

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Notice of abandonment of) DOCKET NO. 940627-WU
water system in Pasco County by) ORDER NO. PSC-94-1235-FOF-WU
BLANTON LAKE UTILITIES COMPANY.) ISSUED: October 11, 1994
_____)

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON, Chairman
SUSAN F. CLARK
JOE GARCIA
JULIA L. JOHNSON
DIANE K. KIESLING

ORDER ACKNOWLEDGING RECEIVER

BY THE COMMISSION:

BACKGROUND

Blanton Lake Utility Company (Blanton Lake) is a Class C utility located in Pasco County serving an area west of Dade City. The service area consists of approximately 24 acres with 53 homes. The 1993 Annual Report indicates that the system had a gross revenue amount of \$7,917.00 and a net loss of \$45.00.

On June 8, 1994, pursuant to Section 367.165, Florida Statutes, Mr. Stephen J. Matala, owner of Blanton Lake, filed a notice of abandonment with the Florida Public Service Commission (Commission), the Florida Department of Environmental Protection and the United States Environmental Protection Agency. On July 26, 1994, by Order No. PSC-94-0919-FOF-WS, this Commission acknowledged Blanton Lakes' abandonment of its system.

In the Order Appointing Receiver, the Circuit Court ordered the prior owner to surrender to the receiver all property, assets, documents, and facilities pertaining to the Blanton Lake system. Mr. Matala complied and surrendered all of Blanton Lakes' existing records. The Circuit Court further ordered Pasco County to operate and maintain the utility, collect all revenues, as well as provide adequate and continuous water service. Additionally, Pasco County must pay all operating expenses from the revenues it receives. The Circuit Court also ordered Pasco County to keep the revenues it collects in an insured banking account, but it has allowed Pasco County to authorize construction to improve the system.

Beginning July 1, 1994, Pasco County received authority to collect all water fees from Blanton Lake's customers. Pursuant to

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the Circuit Court Order, Mr. Matala must pay any outstanding mortgage on the property. Pasco County will be responsible for mortgage payments during its receivership, including July 1994.

Pursuant to Section 367.165, Florida Statutes, the Circuit Court Order acknowledged that Pasco County holds temporary authorization from the Commission. Further, pursuant to Section 367.121(c), Florida Statutes and Rule 25-30.110, Florida Administrative Code, Pasco County shall be responsible for filing its 1994 annual report and remitting its 1994 regulatory assessment fees in accordance with Section 367.145, Florida Statutes, and Rule 25-30.120, Florida Administrative Code. Furthermore, Pasco County shall perform those duties and functions required of a regulated utility. Therefore, based on the foregoing, we hereby acknowledge Pasco County as receiver of Blanton Lake.

Order No. PSC-94-0919-FOF-WU required the former owner to pay his delinquent 1993 and his current 1994 regulatory assessment fees. As discussed in Order No. PSC-94-0919-FOF-WS, neither the prior owner's inability to pay, nor the pending abandonment proceedings obviated his payment obligation. Neither statute nor administrative rule permits waiver of the regulatory assessment fees. Moreover, since Mr. Matala's obligation arose before he abandoned the utility, he remains responsible for the regulatory fees.

Pursuant to Rule 25-30.120, Florida Administrative Code, regulatory fees must be paid on or before March 31 for the preceding year, unless the applicant files and receives a 30 day extension. Mr. Matala has not made any requests for an extension, and his assumption that his abandonment relinquishes his responsibility to pay the fees is incorrect. Rule 25-30.120, Florida Administrative Code, also states that the utility's obligation to remit the regulatory assessment fees for any year shall apply to any utility which is subject to this Commission's jurisdiction on or before December 31 of that year or for any part of that year. Mr. Matala owned the system during the calendar year prior to the abandonment. Therefore, Mr. Matala must pay the fees plus interest and penalties, which are still due.

The primary purpose of this docket was to acknowledge the initial abandonment and recognize the appointment of a receiver. Therefore, we find it appropriate to close this docket. The collection of the 1993 regulatory assessment fees, and any penalties and fines, shall be addressed in a separate docket.

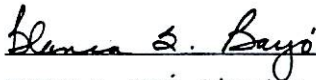
Based on the foregoing, it is, therefore,

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ORDERED by the Florida Public Service Commission that the appointment of Pasco County as receiver of Blanton Lakes Utilities Company is hereby acknowledged. It is further

ORDERED that this docket is hereby closed.

By ORDER of the Florida Public Service Commission, this 11th day of October, 1994.



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