

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for transfer of water and wastewater facilities to Orange County, and request for cancellation of Certificate Nos. 15-W and 76-S, by Park Manor Waterworks, Inc.

DOCKET NO. 030572-WS
ORDER NO. PSC-03-0943-FOF-WS
ISSUED: August 19, 2003

ORDER APPROVING APPLICATION FOR TRANSFER
AND CANCELLING CERTIFICATE NOS. 15-W AND 76-S

BY THE COMMISSION:

Park Manor Waterworks, Inc. (Park Manor or utility) is a Class B water utility providing service to the community of Park Manor in Orange County, Florida. Park Manor was granted Certificate Nos. 15-W and 76-S, pursuant to Order No. 4968, in Docket Nos. 70329-W and 70330-S, issued November 12, 1979. The utility serves approximately 1,436 water customers and 1,410 wastewater customers. The utility's 2002 annual report lists combined operating revenues of \$876,979 and a combine net operating income of \$7,496.

On June 24, 2003, an application was filed on behalf of Park Manor for acknowledgment of the transfer of Park Manor to Orange County (County) and cancellation of Certificate Nos. 15-W and 76-S, pursuant to Section 367.071(4)(a), Florida Statutes, and Rule 25-30.037, Florida Administrative Code. A copy was provided of the Asset Purchase and Sale Agreement executed by the County and Park Manor for a purchase price of \$3,350,000, which is subject to adjustments and required proportions. The closing is scheduled to occur in August 2003. The County is exempt from the Commission's regulation pursuant to Section 367.022(2), Florida Statutes.

Pursuant to Rule 25-30.037(4)(g), Florida Administrative Code, a statement was included that Park Manor will submit a final bill to its customers and will credit its customers accounts or refund excess deposits to the customers, following the closing. In addition, a statement was provided with the application confirming that the County had obtained the most recently available income and expense statement, balance sheet, statement of rate base for

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regulatory purposes and contributions-in-aid-of-construction pursuant to Rule 25-30.037(4)(e), Florida Administrative Code.

Finally, according to our records and the application, the utility's annual reports and regulatory assessment fees (RAFs) are current through December 31, 2002, and there are no outstanding fines or interest owed. Park Manor and the County have agreed to pay the Utility's estimated 2003 RAFs and file the final Regulatory Assessment Fee Return the day of the closing. The RAFs will be deducted from the proceeds of the sale and the closing agent will forward the RAFs to the Commission. In addition, after undergoing a diligent search, Park Manor could not locate its original water and wastewater certificates. The utility has no open dockets pending before this Commission.

Based on the above, the application is in compliance with Section 367.071(4)(a), Florida Statutes and Rule 25-30.037(4), Florida Administrative Code. Pursuant to Section 367.071(4)(a), Florida Statutes, the sale or transfer of facilities to a governmental authority is approved as a matter of right. Therefore, the transfer of the facilities from Park Manor to the County is hereby acknowledged. Commission staff shall administratively close this docket and cancel the certificates upon receipt of the RAFs.

Based on the foregoing, it is

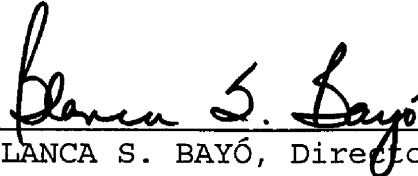
ORDERED by the Florida Public Service Commission that the application for transfer of water and wastewater facilities to Orange County, and request for cancellation of Certificate Nos. 15-W and 76-S, by Park Manor Waterworks, Inc., is hereby granted. It is further

ORDERED that the Utility's estimated 2003 regulatory assessment fees shall be paid and the final Regulatory Assessment Fee Return shall be filed the day of the closing. It is further

ORDERED that upon receipt of the payment of 2003 regulatory assessment fees and the final regulatory assessment fee return, Certificate Nos. 15-W and 76-S shall be cancelled, and this docket shall be closed.

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By ORDER of the Florida Public Service Commission this 19th
Day of August, 2003.



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

(S E A L)

JSB

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

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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.