

COMFORT SYSTEMS USA INC

Form 4

November 10, 2009

FORM 4

UNITED STATES SECURITIES AND EXCHANGE COMMISSION
Washington, D.C. 20549

OMB APPROVAL

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Check this box if no longer subject to Section 16. Form 4 or Form 5 obligations may continue. See Instruction 1(b).

STATEMENT OF CHANGES IN BENEFICIAL OWNERSHIP OF SECURITIES

Filed pursuant to Section 16(a) of the Securities Exchange Act of 1934, Section 17(a) of the Public Utility Holding Company Act of 1935 or Section 30(h) of the Investment Company Act of 1940

(Print or Type Responses)

1. Name and Address of Reporting Person *
TANNER THOMAS N

2. Issuer Name and Ticker or Trading Symbol
COMFORT SYSTEMS USA INC
[FIX]

5. Relationship of Reporting Person(s) to Issuer

(Check all applicable)

(Last) (First) (Middle)

3. Date of Earliest Transaction
(Month/Day/Year)
11/06/2009

____ Director
 Officer (give title below) _____ 10% Owner
_____ Other (specify below)
Senior Regional Vice President

C/O COMFORT SYSTEMS USA, INC., 675 BERING DRIVE, SUITE 400

(Street)

4. If Amendment, Date Original Filed(Month/Day/Year)

6. Individual or Joint/Group Filing(Check Applicable Line)
 Form filed by One Reporting Person
____ Form filed by More than One Reporting Person

HOUSTON, TX 77057

(City) (State) (Zip)

Table I - Non-Derivative Securities Acquired, Disposed of, or Beneficially Owned

| 1. Title of Security (Instr. 3) | 2. Transaction Date (Month/Day/Year) | 2A. Deemed Execution Date, if any (Month/Day/Year) | 3. Transaction Code (Instr. 8) | 4. Securities Acquired (A) or Disposed of (D) (Instr. 3, 4 and 5) | 5. Amount of Securities Beneficially Owned Following Reported Transaction(s) (Instr. 3 and 4) | 6. Ownership Form: Direct (D) or Indirect (I) (Instr. 4) | 7. Nature of Ownership (Instr. 4) |
|---------------------------------|--------------------------------------|--|--------------------------------|---|---|--|-----------------------------------|
| | | | | (A) or (D) | Price | | |
| Common Stock | 11/06/2009 | | M | 10,000 | A \$ 3.86 (1) | 98,910 | D |
| Common Stock | 11/06/2009 | | S | 10,000 | D \$ 11.035 (1) | 88,910 | D |
| Common Stock | 11/06/2009 | | M | 25,000 | A \$ 4.18 (1) | 113,910 | D |
| Common Stock | 11/06/2009 | | S | 25,000 | D \$ 11.035 | 88,910 | D |

| | | | | | | | |
|--------------|------------|---|--------|---|-------------------------------------|---------|---|
| Common Stock | 11/06/2009 | M | 30,000 | A | <u>(1)</u> \$ 6.38 <u>(1)</u> | 118,910 | D |
| Common Stock | 11/06/2009 | S | 30,000 | D | \$ 11.035 <u>(1)</u> | 88,910 | D |

Reminder: Report on a separate line for each class of securities beneficially owned directly or indirectly.

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(9-02)

Table II - Derivative Securities Acquired, Disposed of, or Beneficially Owned
(e.g., puts, calls, warrants, options, convertible securities)

| 1. Title of Derivative Security (Instr. 3) | 2. Conversion or Exercise Price of Derivative Security | 3. Transaction Date (Month/Day/Year) | 3A. Deemed Execution Date, if any (Month/Day/Year) | 4. Transaction Code (Instr. 8) | 5. Number of Derivative Securities Acquired (A) or Disposed of (D) (Instr. 3, 4, and 5) | 6. Date Exercisable and Expiration Date (Month/Day/Year) | 7. Title and Amount of Underlying Securities (Instr. 3 and 4) | 8. Amount or Number of Shares | |
|--|--|--------------------------------------|--|--------------------------------|---|--|---|-------------------------------|----------------------------|
| | | | | Code | V (A) (D) | Date Exercisable | Expiration Date | Title | Amount or Number of Shares |
| Option to Purchase | \$ 3.86 | 11/06/2009 | | M | 10,000 | <u>(2)</u> 03/21/2012 | Common Stock | 10,000 | |
| Option to Purchase | \$ 4.18 | 11/06/2009 | | M | 25,000 | <u>(3)</u> 11/19/2013 | Common Stock | 25,000 | |
| Option to Purchase | \$ 6.38 | 11/06/2009 | | M | 30,000 | <u>(4)</u> 05/18/2015 | Common Stock | 30,000 | |

Reporting Owners

| Reporting Owner Name / Address | Relationships | | | |
|--|---------------|-----------|--------------------------------|-------|
| | Director | 10% Owner | Officer | Other |
| TANNER THOMAS N C/O COMFORT SYSTEMS USA, INC. 675 BERING DRIVE, SUITE 400 HOUSTON, TX 77057 | | | Senior Regional Vice President | |

Signatures

/s/ Thomas N.
Tanner

11/10/2009

 Signature of
Reporting Person

Date

Explanation of Responses:

- * If the form is filed by more than one reporting person, *see* Instruction 4(b)(v).
 - ** Intentional misstatements or omissions of facts constitute Federal Criminal Violations. *See* 18 U.S.C. 1001 and 15 U.S.C. 78ff(a).
- (1) Represents the average price of sold shares; the price ranged from a low of \$11.00 to a high of 11.25. Full information regarding the number of shares sold and specific prices will be made available upon request to the Company's Office of the General Counsel.
 - (2) The options vested in four equal installments on March 21, 2003, 2004, 2005 and 2006.
 - (3) The options vested in four equal installments on November 19, 2004, 2005, 2006 and 2007.
 - (4) The options vested in four equal installments on May 18, 2005 in three equal installments on May 18, 2006, 2007, 2008 and 2009.

Note: File three copies of this Form, one of which must be manually signed. If space is insufficient, *see* Instruction 6 for procedure.

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