

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application of Lake Utility ) DOCKET NO. 890334-WU  
for approval of sale and transfer of )  
stock of Lake Utility Services, Inc. ) ORDER NO. 21304  
to Utilities, Inc. of Florida. )  
\_\_\_\_\_ ) ISSUED: 6-1-89

The following Commissioners participated in the disposition of this matter:

MICHAEL McK. WILSON, Chairman  
THOMAS M. BEARD  
BETTY EASLEY  
GERALD L. GUNTER  
JOHN T. HERNDON

ORDER APPROVING SALE AND TRANSFER OF MAJORITY  
STOCK OWNERSHIP, APPROVING CONTINUATION OF  
EXISTING RATES AND CHARGES, AUTHORIZING THE UTILITY  
TO KEEP ITS BOOKS AND RECORDS OUT OF STATE,  
AND CLOSING DOCKET

BY THE COMMISSION:

Background

On March 7, 1989, Utilities, Inc. (Utilities, Inc. or Utility) filed an application with this Commission requesting the approval of the sale and transfer of stock of Lake Utility Services, Inc. (Lake Utility). On September 13, 1988, Lake Utility and Utilities, Inc., entered into an agreement, whereby Utilities, Inc., purchased all of the outstanding common stock of Lake Utility, which serves the Crescent Bay Subdivision in Lake County.

Application

The application is in compliance with Section 367.071, Florida Statutes, and other pertinent statutes and administrative rules concerning transfer applications. In particular, the notarized application contains:

- a) A check in the amount of \$150.00 which, upon calculation, equates to the correct filing fee as prescribed by Section 367.141, Florida Statutes.
- b) Adequate legal description of service territory pursuant to Rule 25-30.035(3)(i), Florida Administrative Code.
- c) Proof of notice to all customers of record pursuant to Rule 25-30.030(2)(g), Florida Administrative Code.
- d) Proof of notice to all interested governmental and regulatory agencies, and all utilities within a 4-mile radius, of the territory to be served; and proof of advertisement in a newspaper of general circulation in the county, as prescribed by Rule 25-30.030, Florida Administrative Code.

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FPSC-RECORDS/REPORTING

No objections to the requested transfer have been received and the time for filing such has expired.

Utilities Inc. currently owns and operates several water and sewer systems throughout the State of Florida. The Utility has the expertise and capital necessary to provide the customers of Lake Utility with high quality service. Therefore, we find that the transfer is in the public interest, and it is approved.

#### Rate Base

The sale of common stock to Utilities, Inc. will not alter Lake Utility's assets and liability accounts. The transfer of stock ownership will not change the rate base balance. Further, the utility's records will remain available for inspection in any subsequent rate case proceeding.

#### Books and Records

Pursuant to Rule 25-30.110(1)(b), Florida Administrative Code, Utilities, Inc. has requested approval to maintain the books and records of Lake Utility at the corporate headquarters in Northbrook, Illinois. Since Utilities, Inc. will pay travel and other reasonable expenses incurred by the Commission as a result of the books and records being kept out of state, Utilities, Inc.'s request is hereby granted.

#### Rates and Charges

Pursuant to Rule 25-9.044(1), Florida Administrative Code, when a regulated utility is transferred, the new owner is required to adopt and use the rates and charges previously approved for the former owner, unless authorized to change by the Commission. Therefore, Utilities, Inc. shall continue to charge the existing rates of Lake Utility until different rates are approved by this Commission in a subsequent proceeding. Utilities, Inc. is also directed to file a revised tariff, within thirty days of the date of this Order, reflecting the new issuing officer's name and title.

It is, therefore,

ORDERED by the Florida Public Service Commission that the sale and transfer of majority stock ownership from Lake Utility Services, Inc., Post Office Box 786, Clermont, Florida 32711, to Utilities, Inc. of Florida, 200 Wheathersfield Avenue, Altamonte Springs, Florida 32714, is hereby approved. It is further

ORDERED that Utilities, Inc. of Florida's request to keep the books and records of Lake Utility Services, Inc. at its corporate headquarters in Northbrook, Illinois, is hereby granted. Utilities, Inc. shall pay travel and other reasonable expenses incurred by the Commission as a result of the books and records being kept out of state. It is further

ORDERED that Utilities, Inc. shall continue to charge the rates and charges previously approved for customers of Lake Utility Services, Inc., as set forth in the body of this Order. It is further

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ORDERED that Utilities, Inc. shall file a revised tariff, within thirty days of the date of this Order, reflecting the name and title of the new issuing officer. It is further

ORDERED that Docket No. 890334-WU is hereby closed.

BY ORDER of the Florida Public Service Commission,  
this 1st day of JUNE, 1989.

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STEVE TRIBBLE, Director  
Division of Records and Reporting

( S E A L )

AIC

by: Kay Hlyon  
Chief, Bureau of Records

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 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 or sewer 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.