

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Application for transfer of wastewater facilities to City of West Melbourne, and cancellation of Certificate No. 486-S, by Pine Lake Mobile Home Estates, Inc.

DOCKET NO. 041369-SU
ORDER NO. PSC-06-0022-FOF-SU
ISSUED: January 9, 2006

The following Commissioners participated in the disposition of this matter:

RUDOLPH "RUDY" BRADLEY, Chairman
J. TERRY DEASON
LISA POLAK EDGAR
ISILIO ARRIAGA

ORDER APPROVING TRANSFER OF WASTEWATER FACILITIES
AND CANCELLATION OF CERTIFICATE

BY THE COMMISSION:

Pine Lake Mobile Home Estates, Inc. (Pine Lake or utility) is a Class C utility providing wastewater service to approximately 202 residential service and 2 general service customers in Brevard County. Water service is provided by the City of West Melbourne (the City). The utility's wastewater system was originally issued Certificate No. 486-S in 1993.¹ The utility's 2003 annual report indicates that the utility had gross revenue of \$76,605 and net operating loss of \$4,015.

On December 2, 2004, Pine Lake filed an application for transfer of the utility's wastewater facilities to the City and cancellation of Certificate No. 486-S. The utility subsequently requested additional time to negotiate final details with the City. On September 1, 2005, the utility filed a supplement to the transfer application. The supplement included an additional agreement which provides for Pine Lake to retain and maintain the gravity lines within the service territory at no charge to the City or the customers. We have jurisdiction pursuant to Sections 367.045, 367.071, and 367.081, Florida Statutes.

According to the application, the City began providing service to the customers on November 17, 2004. Therefore, the effective date of the transfer of the wastewater system is November 17, 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.

¹ Order No. PSC-93-1026-FOF-SU, issued July 13, 1993, in Docket No. 930072-SU, In Re: Application for certificate to provide wastewater service in Brevard County by Pine Lake Mobile Home Estates, Inc.

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The application contains a statement that the customer deposits and any accrued interest thereon were credited towards the final customer bills. Any remaining funds were refunded to the customers.

Pine Lake filed its annual reports for 2004 and prior years in accordance with Rule 25-30.110, Florida Administrative Code. The utility's RAFs for 2004 and all prior years have been paid in accordance with Rule 25-30.120, Florida Administrative Code. No penalties or interest are outstanding for annual reports or RAF payments. The utility is not required to submit RAFs or an annual report for 2005 as the utility was transferred in 2004 to a governmental entity.

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 land and facilities to a governmental authority shall be approved as a matter of right. Therefore, we approve the transfer of Pine Lake's land and facilities to the City as a matter of right, and Certificate No. 486-S shall be cancelled effective November 17, 2004.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the transfer of Pine Lake Mobile Home Estates, Inc.'s wastewater facilities to the City of West Melbourne is approved as a matter of right. It is further

ORDERED that Certificate No. 486-S be cancelled effective November 17, 2004. It is further

ORDERED that this docket shall be closed.

By ORDER of the Florida Public Service Commission this 9th day of January, 2006.

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

By: Kay Flynn
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.