## BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request for Approval of Sale of Indian River Utilities, Inc. in Volusia County and Cancellation of Certificates Nos. 436-W and 367-S.

## ORDER ACKNOWLEDGING SALE, CANCELLING CERTIFICATES AND CLOSING DOCKET

## BY THE COMMISSION:

On July 30, 1996, Indian River Utilities, Inc. (Indian River) filed an application with this Commission for acknowledgment of the transfer of its water and wastewater facilities to Volusia County. According to the application, the transfer occurred on July 22, 1996.

The provisions of Section 367.071, Florida Statutes, require an application for approval of sales of water and/or wastewater utilities to governmental agencies. However, the sale or transfer of facilities to a governmental authority is approved as a matter of right. Section 367.071(4)(a), Florida Statutes.

Rule 25-30.037(4)(g), Florida Administrative Code, requires a utility to submit a statement regarding disposition of customer deposits when a utility is transferred. There were no customer deposits at the time of closing, and there are no dockets pending involving this system. Although Indian River has paid the regulatory assessment fees for 1995, regulatory assessment fees have not been paid for 1996. Section 367.071(2), Florida Statutes, provides that the transferor remains liable for outstanding regulatory assessment fees, fines, or refunds of the utility.

On the basis of the foregoing, we find it appropriate to acknowledge the transfer of Indian River to Volusia County and to cancel Certificates Nos. 436-W and 367-S. Indian River shall return Certificates Nos. 436-W and 367-S to the Commission for cancellation within 20 days of the date of this order. In addition, although the transfer is being acknowledged and the certificates cancelled, Indian River shall remain responsible for all outstanding regulatory assessment fees.

It is, therefore,

ORDERED by the Florida Public Service Commission that the transfer of Indian River Utilities, Inc., 287 Club Rio Drive, Edgewater, Florida 32141, to Volusia County, 123 West Indiana

BOCUMENT NUMBER-DATE

FPSC-RECORDS/REPORTING

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Avenue, Deland, Florida 32720-4613, is hereby acknowledged. It is further

ORDERED that Indian River Utilities, Inc. shall remain responsible for all outstanding regulatory assessment fees for 1996. It is further

ORDERED that Indian River Utilities, Inc. shall return Certificates Nos 436-W and 367-S to this Commission for cancellation within 20 days of the date of this Order. It is further

ORDERED that Docket No. 960889-WS is hereby closed.

By ORDER of the Florida Public Service Commission, this  $\underline{\tt 3rd}$  day of  $\underline{\tt December},\ \underline{\tt 1996}.$ 

BLANCA S. BAYÓ, Director Division of Records and Reporting

(SEAL)

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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.