

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for name change) DOCKET NO. 900224-WU
on Certificate No. 363-W in Pasco) ORDER NO. 23524
County from Crestridge Utilities,) ISSUED: 9-20-90
Inc. to Crestridge Utilities)
Corporation.)
_____)

The following Commissioners participated in the disposition of this matter:

MICHAEL McK. WILSON, Chairman
THOMAS M. BEARD
BETTY EASLEY
FRANK S. MESSERSMITH

ORDER ACKNOWLEDGING TRANSFER OF MAJORITY
ORGANIZATIONAL CONTROL AND APPROVING
CHANGE IN NAME OF UTILITY

BY THE COMMISSION:

CASE BACKGROUND

During the course of a staff-assisted rate case filed by Crestridge Utilities, Inc., (Docket 890170-WS, Order No. 21919, issued September 19, 1989) it came to our attention that the utility had been doing business for several years under another name, Crestridge Utility Corporation. The utility was advised to request a name change, which it did by letter on October 5, 1989. The letter revealed, however, that more than a simple name change was involved in this case.

The letter states that in 1977-78 the utility's parent company went through a bankruptcy proceeding during which a change of majority ownership took place. The majority interest of the utility's parent company, Raw Development Corporation of America, Inc., was transferred from a group of six persons to a larger group of people residing in Indiana and Florida. The name under which the utility did business was changed shortly thereafter from Crestridge Utilities, Inc., to Crestridge Utility Corporation. No application for a transfer for majority organizational control was ever filed despite the change in ownership. Furthermore, our

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investigation revealed a second problem with the utility's name. Although the utility is doing business as Crestridge Utility Corporation, the name under which the utility is presently incorporated is slightly different--Crestridge Utilities Corporation.

ACKNOWLEDGMENT OF TRANSFER

The statute and the rules in effect at the time of the transfer of majority organizational control in this case required that the utility obtain the prior approval of the Commission based on a determination that the proposed transfer was in the public interest. The utility violated the statute and the rules by not requesting such approval at the time of the transfer.

The Commission shall not pursue any punitive action against the utility for its transgression. A show cause proceeding is usually a device of last resort for bringing a utility into compliance with the statute, Commission orders, or rules. The violation here is over thirteen years old. The passing of time would not only make information gathering difficult but it would not really achieve the goal of compliance. The utility has been very cooperative with our Staff in this matter. Also, over the last thirteen years under the direction of the current stockholders, the utility has been providing safe and adequate service. As a matter of fact, in the utility's staff-assisted rate case, it was found that the utility was in compliance with all DER regulations and that the quality of service was satisfactory, as noted in Order No. 21919, issued September 19, 1989. Therefore, no show cause action shall be initiated for the utility's violation of the statute and rules. However, the utility is hereby placed on notice that any future violations of this sort will result in punitive action.

There is no need to establish a rate base in this case since the transfer of the stock did not alter the utility's asset or liability accounts. Rate base was recently established in the staff-assisted rate case docket. Also, the present rates and charges were recently approved for the utility and we see no reason to change them at this time. Accordingly, the Commission hereby acknowledges the transfer of the majority organizational control of the utility which took place in 1977-78.

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CHANGE IN NAME OF UTILITY

As discussed in the case background, the utility has the name Crestridge Utilities, Inc., on its certificate; it is operating under the name Crestridge Utility Corporation (which is now the name listed on the revised tariff sheets as a result of the staff-assisted rate case); but the name under which it is incorporated is Crestridge Utilities Corporation. By letter the utility has stated that it will shortly amend its articles of incorporation to change the name under which it is incorporated to Crestridge Utility Corporation. Based on the foregoing, we approve the change of the utility's name from Crestridge Utilities, Inc., to Crestridge Utility Corporation. The utility's certificate shall be returned to the Division of Water and Sewer within thirty days of the date of this Order so that Crestridge Utility Corporation may be entered as the utility's name.

It is, therefore

ORDERED by the Florida Public Service Commission that the transfer of majority organizational control by Crestridge Utilities, Inc., which took place in 1977-78 without Commission approval is hereby acknowledged. It is further

ORDERED that the request to change the name of Crestridge Utilities, Inc., on Certificate No. 363-W to Crestridge Utility Corporation is hereby approved. It is further

ORDERED that Certificate No. 363-W shall be returned to the Division of Water and Sewer within thirty days of the date of this Order for entry indicating Crestridge Utility Corporation as the name of the utility. It is further

ORDERED that this docket is closed.

By ORDER of the Florida Public Service Commission this 20th
day of SEPTEMBER, 1990.



STEVE TRIBBLE, Director
Division of Records and Reporting

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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 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.