

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for transfer  
of Certificate No. 515-S in Polk  
County from ABCA, Inc. to West  
Lakeland Utilities, Inc.

DOCKET NO. 000973-SU  
ORDER NO. PSC-01-0427-FOF-SU  
ISSUED: February 22, 2001

The following Commissioners participated in the disposition of  
this matter:

E. LEON JACOBS, JR., Chairman  
J. TERRY DEASON  
LILA A. JABER  
BRAULIO L. BAEZ  
MICHAEL A. PALECKI

ORDER ACKNOWLEDGING TERMINATION OF SALES AGREEMENT  
RETURNING CERTIFICATE NO. 515-S TO ABCA, INC., AND  
CLOSING DOCKET

BY THE COMMISSION:

On April 4, 2000, ABCA, Inc. (ABCA or utility) entered into a  
Contract for Sale and Purchase with DGB Properties, Inc., or its  
assigns for the acquisition of a mobile home community along with  
the wastewater facilities. The Contract was subsequently amended  
to assign the utility facilities to West Lakeland Utilities, Inc.  
(West Lakeland or buyer).

On July 28, 2000, an application was filed with this  
Commission for approval of the transfer of Certificate 515-S from  
ABCA to West Lakeland. We approved the transfer at our December  
19, 2000 agenda conference. Subsequent to that time, we were  
informed by ABCA that the parties had agreed to terminate the sales  
contract prior to closing and that the transfer would not occur.

By letter dated January 3, 2001, ABCA confirmed that the sales  
contract had been terminated and requested that we take whatever  
action necessary to reflect that ABCA will continue to own and  
operate the utility. In an abundance of caution, the buyer was  
contacted regarding the transfer. West Lakeland confirmed that the  
sales contract had been mutually terminated prior to closing. The

DOCUMENT NUMBER-DATE

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PSC-RECORDS REPORTING

ORDER NO. PSC-01-0427-FOF-SU  
DOCKET NO. 000973-SU  
PAGE 2

buyer indicated that it is still interested in purchasing the property if certain issues are resolved. However, if the transfer occurs, it will be at a later date and under another sales contract.

Based on the foregoing, we find it appropriate to acknowledge termination of the sales contract between ABCA and West Lakeland. We further find it appropriate to return Certificate No. 515-S to ABCA. ABCA shall continue to own and operate the utility in accordance with the provisions of the Florida Statutes and the Florida Administrative Code.

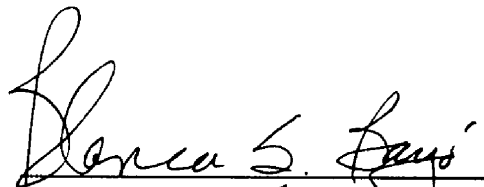
It is, therefore,

ORDERED by the Florida Public Service Commission that the termination of the sales contract between ABCA, Inc., c/o Douglas A. Carson, Vice President, First Union National Bank, 1970 Chain Bridge Road, 7th Floor, McLean, Virginia 22102, and West Lakeland Utilities, Inc., 3900 South Florida Avenue, Lakeland, Florida 33813, is hereby acknowledged. It is further

ORDERED that Certificate No. 515-S is hereby returned to ABCA, Inc. ABCA, Inc. shall continue to own and operate the utility in accordance with the provisions of the Florida Statutes and the Florida Administrative Code. It is further

ORDERED that this docket is hereby closed.

By ORDER of the Florida Public Service Commission this 22nd day of February, 2001.

  
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BLANCA S. BAYÓ, Director  
Division of Records and Reporting

( 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 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.