

FLORIDA PUBLIC SERVICE COMMISSION

**INSTRUCTIONS FOR COMPLETING EXAMPLE
APPLICATION FOR TRANSFER OF FACILITIES
FROM A REGULATED UTILITY TO AN EXEMPT ENTITY
OTHER THAN A GOVERNMENTAL AUTHORITY**

**(Pursuant to Section 367.071, Florida Statutes, and
Rule 25-30.037(5), Florida Administrative Code)**

General Information

The attached form is an example application that may be completed by the applicant and filed with the Office of Commission Clerk to comply with Rule 25-30.037(5), Florida Administrative Code (F.A.C.). Any questions regarding this form should be directed to the Division of Engineering at (850) 413-6910.

Instructions

1. Pursuant to Rule 25-30.037(1)(a), F.A.C., if a transfer occurs prior to Commission approval, the utility shall submit an application for authority to transfer no later than 90 days after the sale closing date.
2. Fill out the attached application form completely and accurately.
3. Complete all the items that apply to your utility. If an item is not applicable, mark it "N.A." Do not leave any items blank.
4. Remit the proper filing fee pursuant to Rule 25-30.020, F.A.C., with the application.
5. Provide proof of noticing pursuant to Rule 25-30.030, F.A.C. This may be provided as a late-filed exhibit.
6. The completed application, attached exhibits, and the proper filing fee should be mailed to:

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

**APPLICATION FOR TRANSFER OF FACILITIES
FROM A REGULATED UTILITY TO AN EXEMPT ENTITY
OTHER THAN A GOVERNMENTAL AUTHORITY**

**(Pursuant to Section 367.071, Florida Statutes, and
Rule 25-30.037(5), Florida Administrative Code)**

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

The undersigned hereby makes application for the approval of the transfer of all ☐ or part ☐ of the facilities operated under Water Certificate No. _____ and/or Wastewater Certificate No. _____ and amendment ☐ or cancellation ☐ of Water Certificate No. _____ and/or Wastewater Certificate No. _____ located in _____ County, Florida, and submits the following:

PART I **APPLICANT INFORMATION**

- A) Contact Information for Utility/Seller. The utility/seller's certificated name, address, telephone number, and, if applicable, fax number, e-mail address, and website address. The utility's name should reflect the business and/or fictitious name(s) registered with the Department of State's Division of Corporations:

Utility Name

Office Street Address

City

State

Zip Code

Mailing Address (if different from Street Address)

City

State

Zip Code

() -
Phone Number

() -
Fax Number

Federal Employer Identification Number

E-Mail Address

Website Address

Water Certificate No.

Wastewater Certificate No.

- B) The contact information of the seller's authorized representative to contact concerning this application:

Name

Mailing Address

City

State

Zip Code

() -

Phone Number

() -

Fax Number

E-Mail Address

- C) Indicate the nature of the utility's business organization (check one). Provide documentation from the Florida Department of State, Division of Corporations, showing the utility's business name and registration/document number for the business, unless operating as a sole proprietor.

☐ Corporation _____
Number

☐ Limited Liability Company _____
Number

☐ Partnership _____
Number

☐ Limited Partnership _____
Number

☐ Limited Liability Partnership _____
Number

☐ Sole Proprietorship

☐ Association

☐ Other (Specify) _____

If the utility is doing business under a fictitious name, provide documentation from the Florida Department of State, Division of Corporations showing the utility's fictitious name and registration number for the fictitious name.

☐ Fictitious Name (d/b/a) _____
Registration Number _____

- D) Contact Information for Buyer. The buyer's certificated name, address, telephone number, Federal Employer Identification Number, and if applicable, fax number, e-mail address, website address, and new name of the utility if the buyer plans to operate under a different name. The buyer's business name, and if applicable, new utility name, should reflect the business and/or fictitious name(s) registered with the Department of State's Division of Corporations.

Buyer's Name

Office Street Address

City

State

Zip Code

Mailing Address (if different from Street Address)

City

State

Zip Code

() -
Phone Number

() -
Fax Number

Federal Employer Identification Number

E-Mail Address

New Utility Name

- E) The contact information of the buyer's authorized representative to contact concerning this application:

Name		
Mailing Address		
City	State	Zip Code
() -	() -	
Phone Number	Fax Number	
E-Mail Address		

PART II **TRANSFER OF FACILITIES**

A) DESCRIPTION OF SALE AGREEMENT

1) Exhibit _____ - Provide a copy of the contract for sale and all auxiliary or supplemental agreements. If the sale, assignment, or transfer occurs prior to Commission approval, the contract shall include a provision stating that the contract is contingent upon Commission approval.

2) Exhibit _____ - The buyer must provide the following documentation of the terms of the transfer:

a) The closing date.

b) A statement regarding the disposition of customer deposits and interest thereon.

- c) A statement regarding the disposition of any outstanding regulatory assessment fees, fines, refunds, or annual reports.

B) FINANCIAL ABILITY

- 1) Exhibit _____ - Provide a detailed financial statement (balance sheet and income statement), audited if available, of the financial condition of the applicant, that shows all assets and liabilities of every kind and character. The financial statements shall be for the preceding calendar or fiscal year. The financial statement shall be prepared in accordance with Rule 25-30.115, F.A.C. If available, a statement of the sources and uses of funds shall also be provided.
- 2) Exhibit _____ - Provide a list of all entities, including affiliates, upon which the buyer is relying to provide funding to the utility and an explanation of the manner and amount of such funding. The list need not include any person or entity holding less than 5 percent ownership interest in the utility. The applicant shall provide copies of any financial agreements between the listed entities and the utility and proof of the listed entities' ability to provide funding, such as financial statements.

C) TECHNICAL ABILITY; FACILITIES

- 1) Exhibit _____ - Provide a description of the buyer's experience in the water or wastewater industry.
- 2) Exhibit _____ - Provide an explanation of the buyer's plans for ensuring continued operation of the utility, such as retaining the existing plant operator(s) and office personnel, or contracting with outside entities.

- 3) Exhibit _____ - Provide a copy of all of the utility's current permits from the Department of Environmental Protection (DEP) and the water management district.
- 4) Exhibit _____ - Provide a copy of the most recent DEP and/or county health department sanitary survey, compliance inspection report, and secondary water quality standards report.
- 5) Exhibit _____ - Provide a copy of all of the utility's correspondence with the DEP, county health department, and water management district, including consent orders and warning letters, and the utility's responses to the same, for the past five years.
- 6) Exhibit _____ - Provide a copy of all customer complaints that the utility has received regarding DEP secondary water quality standards during the past five years.

D) PUBLIC INTEREST AND EXEMPT STATUS

- 1) Exhibit _____ - Provide a statement explaining why the transfer is in the public interest.

- 2) Exhibit _____ - Provide an explanation of how the buyer is exempt pursuant to Section 367.022, Florida Statutes.

E) NOTICING REQUIREMENTS

Exhibit _____ - Provide proof of noticing pursuant to Rule 25-30.030, F.A.C. This may be provided as a late-filed exhibit.

PART III

SIGNATURE

Please sign and date the utility's completed application.

APPLICATION SUBMITTED BY:

Applicant's Signature

Applicant's Name (Printed)

Applicant's Title

Date