

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application of majority) DOCKET NO. 900087-WU
organizational control of Bayshore)
Utilities, Inc., from James L. and) ORDER NO. 22905
Leta Nolton to Wayne and Donna Wampler)
in Lee County.) ISSUED: 5-7-90
)

The following Commissioners participated in the disposition of this matter:

MICHAEL McK. WILSON, Chairman
BETTY EASLEY
GERALD L. GUNTER

ORDER APPROVING TRANSFER AND
CLOSING DOCKET

BY THE COMMISSION:

Background

On February 9, 1990, an application was filed by Leta Nolton requesting the transfer of majority organizational control of Bayshore Utilities, Inc. d/b/a Bayshore Utility Company from James and Leta Nolton to Wayne and Donna Wampler. At the time of the filing, the Certificate was issued to James L. and Leta M. Nolton, d/b/a Bayshore Utility Company. Subsequent to filing, the name of the Utility was changed to Bayshore Utilities, Inc. (Bayshore or Utility).

Bayshore provides water service to Yacht Club Colony, which is a subdivision of approximately 174 residences located in Fort Myers, Florida. Leta M. Nolton is the President and sole shareholder of Bayshore. On January 19, 1990, Mrs. Nolton and Mr. and Mrs. Wampler entered into a stock purchase agreement, whereby the Wampplers will purchase 1,000 shares of common stock, which constitutes all of the issued and outstanding stock of Bayshore. The closing is scheduled to occur on July 19, 1990.

Application

The application is in compliance with Section 367.071, Florida Statutes, and other pertinent statutes and administrative rules concerning an application for transfer of

DOCUMENT NUMBER-DATE

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RECORDS/REPORTING

majority organizational control. In particular, the notarized application contains:

- 1) A filing fee in the amount of \$150.00, as prescribed by Rule 25-30.020, Florida Administrative Code.
- 2) Proof of notice of application to all interested governmental and regulatory agencies, and all utilities within a four-mile radius of the territory. Proof of advertisement in a newspaper of general circulation in the county, as prescribed by Rule 25-30.030, Florida Administrative Code, has also been provided.
- 3) Proof of notice to all customers of record pursuant to Rule 25-30.030(g), Florida Administrative Code.
- 4) Evidence that the Utility owns the land upon which the facilities are located as required by Rule 25-30.035 (3)(f), Florida Administrative Code.

No objections have been received and the time for filing such has expired. A description of the territory served by the Utility is attached to this Order as Attachment A.

Mr. and Mrs. Wampler desire to own a utility company because it is a business with which they are familiar. Mr. Wampler has Class "A" and "B" Florida licenses to operate water and wastewater plants. He also has an Associates Degree in Engineering and has been involved in the construction, installation, operation, maintenance, and management of water and sewer systems since 1973. Since Mr. Wampler has provided services to Bayshore for nearly three years, he is familiar with the needs and requirements of the system. Further, according to the Department of Environmental Regulation (DER), there are no outstanding notices of violation against Bayshore. Therefore, we find that the transfer is in the public interest and it is approved.

Rate Base

The transfer of stock ownership will not change the rate base balance. Therefore, we are not establishing rate base in this docket.

Rates and Charges

The rates and charges currently approved for Bayshore are as follows:

Residential and General Service
Monthly Rates

<u>Meter Size</u>	<u>Base Facility Charge</u>
5/8" x 3/4"	\$ 11.66
3/4"	17.50
1"	29.16
2"	58.86
Gallage Charge per 1,000 gallons	2.28

Service Availability Charges

<u>Description</u>	<u>Amount</u>
System Capacity Charge	
Residential - per ERC (350 GPD)	\$ 265.00
All others - per gallon	\$ 0.76
Meter Installation Fee	
5/8" x 3/4"	\$ 100.00
Over 5/8" x 3/4"	Actual Cost
Customer Connection (tap-in) charge	Included in meter
All sizes	installation fee

The Utility does not currently charge its customers miscellaneous service charges or customer deposits, and none are approved herein.

Rule 25-9.044(1), Florida Administrative Code, governs rates charged when ownership of a regulated utility changes. That Rule states that the new owner of the utility must adopt and use the rates, classification and regulations of the former operating company unless authorized to change by the Commission.

ORDER NO. 22905
DOCKET NO. 900087-WU
Page 4

Mr. and Mrs. Wampler have not requested a change in the rates and charges and we see no reason to change them at this time. Therefore, the Utility shall continue to operate under the existing tariff and shall continue to charge the rates and charges currently approved for Bayshore until authorized to change by the Commission. The Utility shall file a tariff reflecting the change in ownership within thirty days of the date of this Order.

It is, therefore,

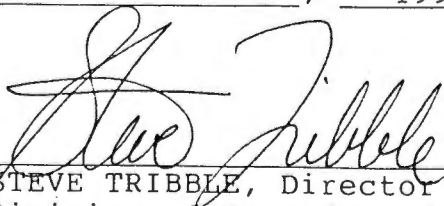
ORDERED by the Florida Public Service Commission that the transfer of majority organizational control of Bayshore Utilities, Inc. from James L. and Leta M. Nolton, 2259 Clubhouse Road, North Fort Myers, Florida 33961, to Wayne C. and Donna B. Wampler, 14965 Kimberly Lane, Fort Myers, Florida 33908, is hereby granted. It is further

ORDERED that Wayne and Donna Wampler shall continue to charge the rates and charges approved for Bayshore Utilities, Inc., as set forth in the body of this Order, until authorized to change by the Commission. It is further

ORDERED that Wayne and Donna Wampler shall file a tariff with this Commission reflecting the change in ownership within 30 days of the date of this Order. It is further

ORDERED that Docket No. 900087-WS is hereby closed.

By ORDER of the Florida Public Service Commission,
this 7th day of MAY, 1990.



STEVE TRIBBLE, Director
Division of Records and Reporting

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ORDER NO. 22905
DOCKET NO. 900087-WU
Page 5

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.

ATTACHMENT A

BAYSHORE UTILITIES, INC.

TERRITORY DESCRIPTION

The following described lands located in portions of Sections 29 and 32, Township 43 South, Range 25 East, Lee County, Florida:

Section 29 - That part of the West 1/2 of the Southeast 1/4 bounded on the East and North by Daughtrey's Creek.

That part of the East 1/2 of the Southwest 1/4 bounded on the West by a line 200 ft. from and parallel to the West right-of-way of Westwood Way.

Section 32 - That part of the West 1/2 of the Northeast 1/4 bounded on the East by Daughtrey's Creek and on the South by the Caloosahatchee River.

That part of the East 1/2 of the Northwest 1/4 bounded on the East by the South projection of a line 200 ft. from and parallel to the West right-of-way of Westwood Way and on the South by the Caloosahatchee River.