

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for transfer of water and wastewater facilities to Martin County, and cancellation of Certificate No(s). 352-W and 308-S, by Miles Grant Water and Sewer Company.

DOCKET NO. 090443-WS
ORDER NO. PSC-09-0856-FOF-WS
ISSUED: December 30, 2009

The following Commissioners participated in the disposition of this matter:

MATTHEW M. CARTER II, Chairman
LISA POLAK EDGAR
NANCY ARGENZIANO
NATHAN A. SKOP
DAVID E. KLEMENT

ORDER ACKNOWLEDGING TRANSFER OF MILES GRANT WATER AND SEWER COMPANY TERRITORY TO GOVERNMENTAL AGENCY AND CANCELLATION OF WATER AND WASTEWATER CERTIFICATE NOS. 352-W AND 308-S

BY THE COMMISSION:

Miles Grant Water and Sewer Company (Miles Grant or utility) is a Class B utility providing water and wastewater service to approximately 1,290 water and 1,015 wastewater customers in Martin County. The utility is in the South Florida Water Management District (SFWMD). The utility's 2008 annual report indicates that the utility had gross revenue of \$328,893 and \$448,225 and net operating income of (\$11,631) and \$72,011 for water and wastewater, respectively.

The utility's water and wastewater systems were originally issued Certificate Nos. 352-W and 308-S in 1982.¹ The utility has been transferred twice and its certificates have been amended once to include additional territory since it received its certificates.²

On September 9, 2009, Miles Grant filed an application for transfer of its water and wastewater systems to Martin County (the County) and cancellation of Certificate Nos. 352-W

¹ Order No. 11039, issued July 30, 1982, in Docket No. 810017-WS, In re: Application for certificate of Miles Grant Water and Sewer Company, Inc.

² Order No. 14548, issued July 8, 1985, in Docket No. 850017-WS, In re: Joint petition of Westinghouse Electric Corporation, seller, and Utilities, Inc., purchaser, for the transfer of Majority Organizational control of Miles Grant Water and Sewer Company in Martin County.; Order No. PSC-06-0094-FOF-WS, issued February 9, 2006, in Docket No. 050499-WS, In re: Application for authority to transfer majority organizational control of Utilities, Inc. from Nuon Global Solutions USA, B.V. to Hydro Star, LLC.; and Order No. PSC-08-0703-FOF-WS, issued October 23, 2008, in Docket No. 080342-WS, In re: Application for amendment of Certificates 352-W and 308-S to extend water and wastewater service areas to include certain land in Martin County, by Miles Grant Water and Sewer Company.

DOCUMENT NUMBER-DATE

12264 DEC 30 8

FPSC-COMMISSION CLERK

and 308-S, pursuant to Section 367.071, F.S., and Rule 25-30.037(4), Florida Administrative Code, (F.A.C.) The closing on the sale of the utility facilities took place on November 6, 2009. We have jurisdiction pursuant to Section 367.071, Florida Statutes (F.S.).

Pursuant to Section 367.071(4)(a), F.S., the sale 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. The application is in compliance with Section 367.071(4)(a), F.S., and Rule 25-30.037(4), F.A.C.

The application contains a statement that the County obtained Miles Grant'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), F.A.C. A statement was provided indicating that the utility will transfer its customer deposits to Martin County.

Additionally, pursuant to the requirements of Rule 25-30.037(4)(h), F.A.C., a statement was included that Miles Grant has paid all outstanding regulatory assessment fees (RAFs). The utility has filed all annual reports through 2008 and paid all RAFs through June 30, 2009. Because the utility will not be jurisdictional as of December 31, 2009, no annual report needs to be filed for 2009. However, Miles Grant shall pay all outstanding RAFs for July 1, 2009, through November 9, 2009, by January 30, 2010.

We find that the transfer of the Miles Grant water and wastewater territory and facilities to Martin County is acknowledged as a matter of right, pursuant to Section 367.071(4)(a), F.S., and Certificate Nos. 352-W and 308-S are cancelled effective November 6, 2009, which was the closing date of the sale. Miles Grant shall pay all outstanding RAFs for July 1, 2009, through November 9, 2009, by January 30, 2010.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the transfer of the Miles Grant Water and Sewer Company water and wastewater territory and facilities to Martin County is acknowledged as a matter of right effective November 6, 2009, pursuant to Section 367.071(4)(a), F.S. It is further

ORDERED that Certificate Nos. 352-W and 308-S are cancelled effective November 6, 2009. It is further

ORDERED that Miles Grant Water and Sewer Company shall pay all outstanding RAFs for July 1, 2009, through November 9, 2009, by January 30, 2010. It is further

ORDERED that this docket shall be closed because no further action is necessary.

By ORDER of the Florida Public Service Commission this 30th day of December, 2009.



ANN COLE
Commission Clerk

(S E A L)

LCB

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 Office of Commission Clerk, 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 Office of Commission Clerk, 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.