

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Joint application for transfer of water and wastewater facilities of Mad Hatter Utility, Inc. to Florida Governmental Utility Authority in Pasco County, and request of cancellation of Certificates 340-W and 297-S.

DOCKET NO. 120206-WS
ORDER NO. PSC-12-0590-FOF-WS
ISSUED: October 30, 2012

ORDER APPROVING TRANSFER TO A GOVERNMENTAL AUTHORITY
AND CANCELLING CERTIFICATE NOS. 340-W AND 297-S

BY THE COMMISSION:

Mad Hatter Utility, Inc. (Mad Hatter or Utility) is a Class A water and wastewater utility providing service to approximately 3,570 water and 3,012 wastewater customers in Pasco County. Water and wastewater rates were last established for this Utility in its 1993 rate case.¹

On July 26, 2012, Mad Hatter filed an application for transfer of its water and wastewater facilities to Florida Governmental Utility Authority (FGUA) and cancellation of Certificate Nos. 340-W and 297-S. 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 an Agreement for Purchase and Sale of Water and Water Assets between Mad Hatter and FGUA, dated May 17, 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 Utility included a statement that the FGUA obtained the most recent income statements, the most recent balance sheet, statement of rate base for regulatory purposes, and contributions-in-aid-of-construction. In accordance with Rule 25-30.037(4)(g), F.A.C., the Utility specified that customer deposits and accrued interest through closing will be transferred to the FGUA, and maintained by the FGUA in accordance with its policies and procedures. The Utility has paid all outstanding regulatory assessment fees. On September 24, 2012, Mad Hatter filed its 2011 annual report and remitted payment of penalties totaling \$2,150 pursuant to Rule 25-30.110(7)(b), F.A.C. The Utility will not be under our jurisdiction on December 31, 2012; therefore, no annual report needs to be filed for 2012.

Based on the above, we find that the application is in compliance with Section 367.071(4)(a), F.S., and Rule 25-30.037(4), F.A.C. We therefore acknowledge the transfer of the water and wastewater systems to the FGUA as a matter of right, pursuant to Section 367.071(4)(a), F.S., and cancel Certificate Nos. 340-W and 297-S effective May 17, 2012. We have jurisdiction pursuant to Section 367.071, F.S.

¹ See Order No. PSC-93-0295-FOF-WS, issued February 24, 1993, in Docket No. 910637-WS, In re: Application for rate increase in Pasco County by Mad Hatter Utility, Inc.

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FPSC-COMMISSION CLERK

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the joint application for transfer of water and wastewater facilities of Mad Hatter Utility, Inc. to Florida Governmental Utility Authority in Pasco County is hereby acknowledged. It is further

ORDERED that Certificate Nos. 340-W and 297-S are hereby cancelled, effective May 17, 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 30th day of October, 2012.



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.

JSC

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.