

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for) DOCKET NO. 921260-WS
certificates to provide water) ORDER NO. PSC-93-0368-FOF-WS
and wastewater service in Marion) ISSUED: 03/09/93
County by THE RESOLUTION TRUST)
CORPORATION and for amendment of)
Certificates Nos. 405-W and)
342-S by TRADEWINDS UTILITIES,)
INC. to reflect transfer of)
territory.)
_____)

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON, Chairman
THOMAS M. BEARD
SUSAN F. CLARK
JULIA L. JOHNSON

ORDER GRANTING CERTIFICATES NOS. 552-W AND 481-S,
AND AMENDING CERTIFICATES NOS. 405-W AND 342-S
TO DELETE TERRITORY

BY THE COMMISSION:

Tradewinds Utilities, Inc. (Tradewinds or utility) is a Class C utility providing water and wastewater service to two separate systems in Marion County. Tradewinds currently serves 366 water customers and 257 wastewater customers. Approximately 289 water and 162 wastewater customers will be served as a result of the deletion of territory approved herein. The annual report for 1991 shows water revenue of \$63,739 and wastewater revenue of \$73,171 and a net operating income of \$7,017 for water and \$6,631 for wastewater.

The Miami Savings Bank held title for certain utility assets and facilities serving a portion of Tradewinds' territory; however, as a result of a foreclosure on Miami Savings Bank the Resolution Trust Corporation (RTC) was appointed its receiver. As a result of a judgment of foreclosure issued April 16, 1991, on a loan secured by a mortgage on the same utility assets and facilities, RTC gained ownership. The RTC through Real Estate Recovery, Inc., (RER) now serves two residential areas known as the Landfair subdivision and the Hilltop Manor subdivision. The foreclosure action did not affect the other separate systems owned and operated by Tradewinds.

DOCUMENT NUMBER-DATE

02633 MAR-93

FPSC-RECORDS/REPORTING

Application

On December 15, 1992, RER, contractor/asset manager for the RTC, applied to this Commission for a certificate to provide water and wastewater service in Marion County. The application is in compliance with the governing statute, Section 367.045, Florida Statutes, and other pertinent statutes and administrative rules. The application contains a filing fee in the amount of \$300, which is the correct filing fee pursuant to Rule 25-30.020, Florida Administrative Code.

The applicant has provided evidence that it owns the land upon which the utility's facilities are located, in the form of a Certificate of Title executed and filed in the Circuit Court of the Fifth Judicial District, as required by Rule 25-30.033(1)(j), Florida Administrative Code.

Adequate service territory and system maps and a territory description have been provided as prescribed by Rule 25-30.033(1)(l), (m) and (n), Florida Administrative Code. A description of the territory requested by the applicant is appended to this Order as Attachment A. We have deleted that same territory from Tradewinds' certificated territory as a result of our decision herein.

In addition, the application contains proof of compliance with the noticing provisions set forth in Rule 25-30.030, Florida Administrative Code, including notice to the customers in the proposed territory. No objections to the notice of application have been filed with this Commission, and the time for filing such has expired.

The RTC, through RER, has retained the services of Miles Christen Anderson, a consulting engineer, to manage the facilities. Aqua-Pure Water and Sewage Services, Inc. operate the utility and Fred Tattersall, CPA, is the utility's accountant. From information filed with the application, it appears that the RTC through RER has the financial ability to provide water and wastewater service and will fulfill all commitments, obligations and representations of the transferor.

Based on the foregoing, we find that it is in the public interest to grant Real Estate Recovery, Inc. Water Certificate No. 552-W and Wastewater Certificate No. 481-S to serve the territory described in Attachment A. Further, we find it is in the public

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interest to amend Tradewinds Water Certificate No. 405-W and Wastewater Certificate No. 342-S, to reflect the territory deleted and transferred to RER in Attachment A.

Docket No. 921260-WS, shall remain open pending the determination of the appropriate rate base and rates and charges for RER. Until we establish these new rates and charges, RER shall charge only those rates and charges currently approved in Tradewinds' tariff.

Based upon the foregoing, it is, therefore,

ORDERED by the Florida Public Service Commission that Real Estate Recovery, Inc., contract/asset manager for the Resolution Trust Corporation, is hereby granted Water Certificate No. 552-W and Wastewater Certificate No. 481-S to serve the territory described in Attachment of this Order. Tradewinds Utilities, Inc.'s Water Certificate No. 405-W and Wastewater Certificate No. 342-S are hereby amended to reflect the deleted territory in Attachment A. It is further

ORDERED that this docket shall remain open pending determination of the appropriate rate base and rates and charges.

By ORDER of the Florida Public Service Commission this 9th day of March, 1993.

STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

RG

by: Kay Flynn

Chief, Bureau of Records

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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 Civil Procedure. The notice of appeal must be in the form specified in Rule 9.900 (a), Florida Rules of Appellate Procedure.

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ATTACHMENT A

REAL ESTATE RECOVERY, INC.
TERRITORY DESCRIPTION

The following described lands located in portions of Sections 16 and 21, Township 14-South, Range 22-East, Marion County Florida:

Section 16: SW 1/4 of SE 1/4, except the North 475 feet; SE 1/4 of SE 1/4; South 3 chains of NE 1/4 of SE 1/4.

Section 21: East 1/2 of NE 1/4.