

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Notification of Braden River Utilities, Inc. concerning exemption from regulation in Manatee and Sarasota Counties by the Public Service Commission, pursuant to Section 367.022(11), Florida Statutes, and request for cancellation of Certificate No. 569-W.

DOCKET NO. 050167-WU  
ORDER NO. PSC-05-0501-FOF-WU  
ISSUED: May 9, 2005

The following Commissioners participated in the disposition of this matter:

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

ORDER ACKNOWLEDGING EXEMPTION, CANCELING CERTIFICATE NO. 569-W,  
AND CLOSING DOCKET

BY THE COMMISSION:

Background

Braden River Utilities, Inc. (Braden River or utility) is a Class B water utility located in Manatee and Sarasota Counties. The utility was granted Certificate No. 569-W by Order No. PSC-96-0124-FOF-WU, issued January 24, 1996, in Docket No. 950120-WU.<sup>1</sup> It provides non-potable water only for the purpose of irrigation to residential areas within its nearly 28,000 acre service territory. As reported in its 2003 annual report, the utility had operating revenues of \$529,010, with a net utility operating income of \$71,557.

On February 25, 2005, the utility notified the Commission that it appeared to qualify for an exemption from Commission regulation pursuant to section 367.022(11), Florida Statutes. This exemption is for utilities that provide irrigation-only water service where potable water service is available from another source. As it is no longer a regulated utility, Braden River indicated that it did not intend to pay further regulatory assessment fees and is ready to surrender its certificate to the Commission.

Certificate Cancellation

Potable water, as well as wastewater service in the utility's service area, is provided by either Manatee County or Sarasota County. Section 367.022(11), Florida Statutes, was enacted

<sup>1</sup>In Re: Application for certificate to provide water service in Manatee and Sarasota Counties by Braden River Utilities.

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by the Florida Legislature in 2002. Braden River received its certificate prior to the creation of this exemption. It now clearly is exempt from Commission regulation pursuant to section 367.022(11), Florida Statutes. Braden River has filed its 2003 annual report and has paid its 2004 regulatory assessment fees. Because of its exemption status, the utility is not required to file the 2004 annual report. The utility has also returned its certificate to us for cancellation.

We acknowledge Braden River's exemption from Commission regulation pursuant to section 367.022(11), Florida Statutes. Therefore, Certificate No. 569-W shall be cancelled effective April 19, 2005, the date of this Commission's vote on the matter.

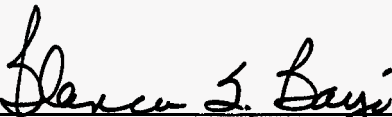
Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Braden River Utilities, Inc.'s exemption from Commission regulation pursuant to section 367.022(11), Florida Statutes, is hereby acknowledged. It is further

ORDERED that Certificate No. 569-W shall be cancelled effective April 19, 2005. It is further

ORDERED that this docket shall be closed.

By ORDER of the Florida Public Service Commission this 9th day of May, 2005.

  
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BLANCA S. BAYO, 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 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.