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Public Service Commission

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-M-E-M-O-R-A-N-D-U-M- COMMISSION CLERK

DATE: June 11, 2004
TO: Martha C. Brown, Senior Attorney, General Counsel
FROM: Patricia L. Brady, Regulatory Analyst IV, Division of Economic Regulation
RE: Docket No. 040359-WS, Application for authority to operate under fictitious name, Aqua Utilities Florida, Inc., by AquaSource Utility, Inc., holder of Certificate Nos. 268-S, 503-S, 585-W, 371-S, 441-W, and 424-W; Arredondo Utility Company, Inc., holder of Certificate Nos. 549-W and 479-S; Crystal River Utilities, Inc., holder of Certificate Nos. 441-S, 507-W, 510-S, 594-W, 396-W, 123-W, and 053-W; Jasmine Lakes Utilities Corporation, holder of Certificate Nos. 110-W and 083-S; Lake Suzy Utilities, Inc., holder of Certificate Nos. 514-S and 599-W; and Ocala Oaks Utilities, Inc. holder of Certificate No. 346-W.

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On April 23, 2004, an application was filed on behalf of AquaSource Utility, Inc., Arredondo Utility Company, Inc., Crystal River Utilities, Inc., Jasmine Lakes Utilities Corporation, Lake Suzy Utilities, Inc., and Ocala Oaks Utilities, Inc. (Applicants) for authority to operate under the fictitious name of Aqua Utilities Florida, Inc. The mailing address for the Applicants was given as Ms. Nance Guth, c/o AquaSource, Inc. 6960 Professional Parkway East, Suite 400, Sarasota, FL 34240-8432. The type of entity, Certificate Nos., and County of Operation for each Applicant was given as follows:

Table with 4 columns: Company Name, Type of Entity, Certificate No/s., and County of Operation. Rows include AquaSource Utility, Inc., Arredondo Utility Company, Inc., Crystal River Utilities, Inc., Jasmine Lakes Utilities Corp., Lake Suzy Utility, Inc., and Ocala Oaks Utilities, Inc.

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The application in this docket was filed pursuant to Rule 25-30.039, Florida Administrative Code, which provides for changes in name only, with no change in the ownership

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or control of the utility or its assets. The Applicants are requesting the name change in order to identify the Applicants' name with the name of the parent company, Aqua America, Inc. (formerly known as Philadelphia Suburban Corporation). A statement was provided by the Senior Vice President and Chief Financial Officer of Aqua America, Inc. that ownership and control of the Applicants will not change as a result of, or under, the proposed name change. Since the name change is only for authority to operate under a fictitious name, the corporate identities of the Applicants remain unchanged. Therefore, there is no need request that new deeds be provided for the land upon which the utility facilities are located.

The application included documentation by the Florida Department of State, Division of Corporation as evidence that each Applicant utility has been registered in the State of Florida to operate under the fictitious name of Aqua Utilities Florida, Inc. The application also contained a copy of the proposed notice to be sent to the Applicants customers to inform them of the change in name. The application also contained revised tariffs reflecting the proposed name change. Staff has verified that the tariffs have only been altered to reflect the proposed name change.

Section 2.07(C)(2) of the Administrative Procedures Manual grants the Director of the Division of the Commission Clerk and Administrative Services, in coordination with the appropriate industry division and the Office of the General Counsel, authority to approve change of names and corporate reorganizations of regulated utilities, where no change of ownership or control or transfer of assets is involved. Staff, therefore, recommends that the Applicants' request to operate under the fictitious name of Aqua Utilities Florida, Inc. is in compliance with the provisions of Rule 25-30.039, Florida Administrative Code, and that an administrative order be issued within 30 days approving the change of name on the Applicants Certificate Nos. 268-S, 503-S, 585-W, 371-S, 441-W, 424-W, 549-W, 479-S, 441-S, 507-W, 510-S, 594-W, 396-W, 123-W, 053-W, 110-W, 083-S, 514-S, 599-W, and 346-W to add the fictitious name of Aqua Utilities Florida, Inc. The Applicants should be required to send the approved notice to customers with the next regular billing after the order is issued. The revised tariffs should be approved and effective for services rendered on or after the stamped approval date. Finally, upon issuance of the order, the docket should be closed.

cc: Division of Economic Regulation (Slemkewicz)
Division of the Commission Clerk and Administrative Services