

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request for approval of ) DOCKET NO. 941111-WS  
transfer of assets of WEST ) ORDER NO. PSC-95-0872-FOF-WS  
CHARLOTTE UTILITIES, INC. in ) ISSUED: July 18, 1995  
Charlotte County to ENGLEWOOD )  
WATER DISTRICT. )  
\_\_\_\_\_ )

ORDER ACKNOWLEDGING TRANSFER OF WEST CHARLOTTE  
UTILITIES, INC. TO ENGLEWOOD WATER DISTRICT

BY THE COMMISSION:

West Charlotte Utilities, Inc. (WCU or utility) was a Class C wastewater utility which provided service in Charlotte County. On October 17, 1994, WCU filed an application with this Commission for acknowledgment of the transfer of the utility's assets to the Englewood Water District (EWD), a governmental authority. These assets included all utility assets constituting a system providing wastewater service to the public for compensation. The sale was closed and the assets were transferred on September 29, 1994. By Order No. PSC-95-0605-FOF-WS, issued May 16, 1995, EWD was granted an exemption pursuant to Section 367.022(2), Florida Statutes.

On September 27, 1994, the Board of County Commissioners of Charlotte County adopted a resolution pursuant to Section 367.171, Florida Statutes, whereby jurisdiction over privately owned water and wastewater utilities in Charlotte County was transferred from the County to the Florida Public Service Commission. The Commission acknowledged the County's resolution by Order No. PSC-94-1451-FOF-WS, issued November 28, 1994. WCU did not have any certificates with the Commission prior to the date the utility filed the instant application.

The provisions of Section 367.071, Florida Statutes, require an application for approval of transfers of water and/or wastewater facilities to governmental agencies, although such transfers are approved as a matter of right. The application for transfer was filed in accordance with Section 367.071(4), Florida Statutes, and Rule 25-30.037, Florida Administrative Code. In addition, EWD has obtained from the utility the most recent available income and expense statement, balance sheet, statement of rate base for regulatory purposes and contributions-in-aid-of-construction.

According to the application, there are no customer deposits and accrued interest held by the utility. In addition, WCU established an escrow account into which the differential between previous and interim rates have been deposited. WCU is currently

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in litigation with Charlotte County over the amount and method of distribution interim rate refunds to utility customers. WCU will also reconcile all regulatory assessment fees with Charlotte County. WCU has no fines due. WCU has no open dockets pending before the Commission.

In consideration of the foregoing, we find it appropriate to acknowledge the transfer of WCU to EWD. Further, we find it appropriate to close this docket.

Based upon the foregoing, it is therefore

ORDERED by the Florida Public Service Commission that the transfer of West Charlotte Utilities, Inc. to the Englewood Water District is hereby approved. It is further

ORDERED that this docket is closed.

By ORDER of the Florida Public Service Commission, this 18th day of July, 1995.

BLANCA S. BAYÓ, Director  
Division of Records and Reporting

by: Kary Flynn  
Chief, Bureau of Records

( 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, 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.