

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for transfer of water facilities to City of Sebring, in Highlands County, and cancellation of Certificate No. 536-W, by C & H Utilities, Inc.

DOCKET NO. 120070-WU  
ORDER NO. PSC-12-0283-FOF-WU  
ISSUED: June 1, 2012

ORDER ACKNOWLEDGING TRANSFER  
AND CANCELLATION OF CERTIFICATE

BY THE COMMISSION:

C & H Utilities, Inc. (C & H or Utility) is a Class C water utility providing service to approximately 55 residential customers in Highlands County. The Utility is within the South Florida Water Management District in a water use caution area. C & H's 2011 annual report indicates that the Utility had gross revenues of \$8,303 and a net operating loss of \$6,373.

In 1987, we granted C & H Certificate No. 423-S to provide wastewater service in the Valencia Acres subdivision of Highlands County.<sup>1</sup> In 1991, the Utility was granted Certificate No. 536-W to provide water service in the Hickory Ridge subdivision of Highlands County.<sup>2</sup> Subsequently, the Utility experienced two transfers, including the transfer of its wastewater facilities to a governmental authority, and no amendments.<sup>3</sup>

On April 2, 2012, the Utility filed an application for transfer of its water facilities and territory to the City of Sebring (City) and cancellation of Certificate No. 536-W. Pursuant to Section 367.071(4), Florida Statutes (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 included a copy of the Bill of Sale between C & H and the City, dated February 28, 2012, the effective date of the transfer. Pursuant to Section 367.071 (4)(a), F.S., and Rule 25-30.037(4)(e), Florida Administrative Code (F.A.C.), the application also contained a statement from the City that C & H provided a copy of the Utility's most recent annual report, which included its income and expense statement, balance sheet, statement of rate base for regulatory purposes, and contributions-in-aid-of-construction. In accordance with Rule 25-

<sup>1</sup> Order No. 17538, issued May 11, 1987, in Docket No. 861567-SU, In re: Application of C&H Utilities Corporation for transfer of facilities from Highlands Utilities Corporation in Highlands County, Florida.

<sup>2</sup> Order No. 25201, issued October 11, 1991, in Docket No. 910600-WU, In re: Application of C & H Utilities, Inc. for a water certificate in Highlands County.

<sup>3</sup> Order No. PSC-95-1505-FOF-WS, issued December 5, 1995, in Docket No. 941037-WS, In re: Application for transfer of facilities and control of Certificates Nos. 536-W and 423-S issued to C & H Utilities, Inc. in Highlands County from Howard E. and Coleen C. Short to Wendell L. and Mary Jane Faircloth; Order No. PSC-100693-FOF-SU, issued November 18, 2010, in Docket No. 100387-SU, In re: Application for transfer of wastewater facilities to City of Avon Park, in Highlands County, and cancellation of Certificate No. 423-S by C & H Utilities, Inc.

DOCUMENT NUMBER DATE

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30.037(4)(g), F.A.C., the Utility specified that it did not require or collect customer deposits; as such, no transfer or refunds of deposits were required at closing.

C & H has paid RAFs for 2011 and all prior years, pursuant to Rule 25-30.120, F.A.C. The Utility paid the 2012 RAFs for January 1, 2012 through February 28, 2012 on May 2, 2012. Since the transfer of the Utility occurred on February 28, 2012, no RAFs were accrued or due from that time forward. In accordance with Rule 25-30.110, F.A.C., C & H has filed annual reports for 2011 and prior years. The Utility should not be required to file a 2012 annual report since it will not be jurisdictional as of December 31, 2012, pursuant to Rule 25-30.110(3), F.A.C. No penalties or interest are outstanding for annual reports or RAF payments.

This Commission has jurisdiction over this matter pursuant to Sections 367.071 and 367.022(2), F.S., and Rule 25-30.037(4), F.A.C. In addition, pursuant to Section 2.07(C)(4)d of the Administrative Procedures Manual, Commission staff has been given administrative authority to approve transfers to governmental entities that are in compliance with Section 367.071(4)(a), F.S., and are not controversial in nature.

Based on the above discussion, the application is in compliance with Section 367.071(4)(a), F.S., and Rule 25-30.037(4), F.A.C. Therefore, we hereby acknowledge the transfer of C & H's water facilities and territory to the City as a matter of right, pursuant to Section 367.071(4)(a), F.S., and cancel Certificate No. 536-W effective February 28, 2012.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the transfer of C & H Utilities, Inc.'s transfer of water facilities to City of Sebring as a matter of right, pursuant to Section 367.071(4)(a), F.S., is hereby acknowledged. It is further

ORDERED that Certificate No. 536-W is hereby cancelled effective February 28, 2012. It is further

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

By ORDER of the Florida Public Service Commission this 1st day of June, 2012.



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ANN COLE  
Commission Clerk  
Florida Public Service Commission  
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Tallahassee, Florida 32399  
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Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

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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 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.