

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application of Wildwood Oaks, )  
Ltd. for approval of the transfer of )  
Certificate No. 449-S in Sumter County, )  
Florida, to the City of Wildwood. )  
\_\_\_\_\_ )

DOCKET NO. 911001-SU  
ORDER NO. 25351  
ISSUED: 11/15/91

ORDER ACKNOWLEDGING TRANSFER, CANCELLING CERTIFICATE  
AND CLOSING DOCKET

BY THE COMMISSION:

On September 30, 1991, Wildwood Oaks, Ltd., (Wildwood Oaks or Utility) filed an application with this Commission for acknowledgment of the transfer of its wastewater system to the City of Wildwood in Sumter County, Florida. The system was taken over by the City on or about September 23, 1989.

Wildwood Oaks served approximately 100 connections. At the time of the take over, the treatment facility was disconnected and the City took over the responsibility for the service and customer billing. The Utility did not file for acknowledgement of the transfer to the City of Wildwood. It did, however, indicate in its 1989 Annual Report that the transfer had occurred.

As a result of an inquiry by the Commission Staff, Wildwood Oaks filed its application for acknowledgement of the transfer. According to correspondence from Wildwood Oaks, the utility was required to connect to the City's wastewater system by a City Ordinance. The Utility paid the City of Wildwood connection fees, as required, and the City began charging the customers in Wildwood Oaks' service area. Also, as required by the Ordinance, Wildwood Oaks dismantled its wastewater treatment plant.

There were no customer deposits at the time of the takeover. Commission requirements regarding regulatory assessment fees have been met, and there are no dockets pending involving this system.

The provisions of Section 367.071, Florida Statutes, require an application for approval of sale or transfer of water and/or sewer utilities to governmental agencies, although such actions are approved as a matter of right. Subsection 367.022(2), Florida Statutes, exempts from regulation by the Commission systems owned, operated, managed or controlled by governmental agencies.

On the basis of the foregoing, we have determined that the transfer should be acknowledged and Certificate No. 449-S should be cancelled. It is, therefore,

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ORDERED by the Florida Public Service Commission that the transfer of Wildwood Oaks, Ltd., 4935 Southfork Drive, Lakeland, Florida 33813, to the City of Wildwood, 100 North Main Street, Wildwood, Florida 32785, is hereby acknowledged. It is further

ORDERED that Certificate No. 449-S is hereby cancelled. The Utility is directed to return the Certificate to this Commission for cancellation within 30 days of the date of this Order. It is further

ORDERED that Docket No. 911001-SU is hereby closed.

By ORDER of the Florida Public Service Commission, this 15<sup>th</sup> day of NOVEMBER, 1991.

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STEVE TRIBBLE, Director  
 Division of Records and Reporting

( S E A L )

ALC

by: Kay Flynn  
 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

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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.