

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Application for transfer of water facilities to Broward County, and cancellation of Certificate No. 82-W, by Broadview Park Water Company.

DOCKET NO. 040702-WU  
ORDER NO. PSC-04-1269-FOF-WU  
ISSUED: December 22, 2004

The following Commissioners participated in the disposition of this matter:

BRAULIO L. BAEZ, Chairman  
J. TERRY DEASON  
RUDOLPH "RUDY" BRADLEY  
CHARLES M. DAVIDSON

ORDER APPROVING TRANSFER OF FACILITIES AND  
CANCELING CERTIFICATE

BY THE COMMISSION:

Broadview Park Water Company ("BPWC" or "utility") is a Class B water utility providing service to a development located in Broward County. BPWC was granted Certificate No. 82-W pursuant to Order No. 3024, issued September 23, 1960, in Docket No. 6040-W, In Re: Application of Broadview Park Water Company for a certificate to operate an existing water company in Broward County. The utility's 2003 annual report indicates gross revenue of \$808,774 and net operating income of \$9,614.

Broward County and BPWC have entered into an Agreement in which BPWC will sell all personal and real properties along with all rights, title, and interest to Broward County. On June 22, 2004, the Broward County Board approved the acquisition of BPWC for a purchase price of \$800,000.

On July 7, 2004, BPWC filed a completed application to transfer its facilities to Broward County pursuant to Section 367.071(4)(a), Florida Statutes, and Rule 25-30.037(4), Florida Administrative Code. Included with the application was a copy of the executed Agreement for Purchase and Sale which provided a closing date of July 1, 2004. According to the application, Broward County took over operations of BPWC on June 22, 2004. Therefore, the effective date of the transfer is June 22, 2004.

Pursuant to Section 367.071(4)(a), Florida Statutes, the transfer of facilities to a governmental authority shall be approved as a matter of right. As such, no notice of the transfer is required and no filing fees apply.

BPWC's application contains a statement that Broward County obtained the utility's most recent income and expense statement, balance sheet, statement of rate base for regulatory purposes, and contributions-in-aid-of-construction pursuant to Rule 25-30.037(4)(e), Florida

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Administrative Code. The application also stated that customer deposits and any accrued interest were credited to customers' accounts.

BPWC has no outstanding regulatory assessment fees ("RAFs") and owes no fines or refunds. The utility has filed its 2003 annual report, has paid its 2003 RAFs, and has no outstanding penalties or interest. BPWC has paid RAFs for the period of January 1, 2004, through June 30, 2004. Because of its transfer to Broward County, BPWC is not required to file an annual report for the period of January 1, 2004, through June 30, 2004.

We find that BPWC's application is in compliance with the provisions of Rule 25-30.037, Florida Administrative Code. Pursuant to Section 367.071(4)(a), Florida Statutes, the transfer of facilities to a governmental authority shall be approved as a matter of right. Therefore, we approve the transfer of BPWC's facilities to Broward County. Further, Certificate No. 82-W shall be cancelled effective June 22, 2004.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Broadview Park Water Company's application for transfer of its facilities to Broward County is granted. It is further

ORDERED that Certificate No. 82-W shall be cancelled effective June 22, 2004. It is further

ORDERED that this docket shall be closed.

By ORDER of the Florida Public Service Commission this 22nd day of December, 2004.

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

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 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.