



Public Service Commission

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

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SEP 22 AM 8:31

COMMISSION  
CLERK

**DATE:** September 22, 2004  
**TO:** Division of the Commission Clerk and Administrative Services  
**FROM:** Division of Economic Regulation (Brady) *pb*  
**RE:** Docket No. 030747-SU, Application for transfer of assets and Certificate No. 285-S in Pasco County to HV Utility Systems, L.L.C., by Hacienda Utilities, Ltd.

Please add to the docket file the attached letter dated September 20, 2004, from Kathryn Cowdery, Esq., to Patti Daniel, Commission staff. The letter is in response to staff's informal information request transmitted by e-mail on February 20, 2004 (copy also attached).

Attachments: (2)

cc: Division of Economic Regulation (Redemann, Romig)  
Office of the General Counsel (Fleming)

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215 SOUTH MONROE STREET  
SUITE 815  
TALLAHASSEE, FLORIDA 32301

(850) 412-2000  
FAX: (877) 604-5230  
KATHRYN.COWDERY@RUDEN.COM

September 20, 2004

Patti Daniel  
Division of Economic Regulation  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

**Via Hand Delivery**

Re: Docket No. 030747-SU: Application for transfer of assets and Certificate No. 285-S in Pasco County to HV Utility Systems, L.L.C. by Hacienda Utilities, Ltd.

Dear Ms. Daniel:

This letter responds to your informal information request relating to this docket.

1. Regarding the September 11, 2002 letter to which you have referred (the "Letter"), the books and records of HV Utility Systems, L.L.C. ("Utility") do not show that the prior owner of Hacienda Village Mobile Home Park ("Hacienda Village") paid to Hacienda Utilities, Ltd. the funds referred to in the Letter.

2. The current owner of Hacienda Village ("Park Owner"), an affiliate and customer of Utility, collected from certain Hacienda Village residents, checks for certain costs referred to in the Letter, as shown in detail on Attachment "A" hereto. This procedure was initiated by the prior owner of Hacienda Village (Diversified Investment Services, hereinafter referred to as "Diversified") pursuant to Chapter 723, Fla. Stat. Please note that Attachment "A" hereto identifies the person who wrote the check, except that for sites 14, 57, 149, 165, 225, 336, and 487 ("Diversified Payors"), the checks were initially written from the Diversified Payors to Diversified, and upon the December 17, 2002 closing on the Hacienda Village property between Park Owner and Diversified, Diversified wrote checks to Park Owner to transmit the funds previously collected from the Diversified Payors.

The Park Owner never cashed any of the checks collected and has returned the checks to the addresses listed on Attachment "A," except that Park Owner is in the process of determining the manner in which to return checks to the seven Diversified Payors.

TAL:49523:1

**RUDEN, McCLOSKEY, SMITH, SCHUSTER & RUSSELL, P.A.**

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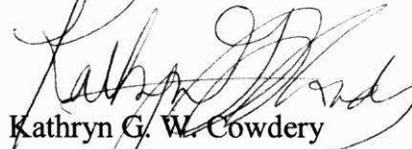
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DIVISION OF ECONOMIC REGULATION

Letter to Patti Daniel  
September 20, 2004  
Page 2

3. None of the checks identified on Attachment "A" were given to Utility.

Please let me know if you have any additional questions.

Very truly yours,



Kathryn G. W. Cowdery

Enclosure: Attachment "A"

✓ Cc(w/enc.): Pat Brady (hand delivery)

**Attachment "A"**  
**Hacienda Village**  
 Sewer Payments

<b>Lot Number</b>	<b>Name &amp; Address</b>	<b>Amount</b>
382 / 420 5/15/03	Ruth Breit/Verna Johnson 6154 Aragon Ct.. New Port Richey, Fl 34653	\$1182.00
3 12/19/02	Jack & Dolores Mortola 7435 Granada Avenue New Port Richey, Fl. 34653	\$197.00
8 6/05/03	Beatrice Paddle 10 Erica Cr. London ONT. N6E3P5	\$591.00
11 2/15/03	Joan Glasser 202 N. Princeton Ave. Villa Park, Ill. 60181-2075	\$197.00
14 12/9/02	Clyde Hoyt 1038 Cloverleaf Circle Brooksville, Fl 34601	\$591.00
23 3/03/03	Nancy Pearson 7345 Andalusia Avenue New Port Richey 34653	\$591.00
26 3/14/03	Joseph & Judith Harris 11547 Holly Ann Drive New Port Richey, FL34654	\$591.00
28 2/23/04	Salvatore L Cardinalee Ttee 5377 Peacock Drive Holiday, Fl. 34690	\$591.00
32 7/14/04	Julia & Daniel McAllister 64C Enfield Ct Ridge, NY 11961-1450	\$591.00
36 3/25/03	M. Holly Spreer 60-7 Foxwood Drive Pleasantville, NY 10570	\$591.00
36 9/04/2004	Madeline Pellicano 6111 Barcelona Avenue New Port Richey, 34653	\$591.00
48 9/02/03	Herman Gocke 7246 Malaga Ave. New Port Richey, Fl. 34653	\$591.00
57 11/06/02	Ernie Boisvert C/o Sophie Zarmawski 13035 Coxwain Court Hudson, Fl 34667-1717	\$591.00

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75 10/22/03	Anthony & Darlene DeMarco 21408 Creekside Drive Strongsville, Oh. 44149-1203	\$591.00
84 7/29/03	Jerry R. Wallace 58 Northgate Park Ringwood, NJ 07456	\$591.00
89 9/15/03	Donald & Jo Ann Sauls 5856 Naples Dr. 33548-8553	\$591.00
95 5/29/2004	Jim & Jinnah Bates 6374 Cherokee St. Tucumcari, New Mexico 88401	\$591.00
97 7/07/03	Donald England 12901 Settlers Dr. Bayonet Point, Fl. 34667	\$591.00
110 4/02/03	Alyce M. Reed 7025 Oakshire Drive Port Richey	\$591.00
113 2/03/04	Keith Cook 3601 Clayton Street New Port Richey, Fl. 34625	\$591.00
115 4/11/03	Robert A. Robb 5422 Newago Trail New Era, MI 49446	\$591.00
118 10/30/03	Phyllis Ventrice 7409 Hideaway Trail New Port Richey, Fl. 34655	\$591.00
119 5/27/04	Joe & Patricia Clark P.O. Box 573 Pulaski, NY 13142	\$591.00
122 1/21/03	Ralph & De Landa Coffin 4815 Crestknoll Lane New Port Richey, Fl. 34653	\$246.25
130 2/03/04	Delores L. Traetow 8407 Fremont Ave., S. Bloomington, Mn. 55420	\$591.00
131 4/26/2004	Ida & Carl Meyer 2925 Wellesley Dr. Columbus, Oh 43221	\$591.00
135 6/21/2004	William Hickey 2268 Springwood Circle W Clearwater, Fl. 33763	\$591.00
138 10/06/03	Gracie M. Potts 7630-B Hardaway Dr.	\$591.00

**Attachment "A"**  
**Hacienda Village**

Sewer Payments

	New Port Richey, Fl. 34653	
141 1/08/04	Lawrence St. Pierre 6010 Concordia Avenue New Port Richey, FL 34653	\$591.00
143 1/23/04	Jason D. Dingman 801 West Montrose Street Clermont, Fl. 34711	\$591.00
144 4/13/2004	Richard A Gilli or Sheila Gilli 38 Mayflower Middle boro, Ma 02346	\$591.00
149 12/09/02	Doris Woehr c/o Rev. Michael Shambora 376 Wyoming Avenue Wyoming, Pa. 18644	\$591.00
153 1/23/04	Arthur J. Eagles or Lillian Eagles 313 4701 Bathurst St. North York Ontario M2R1Y2	\$591.00
156 8/04/03	Sylvan Geiger 11883 Pearl Road Apt. 308 Strongsville, Ohio 44136	\$591.00
157 1/29/03	Edith Risk 6131 Balboa Avenue New Port Richey, Fl. 34653	\$591.00
158 12/15/03	Russell Bailey 444 N. Paula Street Apt. 414 Dunedin, FL 34698	\$591.00
164 6/30/03	Janet A. Santell 2716 Lovedale Winston Salem, NC 27127	\$591.00
165 10/14/02	Bill & Dotty Kutner 11 Memorial Drive Tivoli, NY 12583	\$591.00
171 3/29/04	Claire A. Ponsonby 782 Carnation Drive Winter Park, Fl. 32792	\$591.00
173 8/04/03	Barbara A. Dolan 7517 Granada Ave. New Port Richey, Fl. 34653	\$591.00
175 7/16/03	William Biggart 11410 Winwood Place Port Richey, Florida 34668	\$591.00

**Attachment "A"**  
**Hacienda Village**

Sewer Payments

187 7/07/2004	John & Bertha O'Brien 6111 Saragossa Avenue New Port Richey, Fl. 34653	\$591.00
189 1/14/04	Susan Young 6121 Saragossa Avenue New Port Richey, FL 34653	\$591.00
207 6/15/2004	Barbara Carter 6735 Amarillo St. Port Richey, Fl 34668	\$591.00
213 10/25/03	Piotr Gumowski 4202 S. Fundy Way Aurora, Co. 80013	\$591.00
222 1/01/04	Joan Carter 8600 Shore Front Parkway Apt. 5A Rockaway Beach, NY 11693	\$592.00
225 9/13/02	Susan Naughton C/o Geraldine Gordon 35 Kessington Rd. Glasgow, Scotland G612HJ	\$591.00
236 1/01/03	Jacobus & Mildred Corveleyn 14 Lonsdale Dr. South Plainfield, NJ 07080-2128	\$197.00
239 11/03/03	Jackie & Armand Gauthier 10649 Mira Vista Drive Port Richey, Fl. 34668	\$591.00
242 1/01/04	Robert Grammer 6110 Desoto Avenue New Port Richey, FL 34653	\$591.00
243 6/27/03	Gerald Funcheon 6476 Eime Road Ditter, MO 63023	\$591.00
268 3/12/2003	Ann E. Lytle 590 Carter Avenue Indiana, Pa. 15701-3706	\$591.00
269 12/09/03	Kenneth Wackler 201 E. Lindsey Covington, OH 45318	\$591.00
276 3/25/03	David Wood 1081 Cove Road, R.R. 3 Oxford, Nova Scotia B0M 1P0 902-447-2118	\$197.00
277 12/20/02	Shirley Jackonen 21 Rosemary Lane Pefferlaw, Ontario LOE 1N0	\$197.00

**Attachment "A"**  
**Hacienda Village**  
**Sewer Payments**

283 7/04/2004	Albert E. Whalley 2 Lucas Grove South Tockwith, York Y0267QA United Kingdom	\$591.00
284 2/20/04	E. C. Sproule Apt.710 1540 Kipling Ave. Toronto, ON. M9R4C6 Canada	\$591.00
286 3-24-2004	William & Jo Sheets 10328 Barnett Loop Port Richey, Fl. 34668	\$591.00
294 8/06/03	Ralph Rivera c/o Harrison 14 Cedar Tree Drive Ocala, Florida 34472	\$591.00
309 8/18/03	Robert J. Keyes 7550 Granada Avenue New Port Richey, Fl. 34653	\$591.00
312 8/07/03	Jerry A. Whittington 4165 Bay Dr. Beaverton, MI 48612	\$591.00
336 9/23/02	Guy P. Nash 16228 Softwater Lake Drive Linden, MI 48451	\$591.00
339 6/29/2004	William & Joyce Gibbs 4971 Hunt St. Montague, Mi. 49437	\$591.00
344 12/17/03	Nona Schultz Box 1171 Fenelon Falls ON K0m 1N0	\$591.00
347 7/01/03	Nancy Whitener 1652 Orchardgrove Avenue New Port Richey, FL 34655	\$591.00
349 10/30/03	Esther Heitwole 200 Silver Mable Drive Chelsea, MI 48118	\$591.00
354 7/05/03	Joan Grippo 6111 Biscay Avenue Lot 221 New Port Richey, Florida 34653	\$591.00
355 5/12/03	Arlene H. Graham 8330 Baily Drive Ada, MI 49301	\$591.00

## Attachment "A" Hacienda Village

### Sewer Payments

358 9/08/03	Kathleen Nelson & Laura Sugarbaker 3121 Fort Park Lincoln Park, Mi. 48146	\$591.00
388 1/08/04	Barbara Vasey 7530 Segundo Avenue New Port Richey	\$591.00
390 11/06/03	Barry Klafehn POA 6610 Doon Street New Port Richey, FL 34653	\$591.00
396 7/11/03	Susan Ziegler 7905 Anthula Court New Port Richey, Florida 34653	\$591.00
408 4/15/04	Carol Sawyer P.O. Box 8 Grand Lake Stream, ME 29220	\$591.00
414 12/09/03	Catherine Stoner 3859 Cambridge Place Lima, OH 45804	\$591.00
416 2/02/04	Bettylou Klobuchar 11520 Bloomington Ct. New Port Richey, Fl. 34654	\$591.00
426 3-15-2004	Edith Weber 110 Marnin Street Patchogul, N.Y. 11772	\$591.00
425 9/22/03	Calvin Seaver or Caryl Seaver 14252 Nectarine Street Brooksville, Fl. 34613	\$591.00
427 11/26/03	David Waldecker 7206 Sonora Avenue New Port Richey, FL 34653	\$591.00
463 4/12/2004	John & Margaret Miller 231 Baldwin Street Tillsonburg, Ontario N4G5W3	\$591.00
483 2/28/03	Giovannina DiLorenzo 215 Ferry Street Lawrence, MA 01841	\$591.00
485 8/10/2004	Lewis Amicone/Elsie Rubis 421 Skyline Dr. E Lakeland, Fl. 33801	\$591.00
487 10/15/02	Wiburn & Selma Rose 7841 Glasscov Drive New Port Richey, FL 34653	\$591.00
490 4/30/03	Margaret F. Buda 500 Washington Avenue	\$591.00

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**Hacienda Village**  
**Sewer Payments**

	Kingston, NY 12401	
491 8/10/2004	Carl A. Meyer 48 Main St., Apt. 105 Silver Creek, NY 14136	\$591.00
510 6/03/03	Edgertt J. Dorrell 5372 Babcock Lexington, MI 48450	\$591.00

## Pat Brady

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**From:** Patti Daniel  
**Sent:** Friday, February 20, 2004 11:35 AM  
**To:** Kathryn Cowdery (E-mail)  
**Cc:** Pat Brady; Katherine Fleming  
**Subject:** Hacienda

The audit contains a letter from Hacienda Village MHC, Ltd dated 9/11/02 which refers to "charges to Hacienda Village MHP from Hacienda Utilities, LC for costs associated with bring the wastewater treatment plant into compliance with current regulations." As you are aware, the utility may only collect rates and charges which have been approved by the Commission. Please provide a response to the following questions:

1. Did Hacienda Utilities or any affiliate of the utility collect or attempt to collect from Hacienda Village MHP or any other entity the costs referred to in the letter related to DEP required upgrades?
2. If so, provide a detailed list of all persons or entities that paid, the dates and amounts paid, and to whom the money was paid.
3. If funds were paid, was the money given to the utility? If not, where is that money held today?
4. Are the charges still being assessed or collect to date?
5. The utility's reasons for attempting to collect the assessment without prior Commission approval.

In addition, in Commission Order No. PSC-93-0375-FOF-SU, in Docket No. 920701-SU, dated March 11, 1993 and Order No. PSC-99-0636-FOF-SU, in Docket No. 981265-SU, dated April 5, 1999 the Commission noted that utility was not using the NARUC system of accounts. In Order No. PSC-93-0375-FOF-SU the utility was required to use the NARUC system of accounts. As a result of the recent staff audit, staff discovered that the utility maintained its books and records out of state, the seller was not using NARUC, and the rate base balances from Order No. PSC-99-0636-FOF-SU were not recorded. Please provide a statement that the purchaser has a copy of the NARUC system of accounts and is committed to following the Commissions rules and orders related to maintaining its books and records.

The staff recommendation in this docket is scheduled to be filed on March 4. Therefore, in order for staff to included the utility's responses to the above questions, your response is needed by February 24. Please let me know if you cannot obtain the requested information by that date.