

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request for) DOCKET NO. 960800-SU
Acknowledgment of Abandonment of) ORDER NO. PSC-96-1087-FOF-SU
Wastewater System in Putnam) ISSUED: August 23, 1996
County by Weber Investments)
Corporation, and Naming Putnam)
County as Receiver)

The following Commissioners participated in the disposition of this matter:

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

ORDER ACKNOWLEDGING ABANDONMENT AND APPOINTMENT OF RECEIVER

BY THE COMMISSION:

Weber Investments Corporation (Weber or utility) is a Class C utility located in Putnam County. The system provides service to approximately 58 mobile homes within the Port Buena Vista Mobile Home Park. Although the utility was constructed in 1969, and Weber had been operating the utility since 1972, we did not learn of the utility's existence until October 1992. On June 29, 1994, we granted the utility Certificate No. 491-S by Order No. PSC-94-0805-FOF-SU.

Pursuant to Section 367.165, Florida Statutes, a utility must give sixty days notice to this Commission and the county prior to abandonment. The utility provided notice on May 13, 1996, as required. The owner, Warren Weber, explained that he was relocating out of the state and would no longer be able to devote the necessary attention to the facility. Subsequent to the notice of abandonment, we and Putnam County learned that the utility was delinquent in paying its electric bill and that the electric provider intended to promptly disconnect the electrical service. In addition, the owner's telephone service had been disconnected and he could not be reached. To allow the electrical service to be disconnected would have deprived the customers of essential services and could have caused irreparable injury in the form of serious health and environmental problems. As a result, on June 4, 1996, Putnam County petitioned the Circuit Court of the Seventh Judicial Circuit for Putnam County for appointment of receiver. On

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June 4, 1996, the court, Judge Stephen L. Boyles, found that Weber had prematurely abandoned the system and that a receiver was necessary and vital to continue service and prevent irreparable injury. The court appointed Putnam County interim receiver of the Port Buena Vista wastewater treatment system.

Among other provisions, the court's order requires that the owner surrender all property, assets, documents and facilities pertaining to Weber to the receiver; that the receiver shall not be liable for debts, costs, or other obligations relating to the system incurred prior to the date of the order; and that the receiver's liability in respect to operating the system shall not exceed revenues collected.

Thus, we acknowledge Weber's abandonment and the appointment of Putnam County as receiver for the utility. Pursuant to Sections 367.031 and 361.022(2), Florida Statutes, Putnam County is exempt from our regulation.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the abandonment of the Port Buena Vista Wastewater System by Weber Investments Corporation is acknowledged. It is further

ORDERED that the appointment of Putnam County as the receiver for Weber Investments Corporation is acknowledged. It is further

ORDERED that this docket shall be closed.

By ORDER of the Florida Public Service Commission, this 23rd day of August, 1996.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

by: Kay Flynn
Chief, Bureau of Records

(S E A L)

CJP

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.