

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for transfer of facilities operated under Certificate No. 448-W in Marion County from Eagle Springs Utilities, Inc. to Marion County Utilities, and for cancellation of Certificate No. 448-W.

DOCKET NO. 030364-WU
ORDER NO. PSC-03-0882-FOF-WU
ISSUED: August 4, 2003

ORDER APPROVING TRANSFER OF EAGLE SPRINGS UTILITIES, INC.
TO MARION COUNTY UTILITIES, CANCELLING CERTIFICATE,
AND CLOSING DOCKET

BY THE COMMISSION:

BACKGROUND

Eagle Springs Utilities, Inc. (Eagle Springs or utility) is a Class C water utility providing service to Silver Springs Woods and Silver Springs Village subdivisions in Marion County. By Order No. 14972, issued September 11, 1988, in Docket No. 850375-WU, this Commission granted the utility Certificate No. 448-W. Eagle Springs serves approximately 320 residential water customers. The utility's 2002 annual report shows operating revenues of \$58,825 and a net operating loss of \$5,813.

Marion County Utilities (County) acquired the option to purchase Eagle Springs in an agreement dated February 3, 1987. On January 27, 2003, the County exercised its option to purchase Eagle Springs for \$192,465. On March 11, 2003, Eagle Springs notified this Commission that it had sold the utility to the County. We have jurisdiction pursuant to Section 367.071, Florida Statutes.

APPLICATION

On April 16, 2003, the County filed an application for transfer of Eagle Springs to a governmental authority and for cancellation of Certificate No. 448-W, pursuant to Section 367.071(4)(a), Florida Statutes. The County is exempt from this Commission's regulation as a governmental authority pursuant to Section 367.022(2), Florida Statutes.

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

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In accordance with Rule 25-30.037(4)(g), Florida Administrative Code, the application indicates that there are no customer deposits to refund. Eagle Springs has provided the County with a listing of current customers along with the customers' addresses and telephone numbers. Furthermore, the County has obtained Eagle Springs' most recently available income and expense statement, and statement of rate base for regulatory purposes pursuant to Rule 25-30.037(4)(e), Florida Administrative Code.

According to our records and to the application, the utility's annual reports and regulatory assessment fees (RAFs) are current and there are no outstanding fines, interest or refunds owed. Eagle Springs prepaid its 2003 RAFs for the period of January 1, 2003, to January 27, 2003. Pursuant to Rule 25-30.110(3), Florida Administrative Code, an annual report is not required in the year in which the utility facilities became nonjurisdictional. According to the utility, the County began maintaining the system effective January 27, 2003, and billing customers on March 14, 2003. In addition, Eagle Springs has returned its original certificate for cancellation. The utility has no open dockets pending before this Commission.

Based on the foregoing, we find that the application is in compliance with Section 367.071, 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 Eagle Springs to the County, and cancel Certificate No. 448-W effective January 27, 2003.

Based on the foregoing, it is

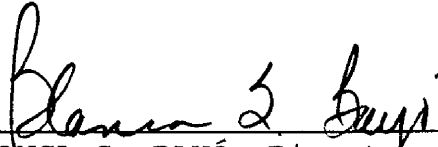
ORDERED by the Florida Public Service Commission that the transfer of Eagle Springs Utilities, Inc., 235 N.E. 51st Avenue, Ocala, Florida, to Marion County Utilities, 463 Emerald Road, Ocala, Florida, is approved. It is further

ORDERED that Certificate No. 448-W is hereby cancelled. It is further

ORDERED that this docket shall be closed.

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By ORDER of the Florida Public Service Commission this 4th Day
of August, 2003.



BLANCA S. BAYÓ, Director
Division of the Commission Clerk
and Administrative Services

(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 the Commission Clerk and Administrative Services, 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

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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 the Commission Clerk and Administrative Services 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.