

MEMORANDUM

May 13, 1998

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MAY 13 1998  
4:40  
FPSC - Records/Report

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (VACCARO) *WAS*

RE: DOCKET NO. 971610-WS - APPLICATION FOR TRANSFER OF UTILITY ASSETS FROM CLAY UTILITY COMPANY d/b/a SOUTH BROWARD UTILITY, INC. TO CITY OF SUNRISE IN BROWARD COUNTY, AND CANCELLATION OF CERTIFICATES NOS. 359-W AND 290-S.

98-0659-FOF-WS

Attached is an ORDER ACKNOWLEDGING TRANSFER, CANCELING CERTIFICATE AND CLOSING DOCKET, to be issued in the above-referenced docket.

(Number of pages in order - 3)

*See 3*

TV/dr

Attachment

cc: Division of Water and Wastewater (Brady)

I:971610-o.tv

*FILED - 3/0*  
*marked -*

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for transfer of utility assets from Clay Utility Company d/b/a South Broward Utility, Inc. to City of Sunrise in Broward County, and cancellation of Certificates Nos. 359-W and 290-S.

DOCKET NO. 971610-WS  
ORDER NO. PSC-98-0659-FOF-WS  
ISSUED: May 14, 1998

ORDER ACKNOWLEDGING TRANSFER,  
CANCELING CERTIFICATES AND CLOSING DOCKET

BY THE COMMISSION:

Clay Utility Company d/b/a South Broward Utility, Inc. (SBU or utility) is a Class A utility which provides utility service to approximately 2,724 water and 2,297 wastewater customers in southwest Broward County under Certificates Nos. 359-W and 290-S. On December 12, 1997, SBU filed an application for transfer of the utility's assets to the City of Sunrise (Sunrise or City) pursuant to Section 367.071(4)(a), Florida Statutes. The asset transfer agreement between SBU and Sunrise was entered into on November 10, 1997. The actual closing occurred on December 29, 1997.

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 asset transfer agreement, prior to closing, SBU furnished the City with a listing of deposits through the date of closing. In addition, the City has obtained the most recent available income and expense statement, balance sheet, statement of rate base for regulatory purposes, and contributions-in-aid-of-construction from the utility. The utility has no outstanding annual reports or regulatory assessment fees. There are no other dockets pending involving this utility. The provisions of Section 367.071, Florida Statutes, require an application for approval of sale or transfer of water and/or wastewater utilities to governmental agencies. Pursuant to Section 367.071(4), Florida Statutes, however, the sale or transfer of facilities to a governmental authority is approved as a matter of right.

Based on the foregoing, we find it appropriate to acknowledge the transfer of Clay Utility Company d/b/a South Broward Utility

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Company, Inc. to the City of Sunrise. Pursuant to Section 367.022, Florida Statutes, the City is exempt from this Commission's regulation. Therefore, Certificates Nos. 359-W and 290-S are hereby cancelled.

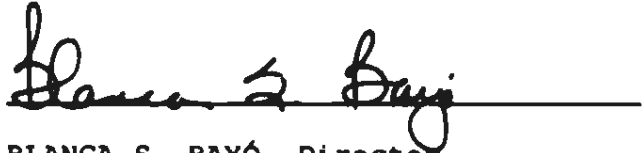
Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the application for transfer of facilities from Clay Utility Company d/b/a South Broward Utility, Inc., 3903 Northdale Boulevard, Suite 140E, Tampa, Florida 33624 to the City of Sunrise, 10770 West Oakland Park Boulevard, Sunrise, Florida 33351, is hereby acknowledged. It is further

ORDERED that Certificates Nos. 359-W and 290-S are hereby cancelled. It is further

ORDERED that this docket shall be closed.

By ORDER of the Florida Public Service Commission this 14th day of May, 1998.



BLANCA S. BAYÓ, Director  
Division of Records and Reporting

( S E A L )

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), 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.