

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for transfer of facilities of LHTW Properties, Inc. d/b/a Wildwood Estates to City of Wildwood in Sumter County, and for cancellation of Certificates Nos. 523-W and 457-S.

DOCKET NO. 000671-WS  
ORDER NO. PSC-00-1516-FOF-WS  
ISSUED: August 21, 2000

ORDER APPROVED SALE, CANCELING CERTIFICATES  
AND CLOSING DOCKET

BY THE COMMISSION:

On June 1, 2000, LHTW Properties, Inc. d/b/a Wildwood Estates (LHTW or utility) filed an application with this Commission for acknowledgment of the transfer of its water and wastewater facilities to the City of Wildwood (City) in Sumter County, Florida. The effective date of the transfer is June 1, 2000.

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. However, pursuant to Section 367.071(4)(a), Florida Statutes, the sale or transfer of the facilities to a governmental authority is approved as a matter of right.

LHTW is a Class C utility providing water and wastewater service to approximately 79 mobile home customers in Sumter County. Certificates Nos. 523-W and 457-S, held by LHTW, were originally granted to Heritage Wood'N Lakes Estates (Heritage) by Order No. 22152, issued November 6, 1989, in Docket No. 890730-WS. Subsequently, by Order No. PSC-92-0335-FOF-WS, issued May 11, 1992, in Docket No. 911054-WS, the transfer to EGR Enterprises, Inc. d/b/a Wildwood Estates (EGR) was approved. By Order No. PSC-98-1571-FOF-WS, issued November 23, 1998, in Docket No. 961444-WS the transfer of the utility to LHTW was approved.

During the pendency of Docket No. 961444-WS, due to problems with its wastewater facilities, LHTW began negotiations for an interconnection to the City's treatment facilities. As a consequence, the Florida Department of Environmental Protection (FDEP) agreed to suspend any enforcement action. In addition,

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several customers who had protested Docket No. 961444-WS agreed to withdraw their protests as long as LHTW submitted monthly progress reports to the Commission, the FDEP and the customers until the interconnection was made. LHTW fulfilled the requirement for monthly progress reports. LHTW's wastewater collection lines were finally interconnected with the City's treatment facilities on June 1, 2000, and the City began billing the customers for water and wastewater services.

The application for transfer to the City contained a copy of the Agreement of LHTW Properties, Inc., and the City of Wildwood, Florida For Extension of City Services (Agreement). The Agreement was executed on November 3, 1999, with several subsequent addendums. According to the agreement, LHTW was required to pay the cost of interconnection, any required system upgrades, installation of meters, and the dismantling and removal of the wastewater treatment plant upon interconnection. LHTW received a \$100,900 credit against the costs from the City for the fair market value of its water system.

The application contained a statement that LHTW provided the City with a copy of its latest annual report. It also contained evidence that LHTW did not collect customer deposits, in accordance with Rule 25-30.037(4)(g), Florida Administrative Code. The utility's original certificates were returned to the Commission with the application for cancellation.

There are no open dockets involving this utility pending before this Commission nor is the disposition of gross-up funds for contributions-in-aid-of-construction an issue. LHTW is current on annual reports and regulatory assessment fees (RAFs) through 1999, and there are no penalties, interest or refunds due. Because the utility will not be jurisdictional on December 31, 2000, no annual report is required for the year 2000. Further, LHTW has paid RAFs for 2000 through May 31, 2000. As stated previously, the effective date of the transfer is June 1, 2000.

On the basis of the foregoing, we approve the transfer of LHTW to the City of Wildwood as a matter of right. Accordingly, Certificates Nos. 523-W and 457-S are hereby canceled.

It is, therefore,

ORDERED by the Florida Public Service Commission that the sale of LHTW Properties, Inc. d/b/a Wildwood Estates, 5604 Heritage

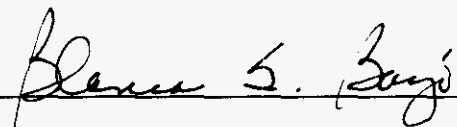
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Boulevard, Wildwood, Florida 34785, to the City of Wildwood, 100 North Main Street, Wildwood, Florida 34785, is hereby approved. It is further

ORDERED that Certificates Nos. 523-W and 457-S are hereby canceled. It is further

ORDERED that Docket No. 000671-WS is hereby closed.

By ORDER of the Florida Public Service Commission this 21st day of August, 2000.

  
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BLANCA S. BAYÓ, Director  
Division of Records and Reporting

( S E A L )

ALC

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

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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.