewater collection system.⁶ In addition to the territory transfer/certificate cancellation discussed above, Tamiami underwent three transfers and one service territory amendment prior to being acquired by Ni in 2008.⁷ We granted Ni's application for transfer of Certificate No. 388-W in 2008.⁸ Since Ni's acquisition of the wastewater system in Pasco County and the water system in Lee County, we have approved two transfers of majority organizational control of the Utility's parent company.⁹

Rule 25-30.039, Florida Administrative Code (F.A.C.), provides for changes in name only, with no change in the ownership or control of the utility or its assets. The Utility provided a statement attesting that there will be no change in the ownership or control of the Utility and its assets. The Utility also provided documentation from the Florida Department of State, Division of Corporations, that the new corporation was registered in Florida effective March 2, 2021. On July 30, 2021, the Utility filed an affidavit stating that it mailed the approved customer notice to its customers with their bill on July 28, 2021.

We find that the request for acknowledgement of name change is in compliance with the provisions of Rule 25-30.039, F.A.C., and issue this administrative order to acknowledge the name change on Certificate Nos. Certificates Nos. 104-S and 388-W from Ni Florida, LLC, to Ni Florida, Inc. This order shall serve as the Utility's water and wastewater certificates and shall be retained by the Utility.

⁵ Order No. 11734, issued March 18, 1983, in Docket No. 19820183-WS, *In re: Application of Tamiami Utility Company for an original certificate to operate a water and sewer utility in Lee County, Florida.*

⁶ Order No. PSC-95-0576-FOF-SU, issued May 9, 1995, in Docket No. 19940963-SU, *In re: Application for transfer of territory served by Tamiami Village Utility, Inc., in Lee County, to North Fort Myers Utility, Inc., cancellation of Certificate No. 247-S; and for a limited proceeding to impose current rates, charges, classifications, rules and regulations, and service availability policies.*

⁷ Order No. 21421, issued June 20, 1989, in Docket No. 19890127-WS, *In re: Joint application for transfer of Certificates Nos. 388-W and 332-S from Tamiami Utility Company in Lee County to Tamiami Village Utility, Inc.;* Order No. 22449, issued January 23, 1990, in Docket No. 19891148-WS, *In re: Application of Tamiami Village Utility, Inc. for amendment of Certificates 388-W and 332-S in Lee County;* Order No. PSC-95-1444-FOF-WU, issued November 28, 1995, in Docket No. 19950015-WU, *In re: Application for transfer of Certificate No. 388-W in Lee County from Tamiami Village Utility, Inc.; and for a limited proceeding to increase rates to recover increased operation and maintenance expenses as a result of pending transfer by Tamiami Village Water Company, Inc.*

⁸ Order No. PSC-08-0621-FOF-WU, issued September 24, 2008, in Docket No. 20080183-WU, *In re: Joint application for approval of transfer of Tamiami Village Water Company, Inc.'s water system and Certificate No. 388-W in Lee County to Ni Florida, LLC.*

⁹ Order No. PSC-15-0315-FOF-WS, issued August 5, 2015, in Docket No. 20150115-WS, *In re: Joint application for approval of transfer of majority organizational control of Ni Florida, LLC, holder of Certificate Nos. 388-W in Lee County and 104-S in Pasco County, to Ni Pacolet Milliken Utilities, LLC.;* and Order No. PSC-2021-0073-FOF-WS, issued February 8, 2021, in Docket No. 20200221-WS, *In re: Joint application for approval of transfer of majority organizational control of Ni Florida, LLC, holder of Certificate Nos. 388-W in Lee County and 104-S in Pasco County, to Florida Utility Systems, Inc.*

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the request by Ni Florida, LLC, to acknowledge its name change to Wastewater Certificate No. 104-S in Pasco County and Water Certificate No. 388-W in Lee County, to Ni Florida, Inc. is hereby approved. It is further

ORDERED that this order shall serve as Ni Florida, Inc.'s amended Certificate Nos. 104-S and 388-W and, as such, it shall be retained by the Utility. It is further

ORDERED that this docket shall be closed.

By ORDER of the Florida Public Service Commission this 30th day of August, 2021.



ADAM J. TEITZMAN
Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399
(850) 413-6770
www.floridapsc.com

Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

SFO

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Any party adversely affected by the Commission's final action in this matter may request:
1) reconsideration of the decision by filing a motion for reconsideration with the Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida

ORDER NO. PSC-2021-0327-FOF-WS

DOCKET NO. 20210069-WS

PAGE 4

Administrative Code; or 2) judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water and/or wastewater utility by filing a notice of appeal with the Office of Commission Clerk, and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.