

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for) DOCKET NO. 910870-WU
Transfer of Certificate No.) ORDER NO. PSC-92-1301-FOF-WU
328-S From Blanton Lake Park) ISSUED: 11/12/92
Water System to Blanton Lake)
Utilities Company in Pasco)
County, Florida.)
_____)

The following Commissioners participated in the disposition of this matter:

SUSAN F. CLARK
J. TERRY DEASON
BETTY EASLEY
LUIS J. LAUREDO

NOTICE OF PROPOSED AGENCY ACTION

ORDER APPROVING TRANSFER

BY THE COMMISSION:

NOTICE IS HEREBY GIVEN by the Florida Public Service Commission that the action discussed herein is preliminary in nature and will become final unless a person whose interests are adversely affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

On August 20, 1991, an application was filed with this Commission for approval of the transfer of Certificate No. 328-W from Blanton Lake Park Water System (Blanton Lake Park) to Blanton Lake Utilities Company (Blanton Lake Utilities) in Pasco County. The transfer occurred on March 1, 1989; the Commission became aware of the transfer in January, 1991. After numerous contacts with both parties, the application was filed by the buyer, Mr. Stephen J. Matala.

In September of 1991, Mr. Matala was advised that the application, as filed, was deficient. Despite several letters, Mr. Ralph Evans, the Seller, and Mr. Matala failed to file the requested information. Since, the parties failed to file the information, denial of the transfer was considered at the April 7, 1992 Agenda Conference. At that time, Mr. Matala requested additional time in which to provide the requested information. In

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consideration of Mr. Matala's request, the Commission voted to defer the matter, giving Mr. Matala additional time in which to correct the deficiencies.

Although six months have passed, the application is still incomplete. At the October 20, 1992, Agenda Conference, after deliberation, we reluctantly determined that it would be best for the system and the customers it serves to approve the transfer. This is because of the prior owner's complete lack of desire to operate this utility, which could result in future abandonment of the system. Therefore, the transfer of Certificate No. 328-W from Blanton Lake Park to Blanton Lake Utilities is hereby approved. Certificate No. 328-W shall be returned to this Commission within 30 days of the effective date of this Order for entry reflecting the change in ownership.

Rule 25-9.044(1), Florida Administrative Code, requires the new owner of a utility to adopt and use the rates, classification and regulations of the former operating company unless authorized to change by this Commission. Blanton Lake Utilities shall continue to charge the rates and charges approved in Blanton Lake Park's tariff until authorized to change by this Commission in a subsequent proceeding.

This Docket shall remain open for further action as appropriate.

It is, therefore,

ORDERED by the Florida Public Service Commission that the transfer of Certificate No. 328-W from Blanton Lake Park Water System, 306 South 5th Street, Dade City, Florida 33525, to Blanton Lake Utilities Company, Post Office Box 1615, Dade City, Florida 33526-1615, is hereby approved. Certificate No. 328-W shall be returned to this Commission within 30 days of the effective date of this Order for entry reflecting the change in ownership. It is further

ORDERED that Blanton Lake Utilities Company shall charge the rates and charges approved in Blanton Lake Park Water System's tariff until authorized to change by this Commission in a subsequent proceeding. It is further

ORDERED that the provisions of this Order, issued as proposed agency action, will become final unless an appropriate petition is

filed with the Division of Records and Reporting, 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on the date indicated in the Notice of Further Proceedings below. It is further

ORDERED that Docket No. 910870-WU shall remain open for further action as necessary.

By ORDER of the Florida Public Service Commission, this 12th day of November, 1992.



STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

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Commissioner Deason dissents.

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.

The action proposed herein is preliminary in nature and will not become effective or final, except as provided by Rule 25-22.029, Florida Administrative Code. Any person whose substantial interests are affected by the action proposed by this

order may file a petition for a formal proceeding, as provided by Rule 25-22.029(4), Florida Administrative Code, in the form provided by Rule 25-22.036(7)(a) and (f), Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting at his office at 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on December 3, 1992.

In the absence of such a petition, this order shall become effective on the day subsequent to the above date as provided by Rule 25-22.029(6), Florida Administrative Code.

Any objection or protest filed in this docket before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.

If this order becomes final and effective on the date described above, any party adversely affected may request judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or by the First District Court of Appeal in the case of a water 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 of the effective date 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.