

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for transfer of Certificates 407-W and 343-S held by Fisherman's Cove of Stuart, Inc. in Martin County to the Martin County Board of Commissioners.

DOCKET NO. 991818-WS  
ORDER NO. PSC-00-0580-FOF-WS  
ISSUED: March 22, 2000

ORDER APPROVING TRANSFER,  
CANCELING CERTIFICATES, AND CLOSING DOCKET

BY THE COMMISSION:

Fisherman's Cove of Stuart, Inc. (Fisherman's Cove or utility) is a Class C water and wastewater utility providing service to Fisherman's Cove Subdivision in Martin County, Florida. According to its 1998 annual report, the utility serves 524 residential connections with combined water and wastewater revenues of \$263,070 and a combined net operating income of \$34,663.

Fisherman's Cove was granted Certificates Nos. 407-W and 343-S by Order No. 12136, issued June 13, 1983, and Order No. 12787, issued December 15, 1983, in Docket No. 810318-WS. The latter order was issued subsequent to hearing upon protest of the former order. There have been no actions affecting the utility's service territory since the issuance of these orders.

On August 24, 1999, the Martin County Board of County Commissioners (County) adopted a resolution approving a Purchase and Sale Agreement (Contract) with Fisherman's Cove. Under the contract, the utility would dismantle and remove its existing plant and connect its internal water distribution and wastewater collection lines with the County's systems. The closing, which was contingent upon the utility completing all interconnection work to the Contract specifications, was originally anticipated to be completed by December 31, 1999.

As a consequence, on December 6, 1999, the utility filed an application with this Commission to acknowledge the transfer. The application contained a copy of the Contract which indicates that the assets of the utility were to be acquired for \$1,000,000 of which \$20,000 will be retained by the County pending confirmation that the utility's water and wastewater plants have been decommissioned in accordance with all necessary permits and authority.

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FPSO-RECORDS/REPORTING

By letter filed February 28, 2000, the County formally notified us that the interconnection, which represents the transfer of regulatory authority in this case, had occurred on February 17, 2000, making that the effective date of the transfer.

Pursuant to provisions of the contract, a list of customer deposits and the accrued interest thereon will be transferred to the County as a credit against the purchase price at the closing. The application also contains a statement that the County had obtained the most recently available income and expense statement, balance sheet, statement of rate base for regulatory purposes and contributions-in-aid-of-construction (CIAC). The utility has no open dockets pending before this Commission and disposition of gross-up funds for CIAC is not an issue for this utility.

Finally, the application attests that any outstanding regulatory assessment fees (RAFs), will be paid by the seller out of the proceeds from the last billing cycle. According to our records, the utility is current on annual reports and RAFs through the end of 1998. The utility will owe 1999 RAFs and 2000 RAFs through the February 17, 2000, billing cycle. As of December 31, 1999, the utility was still subject to our jurisdiction and therefore, must file an annual report for 1999, as required by Rule 25-30.110(3), Florida Administrative Code. However, since the utility is no longer regulated by this Commission, it will not be necessary for the utility to file an annual report for 2000.

Based on the foregoing, we find that the application is in compliance with Section 367.071(4), Florida Statutes, and Rule 25-30.037(4), Florida Administrative Code. 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. Accordingly, we hereby approve the transfer of facilities from Fisherman's Cove of Stuart, Inc., to the Martin County Board of County Commissioners and cancel Certificates Nos. 407-W and 343-S.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the transfer of facilities from Fisherman's Cove of Stuart, Inc., 4361 S.E. Chesapeake Bay Drive, Stuart, FL 34997, to the Martin County Board of County Commissioners, 2401 S.E. Monterey Rd., Stuart, FL 34996, is hereby approved. It is further

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ORDERED that Certificates Nos. 407-W and 343-S held by Fisherman's Cove of Stuart, Inc. are hereby canceled. It is further

ORDERED that this docket is hereby closed.

By ORDER of the Florida Public Service Commission this 22nd day of March, 2000.

BLANCA S. BAYÓ, Director  
Division of Records and Reporting

By: Kay Flynn  
Kay Flynn, Chief  
Bureau of Records

( S E A L )

JKF

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

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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.