

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request for approval of) DOCKET NO. 950421-WU
transfer of facilities to City) ORDER NO. PSC-95-0836-FOF-WU
of Clermont and Cancellation of) ISSUED: July 13, 1995
Certificate No. 512-W in Lake)
County by Lake Hills Utilities,)
Inc.)
_____)

ORDER ACKNOWLEDGING TRANSFER AND CANCELLING CERTIFICATE

BY THE COMMISSION:

Lake Hills Utilities, Inc. (Lake Hills or utility) is a Class C water utility in Lake County. On April 17, 1995, Mr. Hampton P. Conley, the utility's general manager, on behalf of the utility, filed an application for transfer of facilities to a governmental authority, pursuant to Section 367.071(4)(a), Florida Statutes. Lake Hills and the City of Clermont entered into an agreement for the sale and purchase of the utility's entire water treatment and distribution system in Lake County on March 21, 1995. Transfer of the system and closing occurred on May 5, 1995.

On February 3, 1994, Lake Hills filed for an amendment to extend its service territory, docketed in Docket No. 941032-WU. The City of Clermont objected to the application, alleging that the proposed extension lies within its adopted service territory. On June 9, 1995, following the sale and purchase agreement with the City of Clermont, the utility requested that its application for service territory extension be withdrawn. Accordingly, on June 15, 1995, Docket No. 941032-WU was closed administratively.

Along with a copy of the agreement for sale and purchase, the utility furnished a statement that all deposits and interest would be transferred to the City of Clermont upon closing, including the assignment for collection of any unpaid deposits. Lake Hills stated that it has paid its 1994 regulatory assessment fee, and that it would pay the 1995 regulatory assessment fee at closing. Lake Hills has no unsatisfied liability for fees, fines or refunds. The utility stated that it furnished the City of Clermont with its October 31, 1994, financial statements and that updated financial statements would be forwarded upon completion. The utility has returned Certificate No. 512-W for cancellation.

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

We find that the application is in compliance with Section 367.071(4), Florida Statutes, and Rule 25-30.037(4), Florida Administrative Code. The sale of facilities to a governmental authority shall be approved as a matter of right. Accordingly, we find it appropriate to acknowledge the transfer of Lake Hills Utilities, Inc.'s water treatment and distribution system in Lake County to the City of Clermont. In addition, we find it appropriate to cancel Certificate No. 512-W.

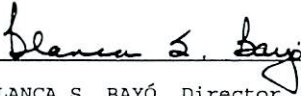
Based on the foregoing, it is, therefore

ORDERED by the Florida Public Service Commission that the transfer of facilities from Lake Hills Utilities, Inc., to the City of Clermont, pursuant to Section 367.071(4)(a), Florida Statutes, is hereby acknowledged. It is further

ORDERED that Certificate No. 512-W is hereby canceled. It is further

ORDERED that this docket shall be closed.

By ORDER of the Florida Public Service Commission, this 13th day of July, 1995.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

CJP

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, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, 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 in the case of a water and/or wastewater 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.