

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request For) DOCKET NO. 960106-WU
Acknowledgement of Transfer of) ORDER NO. PSC-96-0829-FOF-WU
Canal Point Water System From) ISSUED: June 26, 1996
Southeastern States Utilities,)
Inc. to City of Pahokee and)
Cancellation of Certificate No.)
240-W in Palm Beach County.)

ORDER ACKNOWLEDGING SALE, CANCELLING -
CERTIFICATE NO. 240-W AND CLOSING DOCKET

BY THE COMMISSION:

On January 29, 1996, the City of Pahokee (City or Pahokee) filed an application on behalf of Southeastern States Utility, Inc. (SSUI or Utility) for acknowledgment of the transfer of its Canal Point water system to the City. According to the information provided, the transfer occurred on December 1, 1995.

The provisions of Section 367.071, Florida Statutes, require an application for approval of sales of water and/or wastewater utilities to governmental agencies. However, the sale or transfer of facilities to a governmental authority is approved as a matter of right. Section 367.071(4)(a), Florida Statutes.

SSUI has provided water service to the residents of Canal Point through a bulk users agreement between SSUI and the City of Pahokee since 1965. On February 23, 1994, SSUI filed notice of intent to abandon the water system pursuant to Section 367.165, Florida Statutes. Utilities, Inc. of Florida (Utilities, Inc.) was appointed receiver on April 22, 1994, by Judge James T. Carlisle of the Circuit Court of the Fifteen Judicial Circuit in and for Palm Beach County, Florida.

By Order No. PSC-94-0584-FOF-WU, issued on May 18, 1994, in Docket No. 940222-WU, this Commission acknowledged the abandonment of SSUI. We acknowledged the appointment of Utilities, Inc. as receiver by Order No. PSC-94-0917-FOF-WU, issued on July 26, 1994, in Docket No. 940222-WU. The contract for sale of the Canal Point system was executed on November 13, 1995, between Utilities, Inc. and Pahokee for the sum of \$1.00. On November 20, 1995, in Case No. CL 94-2102-AC, the Circuit Court issued an Agreed Order on Receiver's Motion for Authority and Approval of the Sale of Assets of SSUI to Pahokee. As stated previously, the application for acknowledgement of the transfer of SSUI's Canal Point system to the City of Pahokee was filed on January 29, 1996.

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Rule 25-30.037(4)(g), Florida Administrative Code, requires a utility to submit a statement regarding disposition of customer deposits when a utility is transferred. According to the application, all customer deposits, held by SSUI, were transferred to the City upon consummation of the sale. The regulatory assessment fees have not been paid for 1995. There are no dockets pending involving this system.

On the basis of the foregoing, we find it appropriate to acknowledge the transfer of SSUI's Canal Point system to Pahokee and to cancel Certificate No. 240-W. Certificate No. 240-W shall be returned to the Commission within 20 days of the date of this Order for cancellation. In addition, SSUI shall remain responsible for all outstanding regulatory assessment fees.

It is, therefore,

ORDERED by the Florida Public Service Commission that the transfer of Southeastern States Utility, Inc.'s Canal Point system to the City of Pahokee, 171 North Lake Avenue, Pahokee, Florida 33476, is hereby acknowledged. Certificate No. 240-W shall be returned to this Commission within 20 days of the date of this Order for cancellation. It is further

ORDERED that Southeastern States Utility, Inc. shall remain responsible for all outstanding regulatory assessment fees. It is further

ORDERED that Docket No. 960106-WU is hereby closed.

By ORDER of the Florida Public Service Commission, this 26th day of June, 1996.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

by: Kay J. J. J.
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, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, 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 and/or wastewater 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.