

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for transfer of water and wastewater facilities of Mangonia Park Utility Company, Inc. to the Town of Mangonia Park in Palm Beach County and request for cancellation of Certificate Nos. 078-W and 067-S.

DOCKET NO. 990397-WS
ORDER NO. PSC-99-1363-FOF-WS
ISSUED: July 15, 1999

ORDER APPROVING TRANSFER AND CANCELING CERTIFICATES

BY THE COMMISSION:

Mangonia Park Utility Company, Inc. (Mangonia or utility) is a Class B water and wastewater utility providing service to the Town of Mangonia Park, in Palm Beach County, Florida. According to its 1998 annual report, Mangonia serves a yearly average of 416 water and 251 wastewater customers, or approximately 1,000 equivalent residential connections.

Mangonia was incorporated on October 17, 1969 to provide water and wastewater services to the town of Mangonia Park (Town). The utility was issued Certificates Nos. 078-W and 067-S on April 5, 1972, pursuant to Order No. 5379, issued in Dockets Nos. C-71490-W and C-71491-S. The utility's territory was subsequently amended by Order No. 5541, issued October 3, 1972 in Dockets Nos. C-72393-W and C-72394-S. A later request to amend its wastewater service territory was withdrawn by the utility after the City of Riviera Beach objected to the extension. The request for withdrawal was acknowledged by Order No. 22232, issued November 28, 1989, in Docket No. 890657-SU.

On December 29, 1998, an assets purchase agreement was executed between Mangonia and Utilities, Inc., and a copy of the agreement was provided to the Town. On February 17, 1999, the Town provided written notice to the utility that it claimed a right of first refusal, pursuant to the Town's utility franchise ordinance, issued in March of 1972. On March 29, 1999, the instant application was filed by Mangonia to transfer the utility's facilities to the Town and to cancel Certificate Nos. 078-W and 067-S. The transfer occurred the following day on March 30, 1999.

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

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The transfer application contains a copy of the assets purchase agreement (agreement) executed between Mangonia and the Town. The assets of the utility were acquired for \$835,000. Authority to enter into the agreement was approved by the Town Council in Resolution No. 99-10, adopted March 16, 1999. On May 19, 1999, the Town provided a copy of the recorded Warranty Deed as evidence of the closing.

According to the application, and pursuant to the agreement, customer deposits and the interests thereon were transferred to the Town at the closing, with the Town assuming responsibility for the disposition of such deposits and interests. The application also states that the Town had obtained from the utility the utility's most recently available income and expense statement, balance sheet, statement of rate base for regulatory purposes, and contributions-in-aid-of-construction.

Finally, the application states that, although there are none, any outstanding regulatory assessment fees (RAFs), fines or refunds, will remain the responsibility of the utility after closing of the acquisition by the Town. According to Commission records, the utility is current on annual reports through 1998 and current on RAFs up through the time of the transfer. Additionally, there are no outstanding penalties, interest or refunds owed. Since the utility is no longer regulated by the Commission, it will not be necessary for the utility to file a 1999 annual report.

Our staff has verified with Utilities, Inc. that it does not intend to dispute the Town's claim to right of first refusal and its subsequent decision to acquire the utility. Further, the utility has no open dockets pending before the Commission.

Based on the foregoing, we find that the application is in compliance with Section 367.071, Florida Statutes, and Rule 25-30.037, Florida Administrative Code. Pursuant to Section 367.071(4)(a), Florida Statutes, the sale of facilities to a governmental authority shall be approved as a matter of right. Accordingly, we hereby approve the transfer of facilities from Mangonia to the Town of Mangonia Park and cancel Certificates Nos. 078-W and 067-S. Mangonia shall return the certificates to the Commission within 20 days from the issuance date of this order for cancellation.

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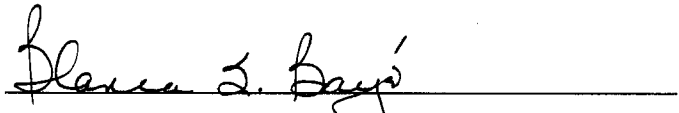
Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the transfer of facilities from Mangonia Park Utility Company, Inc., Post Office Box 8006, West Palm Beach, Florida 33407, to the Town of Mangonia Park, 1755 East Tiffany Drive, Mangonia Park, Florida 33407, is hereby approved. It is further

ORDERED that Certificates Nos. 078-W and 067-S, held by Mangonia Park Utility Company, Inc., are hereby canceled and Mangonia Park Utility Company, Inc. shall return the certificates to the Commission within 20 days from the issuance date of this order for cancellation. It is further

ORDERED that this docket is hereby closed.

By ORDER of the Florida Public Service Commission this 15th day of July, 1999.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

DMC/ALC

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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.

MEMORANDUM

RECEIVED-PPSC

20 JUL 14 PM 3:55

July ¹⁴~~9~~, 1999

RECORDS AND
REPORTING

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (CLEMONS, CROSBY) *DMC*

RE: DOCKET NO. 990397-WS - Application for transfer of water and wastewater facilities of Mangonia Park Utility Company, Inc. to the Town of Mangonia Park in Palm Beach County and request for cancellation of Certificate Nos. 078-W and 067-S. *CS*

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Attached is an ORDER APPROVING TRANSFER AND CANCELING CERTIFICATES, to be issued in the above-referenced docket.

(Number of pages in order - 4)

DMC/lw

Attachment

cc: Division of Water and Wastewater (Brady)

I:990397OR.DMC

Ex 13

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FLORIDA PUBLIC SERVICE COMMISSION - RECORDS AND REPORTING

Requisition for Photocopying and Mailing

Date 7-15-99
Number of Originals 4 Copies Per Original 20
Requested by Mark Smith

Item Presented _____
Agenda For (Date) _____ Order No. 99-1363 in Docket No. 990397-W5
Notice of _____ For (Date) _____ In Docket No. _____
Other _____

Special Handling Instructions

Distribution/Mailing

Number	Distributed/Mailed To	Number	Distribution/Mailed To
<u>2</u>	<u>Commission Offices</u>	<u>1</u>	<u>Only Clerk</u>
<u>0</u>	<u>Docket Mailing List - Mailed</u>		
<u>0</u>	<u>Docket Mailing List - Exempt</u>		

Note: Items must be mailed and/or returned within one working day after issue unless specified here:

Print Shop Verification

Job Number 134 Verified By Michael
Date and Time Completed 7/15 Job Checked for Correctness and Quality (Initial) _____

Mail Room Verification

Date Mailed _____ Verified By _____