

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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| In re: Application for transfer of water and wastewater facilities to Martin County, and cancellation of Certificate No(s). 362-W and 317-S, by Laniger Enterprises of America, Inc. | DOCKET NO. 080698-WS ORDER NO. PSC-09-0130-FOF-WS ISSUED: March 4, 2009 |
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The following Commissioners participated in the disposition of this matter:

MATTHEW M. CARTER II, Chairman
LISA POLAK EDGAR
KATRINA J. McMURRIAN
NANCY ARGENZIANO
NATHAN A. SKOP

FINAL ORDER ACKNOWLEDGING THE TRANSFER OF WATER AND WASTEWATER FACILITIES AND CANCELLATION OF CERTIFICATES

Background

Laniger Enterprises of America, Inc. (Laniger, seller, or utility) is a Class C utility providing water and wastewater service to approximately 273 water and 318 wastewater equivalent residential connections (ERC) in Martin County. The utility's 2007 annual report indicates that the utility had gross water revenue of \$153,103; net operating income of \$16,366; gross wastewater revenue of \$138,136; and net operating loss of \$618. The utility's water and wastewater systems were originally issued Certificate Nos. 362-W and 317-S in 1982.¹ The utility was transferred twice.²

On December 5, 2008, Laniger filed an application to transfer the utility's service territory and facilities to Martin County (the County or buyer) pursuant to Section 367.071(4)(a), Florida Statutes (F.S.), and Rule 25-30.037(4), Florida Administrative Code (F.A.C.), and to cancel Certificate Nos. 362-W and 317-S. According to this application, the actual closing of the transfer was scheduled for and took place on December 16, 2008. Therefore, December 16, 2008, is the effective date of the transfer. We have jurisdiction pursuant to Section 367.071, F.S.

¹ Order No. 11423, issued December 15, 1982, in Docket No. 810008-WS, In re: Application of Environmental Concern, Ltd., for a Certificate to operate a water and sewer company and to increase its rates to water and sewer customers in Martin County, Florida.

² Order No. 12187, issued July 1, 1983, in Docket No. 820211-WS, In re: Application for transfer of Certificates Nos. 362-W and 317-S from Environmental Concern, Ltd., to Beacon 21 Development Corporation and Order No. 22203, issued November 21, 1989, in Docket No. 881500-WS, In re: Application for transfer of Certificates Nos. 362-W and 317-S from Beacon Twenty-one Development Corporation to Laniger Enterprises of America, Inc. in Martin County.

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

Acknowledgment of Transfer

The County and Laniger agreed to the transfer of the water and wastewater facilities. Pursuant to Section 367.071(4), F.S., 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.

The application contains a statement that the utility holds no customer deposits. Therefore, no deposits or accumulated interest will be transferred to the County or applied to the customer accounts. The application also stated that the buyer obtained the utility's most recent available income and expense statement, balance sheet, statement of rate base for regulatory purposes, and contributions-in-aid-of-construction.

In accordance with Rule 25-30.110, F.A.C., Laniger filed its annual reports for 2007 and prior years. Laniger is not required to file an annual report for 2008 because of its transfer to the County prior to the end of 2008. Pursuant to Rule 25-30.120, F.A.C., the utility's regulatory assessment fees (RAFs) for 2007 and all prior years have been paid. The RAFs Laniger owes for 2008 are due on or before March 31, 2009.³

Accordingly, we hereby acknowledge the transfer of Laniger's water and wastewater facilities to Martin County as a matter of right, pursuant to Section 367.071(4)(a), F.S. Certificate Nos. 362-W and 317-S shall be cancelled effective December 16, 2008. Laniger shall pay its 2008 regulatory assessment fees on or before March 31, 2009.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the transfer of Laniger Enterprises of America, Inc.'s water and wastewater facilities to Martin County is hereby acknowledged. It is further

ORDERED that Certificate Nos. 362-W and 317-S shall be cancelled effective December 16, 2008. It is further

ORDERED that Laniger shall pay its 2008 regulatory assessment fees on or before March 31, 2009. It is further

ORDERED that this docket shall be closed.

³ Rule 25-30.037(7), F.A.C., states that, "Amendment or cancellation of the certificate shall not affect the utility's obligation pursuant to Rule 25-30.120, F.A.C., Regulatory Assessment Fees."

By ORDER of the Florida Public Service Commission this 4th day of March, 2009.



ANN COLE
Commission Clerk

(S E A L)

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(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 Office of Commission Clerk, 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 Office of Commission Clerk, 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.