

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for transfer of facilities of IBSCO, Inc. to Martin County Utilities in Martin County and cancellation of Certificate Nos. 382-W and 328-S.

DOCKET NO. 982020-WS
ORDER NO. PSC-99-0925-FOF-WS
ISSUED: May 10, 1999

ORDER ACKNOWLEDGING SALE OF IBSCO, INC. TO
MARTIN COUNTY, CANCELING CERTIFICATES NOS. 382-W AND 328-S,
AND CLOSING DOCKET

BY THE COMMISSION:

On December 31, 1998, IBSCO, Inc. (IBSCO or utility) filed an application for acknowledgment of the transfer of its facilities to Martin County Utilities (Martin County), pursuant to Section 367.071, Florida Statutes. IBSCO and Martin County entered into the Water and Sewer System Asset Purchase and Sale Agreement on January 27, 1998. The closing occurred on December 10, 1998.

Pursuant to Section 367.071(4)(a), Florida Statutes, the sale or transfer of facilities to a governmental authority is approved as a matter of right. However, the provisions of Section 367.071, Florida Statutes, require a utility to file an application with this Commission for the approval of a sale or transfer to a governmental authority. As stated previously, IBSCO filed the application on December 31, 1998.

The application is in compliance with Rule 25-30.037(4), Florida Administrative Code. In particular, the application contains a copy of the sales agreement as required by Rule 25-30.037(4)(c), Florida Administrative Code. According to the application, IBSCO did not collect customer deposits. Further, in accordance with Rule 25-30.037(4)(e), Florida Administrative Code, the application contains a statement that Martin County obtained the utility's most recent income and expense statement, balance sheet, statement of rate base for regulatory purposes and contributions-in-aid-of-construction.

According to Commission records, IBSCO has paid 1998 regulatory assessment fees up to the time of closing (December 10, 1998), and has filed all relevant annual reports. Further, there

DOCUMENT NUMBER-DATE

05878 MAY 10 99

FPSC-RECORDS/REPORTING

ORDER NO. PSC-99-0925-FOF-WS
DOCKET NO. 982020-WS
PAGE 2

are no outstanding penalties, fines or interest owed. There are no dockets pending, nor is disposition of gross-up funds an issue for this utility.

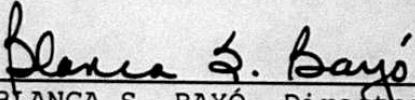
Based on the foregoing, we find it appropriate to acknowledge the transfer of IBSCO to Martin County, and to cancel Certificates Nos. 382-W and 328-S. IBSCO has returned Certificates Nos. 382-W and 328-S to the Commission for cancellation.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the transfer of IBSCO, Inc., Post Office Box 365, Jensen Beach, Florida, 34958-0365, to Martin County Utilities, East Ocean Boulevard, Post Office Box 9000, Stuart, Florida, 34995, is hereby acknowledged. It is further

ORDERED that Docket No. 982020-WS is hereby closed.

By ORDER of the Florida Public Service Commission this 10th day of May, 1999.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

ALC

ORDER NO. PSC-99-0925-FOF-WS
DOCKET NO. 982020-WS
PAGE 3

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.