

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for approval of transfer of facilities of AquaSource Utility, Inc. to Charlotte County, and for cancellation of Certificates Nos. 565-W and 493-S held by AquaSource in Charlotte County.

DOCKET NO. 001788-WS
ORDER NO. PSC-01-0419-FOF-WS
ISSUED: February 20, 2001

ORDER APPROVING TRANSFER, CANCELING CERTIFICATES
NOS. 565-W AND 493-S, HELD BY AQUASOURCE UTILITY, INC.
IN CHARLOTTE COUNTY, AND CLOSING DOCKET

BY THE COMMISSION:

On December 13, 2000, AquaSource Utility, Inc. (AquaSource or utility) filed an application for approval of the transfer of its utility facilities in Charlotte County to Charlotte County. AquaSource is a Class A utility providing service in Charlotte, Highlands, Lake, Lee and Polk Counties in Florida. The instant docket involves the utility's Charlotte County facilities and certificates only. According to its 1999 annual report, AquaSource serves approximately 3,559 water and 3,262 wastewater customers in Charlotte County. We have jurisdiction pursuant to Section 367.071, Florida Statutes.

The application is in compliance with Section 367.071, Florida Statutes, and Rule 25-30.037, Florida Administrative Code. The application includes a copy of the "Rotonda West Utility System Asset Acquisition Agreement" (Agreement) executed by and between Charlotte County and AquaSource on October 24, 2000, by the adoption of County Resolution No. 2000-147. The closing occurred on December 15, 2000.

A statement was provided with the application that prior to the closing, Charlotte County obtained from this Commission and AquaSource the most recently available income and expense statement, balance sheet, statement of rate base for regulatory purposes, and contributions-in-aid-of-construction as applicable to the purchase. Pursuant to Section 5.05(B) of the Agreement, provision was made for credit to be given to Charlotte County at

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the closing for the liabilities assumed for customer deposits and unused application fees or charges, including any interest, through the date of closing.

According to our records, all regulatory assessment fees have been paid in full through 1999, and the utility is current on annual reports. AquaSource remains responsible for payment of regulatory assessment fees for 2000 up to the time of closing, December 15, 2000, in the manner and within the timeframe required by Rule 25-30.120, Florida Administrative Code. The regulatory assessment fees for 2000 shall be paid by AquaSource in connection with the payment of the regulatory assessment fees for its other systems which are subject to our jurisdiction. There are no outstanding fines or refunds owed by the utility.

Based on the foregoing and pursuant to Section 367.071(1)(a), Florida statutes, we find it appropriate to approve as a matter of right the transfer of facilities located in Charlotte County from AquaSource to Charlotte County, and to cancel Certificates Nos. 565-W and 493-S. The certificates have been returned to this Commission for cancellation.

It is, therefore,

ORDERED by the Florida Public Service Commission that the transfer of facilities located in Charlotte County from AquaSource Utility, Inc., 200 Corporate Center Drive, Suite 300, Coraopolis, Pennsylvania 15108, to Charlotte County, Charlotte County Administration Center, 18500 Murdock Circle, Port Charlotte, Florida 33948, is hereby acknowledged. It is further

ORDERED that Certificates Nos. 565-W and 493-S, held by AquaSource Utility, Inc. in Charlotte County, are hereby cancelled. It is further

ORDERED that AquaSource Utility, Inc. remains responsible for payment of regulatory assessment fees for 2000 up to the time of closing, December 15, 2000, in the manner and within the timeframe required by Rule 25-30.120, Florida Administrative Code. It is further

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ORDERED that this docket is hereby closed.

By ORDER of the Florida Public Service Commission this 20th
day of February, 2001.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

By: Kay Flynn
Kay Flynn, Chief
Bureau of Records

(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

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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.