

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application of CONTINENTAL)	DOCKET NO. 890727-WS
COUNTRY CLUB, INC. for transfer of)	
Certificates 506-W and 440-S to)	ORDER NO. 21910
CONTINENTAL UTILITY, INC. in Sumter)	
County)	ISSUED: 9-19-89
)	

The following Commissioners participated in the disposition of this matter:

MICHAEL MCK. WILSON, CHAIRMAN
 BETTY EASLEY
 GERALD L. GUNTER
 JOHN T. HERNDON

ORDER APPROVING TRANSFER

BY THE COMMISSION:

BACKGROUND

On May 26, 1989, Continental Country Club, Inc. filed an application to transfer the utility's water certificate number 506-W, sewer certificate number 440-S, and assets to Continental Utility, Inc. This utility serves approximately 780 mobile home lots, a 104 unit condominium complex, a clubhouse, a pool, and sales and maintenance offices.

APPLICATION

The application is in compliance with Section 367.071, Florida Statutes, and other pertinent statutes and administrative rules concerning an application for transfer of facilities. In particular, the notarized application contains:

- a) Two checks totaling \$1,800 which, upon calculation, equates to the correct filing fee as prescribed by Section 367.141, Florida Statutes.

DOCUMENT NUMBER-DATE

09363 SEP 19 1989

FPSC-RECORDS/REPORTING

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- b) Adequate service territory description pursuant to Rule 25-30.035(i), Florida Administrative Code. Said territory to be served is described as being in Sumter County and more particularly as described in Attachment "A" attached.
- c) Proof of notice to all customers of record, pursuant to Rule 25-30.030(g), Florida Administrative Code.
- d) Proof of notice to all interested governmental and regulatory agencies, and all utilities within a 4-mile radius, and proof of advertisement in a newspaper of general circulation in the county, as prescribed by Rule 25-30.030, Florida Administrative Code.

No objections have been filed and the time for doing so has passed. The utility will forward a copy of the Warranty Deed after the transfer. Since the water and sewer certificates have already been returned, we will make the proper entries to reflect this transfer. We also note that the utility's water and sewer systems are in compliance with the rules and regulations of the Department of Environmental Regulation.

The application states the transfer is in the public interest because the proposed buyer is affiliated with the Continental Community Residents Homeowner's Association, Inc. (Homeowner's Association), a group comprised of a portion of the utility's rate payers. The buyers will provide service to the Homeowner's Association, as well as others; therefore, they are interested in providing good service. The buyers have arranged to keep the present plant operators, who have been affiliated with the facility since its inception. Continental Utility, Inc. appears to have the expertise and financial backing necessary to provide quality service. For these reasons, we find that the transfer is in the public interest and therefore approve it.

RATE BASE

Order No. 21680, issued August 4, 1989, regarding Docket No. 881178-WS - Application of Continental Country Club, Inc. for an increase in water and sewer rates in Sumter County, Florida, established the rate base for this utility.

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Order No. 21680 established the rate base at \$726,895 for the water system and \$381,415 for the wastewater system. The buyers state, in the application for transfer, that their proposed rate base is the rate base established in the rate case. Since we established the rate base in the just completed rate case and because the utility did not request an acquisition adjustment, in the transfer case, we see no reason to establish rate base again in this proceeding.

RATES AND CHARGES

Pursuant to Rule 25-9.044(1), Florida Administrative Code, when a regulated utility is transferred, the new owner is required to adopt and use the rates and charges previously approved for the former owner, unless authorized to change by the Commission. The utility has not requested a change in rates and charges, and we see no reason to change the rates and charges at this time. Therefore, Continental Utility, Inc. is directed to continue charging the existing rates and charges of the utility, until different rates are approved by this Commission in a subsequent proceeding. Further, Continental Utility, Inc. shall file appropriate tariff sheets reflecting the change of ownership of the utility within thirty days of the issuance date of this order.

It is, therefore,

ORDERED by the Florida Public Service Commission that the transfer of water certificate number 506-W, sewer certificate number 440-S, and assets from Continental Country Club, Inc., Box 101, Route 44, Wildwood, Florida 32785, to Continental Utility, Inc., 15 Magnolia Lane, Wildwood, Florida 32785, is hereby approved. It is further

ORDERED that Continental Utility, Inc. shall continue to charge the rates and charges previously approved for customers of Continental Country Club, Inc., as set forth in the body of this Order. It is further

ORDERED that Continental Utility, inc. shall submit revised tariff sheets reflecting the decisions herein within 30 days of the issuance of this Order. It is further

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ORDERED that the utility shall file a copy of the Warranty Deed after the transfer. It is further

ORDERED that this docket be closed.

By ORDER of the Florida Public Service Commission this 19th day of SEPTEMBER, 1989.


STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), 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 Director, Division of Records and Reporting within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida 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

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in the case of a water or sewer utility by filing a notice of appeal with the Director, Division of Records and Reporting 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.

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ATTACHMENT "A"

DESCRIPTION FOR CONTINENTAL COUNTRY CLUB, INC.
SUMTER COUNTY
SERVICE TERRITORY

In Township 19 South, Range 23 East.

Section 22: The South 1/2.

Section 23: All that part of the West 1/4 of the West 1/2 of said Section, lying South of SR. 44; the West 1/4, lying North of SR. 44 and South of SR. 44-A, LESS the East 218.44 feet thereof.

Section 26: All of the West 1/2 lying North and West and H/W 468.

Section 27: The NE 1/4; and the North 1/2 of the NW 1/4; the SW 1/4.