

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for partial transfer of facilities in Marion County from Marion Utilities, Inc. to Silver Springs Regional Water and Sewer, Inc., a non-profit corporation, and for amendment of Certificate No. 347-W.

DOCKET NO. 020650-WU
ORDER NO. PSC-04-0068-FOF-WU
ISSUED: January 23, 2004

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON
RUDOLPH "RUDY" BRADLEY
CHARLES M. DAVIDSON

ORDER ACKNOWLEDGING WITHDRAWAL OF PROTEST
AND FINALIZING ORDER NO. PSC-03-0337-PAA-WU

BY THE COMMISSION:

BACKGROUND

Marion Utilities, Inc. (Marion or utility) is a Class A utility which provides service in Marion County to approximately 4,724 water and 118 wastewater customers. The utility is located primarily in the St. Johns River Water Management District, all of which is considered a water use caution area. The utility's 2002 annual report shows a combined water and wastewater annual operating revenue of \$1,154,173 and a net operating income (loss) of (\$11,807).

We assumed jurisdiction over the privately-owned utilities in Marion County on May 5, 1981. In Order No. 10566, issued February 3, 1982, in Docket No. 820018-W, we granted the utility Certificate No. 347-W. Over the years, there have been twenty-seven additional territory amendments to the utility's certificate.

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Pursuant to Section 367.071, Florida Statutes, on July 5, 2002, the utility applied for a partial transfer of facilities to Silver Springs Regional Water and Sewer, Inc. (Silver Springs), a non-profit corporation, and for an amendment to Water Certificate No. 347-W to delete the service area. The service area, known as Quadvillas Estates/Sugar Hills Quadvillas (QV/SHQ), is a residential area that has 217 customers. As a result of a May 31, 2002, contract for sale of this system for \$260,000 to Silver Springs, the utility has dismantled the treatment facility that provided potable water to this area and interconnected the distribution system to Silver Springs' potable water system.

By Order No. PSC-03-0337-PAA-WU, issued March 10, 2003, we approved the transfer of a portion of Marion's facilities to Silver Springs and amended Certificate No. 347-W to reflect the resulting deletion of territory. We also declined, by proposed agency action, to open an investigation to evaluate the gain on sale from the sale of Marion's system.

On March 31, 2003, the Office of Public Counsel (OPC) timely filed a protest to Order No. PSC-03-0337-PAA-WU. However, on December 8, 2003, OPC filed a notice of voluntary dismissal and withdrawal of its protest. We have jurisdiction pursuant to Section 367.071, Florida Statutes.

Order No. PSC-03-0337-PAA-WU was issued March 10, 2003. The protest period of that order expired March 31, 2003. There were no other protests of that order other than OPC's, and OPC has now withdrawn its protest. We therefore find it appropriate to acknowledge OPC's Notice of Voluntary Dismissal and Withdrawal of Protest. Order No. PSC-03-0337-PAA-WU is accordingly made final and effective.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the Voluntary Dismissal and Withdrawal of Protest of Proposed Agency Action filed by OPC is hereby acknowledged, and Order No. PSC-03-0337-PAA-WU shall therefore be made final and effective. It is further

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ORDERED that this docket shall be closed.

By ORDER of the Florida Public Service Commission this 23rd
day of January, 2004.

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

By: Kay Flynn
Kay Flynn, Chief
Bureau of Records and Hearing
Services

(S E A L)

JSB

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

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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 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.