

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Objection to notice by HUDSON )	DOCKET NO. 890662-SU
UTILITIES, INC. of intent to transfer )	ORDER NO. 21949
Certificate 104-S in Pasco County to )	ISSUED: 9-27-89
Robert Bammann and Judith Bammann )	
_____ )	

The following Commissioners participated in the disposition of this matter:

MICHAEL McK. WILSON, Chairman  
THOMAS M. BEARD  
BETTY EASLEY  
GERALD L. GUNTER  
JOHN T. HERNDON

ORDER APPROVING TRANSFER

BY THE COMMISSION:

On May 16, 1989, Mr. John Renoe, a customer of Hudson Utilities, Inc. (Hudson or utility), filed a timely objection to the notice of intent to transfer published by the utility. The utility subsequently filed a Motion to Strike and/or Dismiss the objection which we granted by Order No. 21710, issued August 10, 1989. The application for transfer of majority organizational control, which was filed by Robert Bammann and Judith Bammann on May 24, 1989, was then processed in our customary manner.

APPLICATION

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

- a) A check in the amount of \$150.00 which, upon calculation, equates to the correct filing fee as prescribed by Section 367.141(1), Florida Statutes.
- b) Adequate service territory pursuant to Rule 25-30.035(i), Florida Administrative Code.
- c) Proof of notice to all customers of record pursuant to Rule 25-30.030(g), Florida Administrative Code.

DOCUMENT NUMBER-DATE

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- d) Proof of notice to all interested governmental/regulatory agencies, and all utilities within a 4-mile radius of the territory to be served, and proof of advertisement in a newspaper of general circulation in the county, as prescribed by Rule 25-30.030, Florida Administrative Code.

The original notice contained an error and so the utility re-published its notice on August 2, 9, and 16, 1989. No objections were received.

The application shows that Mr. Bammann has over twelve years of experience in the utility business and that the applicants have the technical ability and financial resources to provide high quality service to the existing customers. Accordingly, we find this transfer of majority organizational control to be in the public interest. It is, therefore, approved.

The stock transfer which accomplishes this change in majority organizational control, does not change the utility's asset and liability accounts. Accordingly, it will not change the rate base balance of the utility. Therefore, we find that it is unnecessary to establish rate base in this docket. Likewise, we note that the agreements reached between the utility and the objector in settlement of the staff-assisted rate case (Docket No. 881398-SU), carry through to the new owners.

In accordance with Rule 25-9.044(1), Florida Administrative Code, the applicants are required to continue to charge the customers of Hudson the rates we have already established for it. Furthermore, the utility must submit revised tariff sheets reflecting the new issuing officer's name and title pursuant to Rule 25-9.044(3), Florida Administrative Code. The revised tariff sheets shall be filed by October 19, 1989.

It is therefore,

ORDERED by the Florida Public Service Commission that the application for transfer of majority organizational control of Hudson Utilities, Inc. is hereby approved. It is further

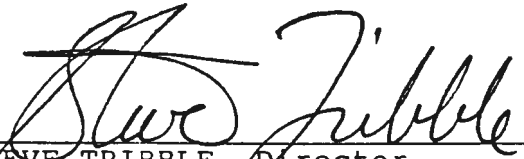
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ORDERED that the applicants shall continue to charge the sewer rates we have previously approved for the utility until such time as we approve a change in those rates. It is further

ORDERED that the utility shall file revised tariff sheets as set forth in the body of this Order. It is further

ORDERED that this docket is hereby closed.

By ORDER of the Florida Public Service Commission  
this 27th day of SEPTEMBER, 1989.

  
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STEVE TRIBBLE, Director  
Division of Records and Reporting

( S E A L )

NSD

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

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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 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.