

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for transfer of water facilities to Florida Governmental Utility Authority, and cancellation of Certificate No. 149-W, by Virginia City Utility Company a Division of Community Utilities of Florida, Inc.

DOCKET NO. 100037-WU
ORDER NO. PSC-10-0162-FOF-WU
ISSUED: March 22, 2010

The following Commissioners participated in the disposition of this matter:

NANCY ARGENZIANO, Chairman
LISA POLAK EDGAR
NATHAN A. SKOP
DAVID E. KLEMENT
BEN A. "STEVE" STEVENS III

ORDER ACKNOWLEDGING SALE OF FACILITIES

BY THE COMMISSION:

Background

Virginia City Utility Company, a Division of Community Utilities of Florida, Inc., (Virginia City or utility) is a Class C water utility providing service to approximately 315 customers in Pasco County. The utility is located in the Tampa Bay Water-Use Caution Area of the Southwest Florida Water Management District (SWFWMD). The utility's 2008 annual report shows gross revenue of \$101,513 and a net operating loss of \$17,592. The utility was originally issued Certificate No. 149-W in 1973¹ and has been transferred twice.²

On January 20, 2010, Virginia City filed an application for transfer of its water system to the Florida Governmental Utility Authority (FGUA) and cancellation of Certificate No. 149-W. The agreement for purchase and sale of water assets submitted in this docket included four other utilities in addition to Virginia City. The transfers of those systems are the subjects of Docket Nos. 100033-WU, 100034-WU, 100035-WU, and 100036-WU. We have jurisdiction to consider this matter pursuant to Section 367.071, Florida Statutes (F.S.).

¹ Order No. 5809, issued July 26, 1973, in Docket No. C-73215-W, In re: Application of Virginia City Inc. for Certificate to Operate an Existing Water System In Pasco County.

² Order No. PSC-04-0342-PAA-WU, issued April 2, 2004, in Docket No. 030655-WU, In re: Application for transfer of facilities and Certificate No. 149-W in Pasco County from Virginia City Utilities, Inc. to Virginia City Utility Company a Division of Community Utilities of Florida, Inc., and Order No. PSC-94-0084-FOF-WU, issued January 24, 1994, in Docket No. 931028-WU, In re: Application for Transfer of Certificate No. 149-W From Virginia City Inc. to Virginia City Utilities, Inc. in Pasco County, the utility was transferred from Mr. Judson F. Potter to Mr. Matthew Potter, his son.

DOCUMENT NUMBER DATE

02025 MAR 22 9

FPSC-COMMISSION CLERK

Transfer of Facilities

Virginia City applied for approval of the transfer of its facilities and territory to FGUA on January 20, 2010, 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 December 23, 2009. Therefore, December 23, 2009, is the effective date of the transfer.

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. We have determined that FGUA is a governmental authority in several previous dockets.³ 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 FGUA obtained Virginia City'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. In addition, a statement was provided that the customer deposits were transferred to FGUA and the accumulated interest on the deposits was distributed to the applicable customers.

The utility has filed all annual reports through 2008 and paid all regulatory assessment fees through December 23, 2009. Because the utility was not jurisdictional as of December 31, 2009, Virginia City will not be required to file an annual report for 2009.

Accordingly, the transfer of Virginia City's water territory and facilities to FGUA shall be acknowledged, as a matter of right, pursuant to Section 367.071(4)(a), F.S. Certificate No. 149-W shall be cancelled effective December 23, 2009.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the transfer of Virginia City Utility Company, a Division of Community Utilities of Florida, Inc.'s water territory and facilities to the Florida Governmental Utility Authority shall be acknowledged, as a matter of right. It is further

ORDERED that Certificate No. 149-W shall be cancelled effective December 23, 2009. It is further

³ See Order No. PSC-00-2351-FOF-WS, issued December 7, 2000, in Docket No. 990489-WS, In re: Application by Florida Cities Water Company, holder of Certificate Nos. 027-W and 024-S in Lee County and 0007-W and 0003-S in Brevard County, and Poinciana Utilities, Inc., holder of Certificate Nos. 146-W and 103-S in Polk and Osceola Counties, for transfer of facilities to Florida Governmental Utility Authority and Cancellation of Certificate Nos. 027-W, 024-S, 007-W, 003-S, 146-W, and 103-S; Order No. PSC-03-1284-FOF-WS, issued November 10, 2003, in Docket No. 030932-WS, In re: Joint application for acknowledgement of sale of land and facilities of Florida Water Services Corporation in Lee County to Florida Governmental Utility Authority, and for cancellation of Certificate Nos. 306-W and 255-S; and Order No. PSC-09-0334-PAA-WS, issued May 14, 2009, in Docket No. 090120-WS, In re: Joint notice by Aloha Utilities, Inc. and the Florida Governmental Utility Authority of transfer of water and wastewater assets to the Florida Governmental Utility Authority, in Pasco County, and cancellation of Certificate Nos. 136-W and 97-S.

ORDERED that this docket shall be closed.

By ORDER of the Florida Public Service Commission this 22nd day of March, 2010.



ANN COLE
Commission Clerk

(S E A L)

LAH

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.