

DOCKET NO. 470474-SN

REQUEST TO ESTABLISH DOCKET

Date April 17, 1997

1. Division Name/Staff Name Water and Wastewater
2. OPR Martha Golden
3. OCR _____
4. Suggested Docket Title Request for approval of transfer of wastewater facilities of Pioneer Woodlawn Utilities, Inc. to City of Panama City Beach ~~XXXXXXXXXXXX~~ and cancellation of Certificate No. 128-S in Bay County

5. Suggested Docket Mailing List (attach separate sheet if necessary)

- A. Parties (Provide names of regulated companies or use abbreviation from list below if Parties should include all regulated companies in one or more industries; provide names and addresses of nonregulated companies; provide names, addresses, and affiliation (i.e., attorney, company liaison officer, or customer) of individuals.)

Mr. Jay Myers
Pioneer Woodlawn Utilities, Inc.
11504 Back Beach Road
Panama City Beach, FL 32407

Mr. Al Shortt
City of Panama City Beach
110 South Arnold Road
Panama City, FL 32413

Mr. Robert Sale
Harrison, Sale, McCloy, Thompson & Harrison
304 Magnolia Avenue
Post Office Drawer 1579
Panama City, FL 32402-1579

REGULATED INDUSTRIES

Investor-Owned Electric	(EI)	Water Utilities	(WU)
Electric Cooperatives	(EC)	Local Exchange Telephone Cos.	(TL)
Municipal Electric	(EM)	Interexchange Telephone Cos.	(TI)
Gas Utilities	(GU)	Coin-Operated Telephone Cos.	(TC)
X Wastewater Utilities	(SU)	Shared Tenant Telephone Cos.	(TS)
		Alternate Access Vendors	(TA)

6. Check One:

- Documentation attached.
- Documentation will be provided with recommendation.

HARRISON, SALE, McCLOY, THOMPSON & HARRISON

CHARTERED
ATTORNEYS & COUNSELLORS AT LAW

MARK D. DREYER
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April 11, 1997

Christine Tomlinson
Regulatory Analyst
Public Service Commission
Division of Water and Wastewater
2540 Shumard Oak Blvd.
Tallahassee FL 32399-0850

RECEIVED

APR 14 1997

Florida Public Service Commission
Division of Water and Wastewater

Re: City of Panama City Beach

Dear Ms. Tomlinson:

The City and I apologize for being tardy with providing you with the enclosed Application For Transfer. Much of the information requested was unavailable to us because many of the principals involved in the transfer have become scarce and, therefore, providing the information requested in the application proved difficult. However, Al Shortt, City Engineer, has done the best he can. Please find enclosed that application.

Please do not hesitate to call my office or Al Shortt at City Hall (904 233-5100) if you have any questions or if we can be of further assistance.

Very truly yours,



Robert Sale

RDS:sm

Enclosure: Application

cc: Al Shortt w/enc.

APPLICATION FOR TRANSFER TO GOVERNMENTAL AUTHORITY

(Pursuant to Section 367.071(4) (a), Florida Statutes)

TO: Director, Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850

The undersigned hereby makes application for the approval of the transfer of (all or part) of the facilities operated under Water Certificate No. N/A and/or Wastewater Certificate No. _____ located in BAY County, Florida, and submits the following:

PART I APPLICANT INFORMATION

A) The full name (as it appears on the certificate), address and telephone number of the seller (utility):

Pioneer Woodlawn Utilities, Inc
Name of utility

(904) 233-0914 () -
Phone No. Fax No.

321 Greenwood Drive
Office street address

Panama City Beach FL 32407
City State Zip Code

Mailing address if different from street address

Internet address if applicable

B) The name, address and telephone number of a representative of the utility to contact concerning this application:

Jay Myers (904) 234-3282
Name Phone No.

11504 Back Beach Rd
Street address

Panama City Beach FL 32407
City State Zip Code

C) The full name, address and telephone number of the governmental authority:

City of Panama City Beach
Name of utility

(904) 233-5100 (904) 233-5116
Phone No. Fax No.

110 South Arnold Rd
Office street address

Panama City, FL 32413
City State Zip Code

Mailing address if different from street address

Internet address if applicable

D) The name, address and telephone number of a representative of the governmental authority to contact concerning this application:

Albert E Shorff (904) 233-
Name Phone No.

Street address

City State Zip Code

H, S, M & T

PART II FINANCIAL INFORMATION

- A) Exhibit N/A - A copy of the contract pursuant to Rules 25-30.037(4)(c) and (d), Florida Administrative Code.
- B) Exhibit N/A - A statement regarding the disposition of customer deposits and the accumulated interest thereon.
- C) Exhibit N/A - A statement regarding the disposition of any outstanding regulatory assessment fees, fines or refunds owed.
- D) Exhibit N/A - A statement that the buyer (governmental authority) obtained from the utility or the Commission the utility's most recent available income and expense statement, balance sheet and statement of rate base for regulatory purposes and contributions-in-aid-of-construction.
- E) Indicate the date on which the buyer proposes to take official action to acquire the utility:

November, 1992

If only a portion of the utility's facilities is being transferred, a revised territory description and map of the utility's remaining territory must be provided, as discussed in PART III, below.

IF THE UTILITY'S ENTIRE FACILITIES ARE BEING TRANSFERRED, PLEASE DISREGARD PART III OF THIS APPLICATION FORM.

PART III CERTIFICATION

A) **TERRITORY DESCRIPTION**

Exhibit N/A - An accurate description of the utility's revised territory. If the water and wastewater territory is different, provide separate descriptions.

Note: Use the Survey of Public Lands method (township, range, section, and quarter section), if possible, or a metes and bounds description. Give the subdivision or project name. The description should **NOT** refer to land grants or plat books, but may use geographic boundaries (i.e., road right-of-ways, railroads, rivers, creeks, etc). The object is to make the description as brief, but as accurate as possible.

B) **TERRITORY MAPS**

Exhibit N/A - One copy of an official county tax assessment map or other map showing township, range and section with a scale such as 1"=200' or 1"=400' on which the remaining territory is plotted by use of metes and bounds or quarter sections and with a defined reference point of beginning. If the water and wastewater territory is different, provide separate maps.

C) **TARIFF SHEETS**

Exhibit N/A - The original and two copies of tariff sheet(s) revised to show correct service territory. Please refer to Rules 25-9.009 and 25-9.010, Florida Administrative Code, regarding page numbering of tariff sheets before preparing the tariff revisions. (Pages 9-10.) Sample tariff sheets are attached. (Pages 11-14.)

PART IV AFFIDAVIT

I _____ (applicant) do solemnly swear or affirm that the facts stated in the foregoing application and all exhibits attached thereto are true and correct and that said statements of fact thereto constitute a complete statement of the matter to which it relates.

BY:

Applicant's Signature

Applicant's Name (Typed)

Applicant's Title *

Subscribed and sworn to before me this _____
of _____ 19____.

Notary Public

* If the applicant is a corporation, the affidavit must be made by the president or other officer authorized by the by-laws of the corporation to act for it. If the applicant is a partnership or association, a member of the organization authorized to make such affidavit shall execute same.

FLORIDA PUBLIC SERVICE COMMISSION

INSTRUCTIONS FOR PREPARATION OF TERRITORY DESCRIPTION AND MAP

An accurate description of the territory served or proposed to be served is essential. The noticing requirement in Rule 25-30, Florida Administrative Code, and the territory description requirement for each of the certification applications require the territory to be described using township, range and land sections. Failure to use the required format will cause your application to be delayed and may result in your having to renotice. The following information is provided to assist you in preparing a correct legal description and plotting that territory on the service territory map.

TERRITORY DESCRIPTION

The territory description must contain the following:

- 1) A reference to a township(s), range(s), land section(s) and county.
- 2) A complete and accurate description of the territory served or proposed to be served. There are two acceptable formats which may be used.
 - a) Sections - If the territory includes complete sections, the description may only include the township, range, and section reference. If the territory includes partial sections, the description shall either identify the subsections included or excluded.
 - b) Metes and Bounds - A point of beginning which is referenced from either a section corner or a subsection corner, such as a quarter corner. The perimeter shall be described by traversing the proposed territory and closing at the point of beginning. Also, the description shall include all bearings and distances necessary to provide a continuous description.
- 3) References to interstates, state roads, and major bodies of water are acceptable.
- 4) References to government lots, local streets, recorded plats or lots, tracts, or other recorded instruments are not acceptable.

Acceptable territory description formats are shown in the attached Examples 1 and 2.

Territory maps are required in the Florida Administrative Code rules related to applications for original certificates, amendments, grandfather certificates, and in transfers to a governmental agency where only a portion of the territory is transferred. The map is used by staff to verify the location of the existing or proposed territory. The territory maps should not be confused with the system depiction map which is used to locate existing or proposed service lines and facilities.

TERRITORY MAP

The territory map shall contain the following:

- 1) Territory shall be plotted on a Department of Transportation Map, County tax assessor map or any other map with a scale of 1" = 200 ft. or 1" = 400 ft.
- 2) Township, range, section, and county.
- 3) An accurate depiction of the existing or proposed territory. The map should clearly distinguish the existing versus the proposed territory.

An example of a acceptable territory map is attached as Example 3.

FORMAT TO BE FOLLOWED IN PREPARING TERRITORY DESCRIPTIONS. EXAMPLE 1 IS PREFERRED OVER METES AND BOUNDS IN EXAMPLE 2.

EXAMPLE 1

Township 26 South, Range 29 East, Osceola County, Florida

Section 18

The South 1/2 of the Southeast 1/4 and the South 1/2 of the North 1/4 of the Southeast 1/4 of said Section 18

also

The East 1/2 of the Southeast 1/4 of the South West 1/4 and the Southeast 1/4 of the Northeast 1/4 of the Southwest 1/4 of said Section 18

Section 19

The North 1/2 of the Northeast 1/4 and the North 1/2 of the South 1/2 of the Northeast 1/4 of said Section 19

also

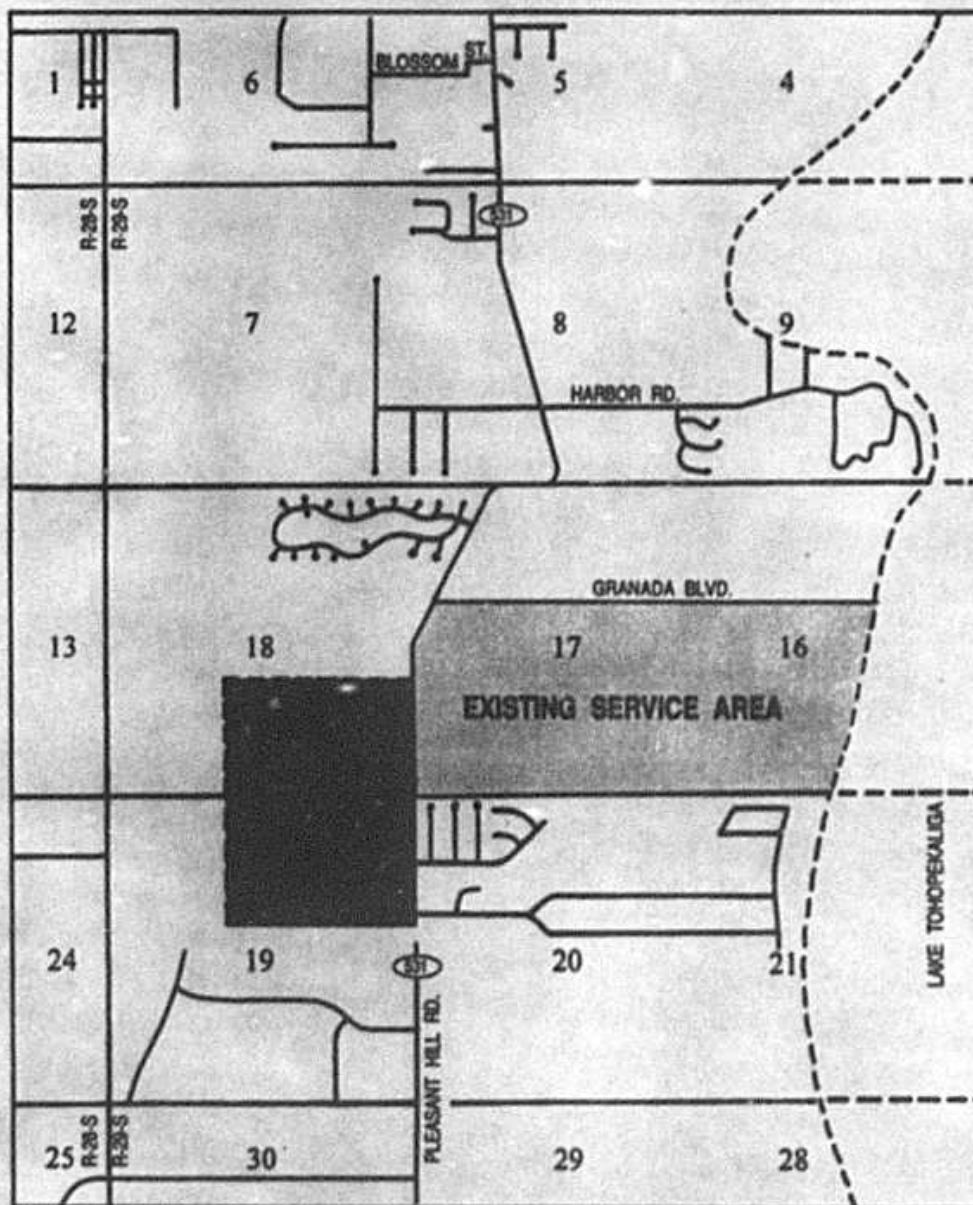
The East 1/2 of the Northeast 1/4 of the Northwest 1/4 and the Northeast 1/4 of the Southeast 1/4 of the Northwest 1/4 of said Section 19



EXAMPLE 2

A portion of Section 18 and 19, Township 26 South, Range 29 East, Osceola County Florida; being more particularly described as follows: Commencing at the SE corner of Section 18, this point also being the Point of Beginning; thence run due south along the east line of Section 19 a distance of 1980 feet to a point; thence run due west a distance of 2706 feet to a point; thence run due north a distance of 3960 feet to a point; thence run due east a distance of 2706 feet to a point of east line of Section 18; thence run due south along the east line of Section 18 a distance of 1980 feet to the Point of Beginning.

EXAMPLE 3

TOWNSHIP 26 SOUTH, RANGE 29 EAST, OSCEOLA COUNTY, FLORIDA



-  EXISTING SERVICE AREA
-  PROPOSED SERVICE AREA

**CHAPTER 25-9.009, F.A.C.
NUMBERING AND GENERAL DATA REQUIRED FOR EACH SHEET**

The numbering and general data required by this rule and listed below shall appear on each sheet in the rate book excepting the front and back covers and the individual sheets of special contracts.

(1) Every sheet (or page) in the rate book shall be numbered. While any system which provides for an orderly arrangement of the tariff is acceptable, it is suggested that, in the interest of uniformity, all utilities give consideration to the following recommended procedures:

(a) Those utilities subject to Rule 25-9.007 should employ a decimal system of numbering, so that any new or additional material may be inserted in the logical place in the proper section of the tariff.

(b) Telephone and telegraph utilities covered by Rule 25-9.008 should continue the presently effective section and sheet numbering system which is uniformly employed by all such utilities, the size and construction of whose tariffs require such division.

(c) Utilities of any classification, the size of whose tariffs are limited to relatively few pages, may, at their option, employ a simple consecutive sheet numbering system.

(2) Each sheet shall bear the name of the utility, which shall appear in the upper left-hand corner of the sheet.

(3) The FIRST issue of each sheet in the rate book shall be marked "Original Sheet" in the upper right-hand corner of the sheet. As an example:

Original Sheet No. 1., or, Original Sheet No. 5.2.

(4) Revised sheets in the rate book shall be marked with the serial number of the revision in the upper right-hand corner and the number of the sheet it replaces. As an example:

First Revised Sheet No. 1

Cancels Original Sheet No. 1

or

Fourth Revised Sheet No. 5.2

Cancels Third Revised Sheet No. 5.2

(5) At the bottom of each sheet shall appear the name and title of the issuing officer of the utility.

Specific Authority: 364.20, 366.05(1), 367.121, F.S.

Law Implemented: 364.04, 366.05, 367.041, F.S.

History: Repromulgated 1/8/75, 10/22/75, formerly 25-9.09.

**CHAPTER 25-9.010, F.A.C.
NUMBERING OF SUPPLEMENTS AND ADDITIONS**

(1) When new or additional service classifications or rate schedules are to be established, the sheets containing such classifications or schedules shall follow the last sheets in the rate schedules section of the appropriate classification and be given the next consecutive sheet number or numbers. Letter suffixes shall not be used in numbering service classifications or rate schedules.

(2) When revisions or additions to existing schedules or sheets require more space, one or more sheets shall be issued to which the same sheet number shall be given with a letter suffix; for example, if changes be made in Original Sheet No. 5.2 and more than one sheet is required to show the changed or new matter, the new sheet shall be issued as First Revised Sheet No. 5.2-A, etc.

Specific Authority: 364.20, 366.05(1), 367.121, F.S.

Law Implemented: 364.04, 366.05, F.S.

History: Repromulgated 1/8/75, 10/22/75, formerly 25-9.10.

NAME OF COMPANY _____

WATER TARIFF

TERRITORY SERVED

CERTIFICATE NUMBER -

COUNTY -

COMMISSION ORDER (s) APPROVING TERRITORY SERVED -

<u>Order Number</u>	<u>Date Issued</u>	<u>Docket Number</u>	<u>Filing Type</u>
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ISSUING OFFICER

TITLE

NAME OF COMPANY _____

WATER TARIFF

DESCRIPTION OF TERRITORY SERVED

ISSUING OFFICER

TITLE

NAME OF COMPANY _____

WASTEWATER TARIFF

TERRITORY SERVED

CERTIFICATE NUMBER -

COUNTY -

COMMISSION ORDER(S) APPROVING TERRITORY SERVED -

<u>Order Number</u>	<u>Date Issued</u>	<u>Docket Number</u>	<u>Filing Type</u>
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ISSUING OFFICER

TITLE

NAME OF COMPANY _____

WASTEWATER TARIFF

DESCRIPTION OF TERRITORY SERVED

ISSUING OFFICER

TITLE

**SECTION 367.071, FLORIDA STATUTES
SALE, ASSIGNMENT, OR TRANSFER OF CERTIFICATE OF
AUTHORIZATION, FACILITIES, OR CONTROL**

(1) No utility shall sell, assign, or transfer its certificate of authorization, facilities or any portion thereof, or majority organizational control without determination and approval of the commission that the proposed sale, assignment, or transfer is in the public interest and that the buyer, assignee, or transferee will fulfill the commitments, obligations, and representations of the utility.

(2) The commission may impose a penalty pursuant to s. 367.161 when a transfer occurs prior to approval by the commission. The transferor remains liable for any outstanding regulatory assessment fees, fines, or refunds of the utility.

(3) An application for proposed sale, assignment, or transfer shall be accompanied by a fee as provided by s. 367.145. No fee is required to be paid by a governmental authority that is the buyer, assignee, or transferee.

(4) An application shall be disposed of as provided in s. 367.045, except that:

(a) The sale of facilities, in whole or part, to a governmental authority shall be approved as a matter of right; however, the governmental authority shall, prior to taking any official action, obtain from the utility or commission with respect to the facilities to be sold the most recent available income and expense statement, balance sheet, and statement of rate base for regulatory purposes and contributions-in-aid-of-construction. Any request for rate relief pending before the commission at the time of sale is deemed to have been withdrawn. Interim rates, if previously approved by the commission, must be discontinued, and any money collected pursuant to interim rate relief must be refunded to the customers of the utility with interest.

(b) When paragraph (a) does not apply, the commission shall amend the certificate of authorization as necessary to reflect the change resulting from the sale, assignment, or transfer.

(5) The commission by order may establish the rate base for a utility or its facilities or property when the commission approves a sale, assignment, or transfer thereof, except for any sale, assignment, or transfer to a governmental authority.

(6) Any person, company, or organization that obtains ownership or control over any system, or part thereof, through foreclosure of a mortgage or other encumbrance, shall continue

service without interruption and may not remove or dismantle any portion of the system previously dedicated to public use which would impair the ability to provide service, without the express approval of the commission. This provision may be enforced by an injunction issued by a court of competent jurisdiction.

History.—

s. 1, ch. 71-278; s. 3, ch. 76-168; s. 1, ch. 77-457; ss. 9, 25, 26, ch. 80-99; ss. 2, 3, ch. 81-318; ss. 7, 15, ch. 82-25; ss. 6, 26, 27, ch. 89-353; s. 2, ch. 90-166; s. 4, ch. 91-429.

**CHAPTER 25-30.037, F.A.C.
APPLICATION FOR AUTHORITY TO TRANSFER**

(4) Each application for transfer of certificate of authorization, facilities, or any portion thereof, or majority organizational control to a governmental authority shall contain the following information:

- (a) the name and address of the utility and its authorized representative;
- (b) the name of the governmental authority and the name and address of its authorized representative;
- (c) a copy of the contract or other document transferring the utility system to the governmental authority;
- (d) a list of any utility assets not transferred to the governmental authority if such remaining assets constitute a system providing or proposing to provide water or wastewater service to the public for compensation;
- (e) a statement that the governmental authority obtained, from the utility or Commission, the most recent available income and expense statement, balance sheet, statement of rate base for regulatory purposes, and contributions-in-aid-of-construction;
- (f) the date on which the governmental authority proposes to take official action to acquire the utility;
- (g) a statement describing the disposition of customer deposits and interest thereon; and
- (h) a statement regarding the disposition of any outstanding regulatory assessment fees, fines or refunds owed.

(5) If a utility is transferring a portion of its facilities to a governmental agency, it must provide the following additional information:

- (a) a description of the remaining territory using township, range, and section references;
- (b) one copy of the official county tax assessment map, or other map, showing township, range, and section with a scale such as 1"=200' or 1"=400', with the remaining territory plotted thereon by use of metes and bounds or quarter sections, and with a defined reference point of beginning.

(c) the original and two copies of sample tariff sheets reflecting the remaining territory.

(6) Upon its receipt of items required in (4) (a), (b), (c), (d), (e) and (f), the Commission will issue an order acknowledging that the facilities or any portion thereof have been acquired by the governmental authority.

(7) Upon receipt of the items required in (4) (g) and (h) and, if applicable, (5) (a), (b), and (c), and upon the completion of all pending proceedings before the Commission, the utility's certificate will be amended or cancelled. 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.

Specific Authority: 367.121, F.S.

Law Implemented: 367.071 F.S.

History: New 1/27/91, Amended 11/30/93.