

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Application for transfer of water facilities to Marion County, and cancellation of Certificate No. 485-W, by Quail Meadow Utilities, Inc.	DOCKET NO. 040988-WU ORDER NO. PSC-04-1188-FOF-WU ISSUED: December 1, 2004
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The following Commissioners participated in the disposition of this matter:

BRAULIO L. BAEZ, Chairman
J. TERRY DEASON
RUDOLPH "RUDY" BRADLEY
CHARLES M. DAVIDSON

ORDER APPROVING TRANSFER OF WATER FACILITIES
AND CANCELLATION OF CERTIFICATE

BY THE COMMISSION:

Quail Meadow Utilities, Inc. (Quail Meadow or utility) is a Class C water utility providing service to a development located in Marion County. The utility serves approximately 421 residential customers. The system is located in a water resource caution area of the Southwest Florida Water Management District. The utility's 2003 annual report indicates gross revenue of \$114,920 and a net operating loss of \$742.

Quail Meadow was granted Certificate No. 485-W pursuant to Order No. 17211, issued February 20, 1987, in Docket No. 861604-WU, In Re: Application of Quail Meadow Utilities, Inc., for a water certificate in Marion County. On June 17, 2004, the Marion County Board approved the acquisition of Quail Meadow for a purchase price of \$330,000. On August 31, 2004, an application was filed for the transfer of the utility to Marion County and for the cancellation of Certificate No. 485-W.

This order addresses the transfer of water facilities to Marion County and the cancellation of Certificate No. 485-W. We have jurisdiction pursuant to Section 367.071(4), Florida Statutes, and Rule 25-30.037(4), Florida Administrative Code.

On August 31, 2004, Quail Meadow filed a completed application to transfer its water facilities to Marion County pursuant to Section 367.071(4)(a), Florida Statutes, and Rule 25-30.037(4) and (5), Florida Administrative Code. According to the application, Marion County took over operations of Quail Meadow on September 1, 2004. Therefore, the effective date of the transfer is September 1, 2004.

Pursuant to Section 367.071(4)(a), Florida Statutes, the transfer of facilities to a governmental authority shall be approved as a matter of right. As such, no notice of the transfer is required and no filing fees apply.

DOCUMENT NUMBER DATE

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The application contains a statement that Marion County obtained Quail Meadow's most recent income and expense statement, balance sheet, statement of rate base for regulatory purposes, and contributions-in-aid-of-construction pursuant to Rule 25-30.037(4)(e), Florida Administrative Code. The application contains a statement that there were no customer deposits to be transferred.

Quail Meadow has no outstanding regulatory assessment fees (RAFs) and no fines or refunds are owed. The utility has filed its 2003 annual report and paid its 2003 RAFs and there are no outstanding penalties and interest. Quail Meadow has paid the RAFs for the period of January 1, 2004, through September 1, 2004. Quail Meadow is not required to file an annual report for the period of January 1, 2004, through September 1, 2004, because of the transfer to Marion County.

Accordingly, the application is in compliance with the provisions of Rule 25-30.037, Florida Administrative Code. Pursuant to Section 367.071(4)(a), Florida Statutes, the transfer of facilities to a governmental authority shall be approved as a matter of right. Therefore, we approve the transfer of Quail Meadow to Marion County as a matter of right and Certificate No. 485-W shall be cancelled effective September 1, 2004.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the transfer of Quail Meadow Utilities, Inc.'s water facilities to Marion County is approved as a matter of right. It is further

ORDERED that Certificate No. 485-W be cancelled effective September 1, 2004. It is further

ORDERED that this docket shall be closed.

By ORDER of the Florida Public Service Commission this 1st day of December, 2004.

BLANCA S. BAYÓ, Director
Division of the Commission Clerk
and Administrative Services

By:



Kay Flynn, Chief
Bureau of Records

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), 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 the Commission Clerk and Administrative Services, 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 the Commission Clerk and Administrative Services 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.