

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for transfer of water and wastewater facilities of Damon Utilities, Inc. to the City of Avon Park in Highlands County, and request of cancellation of Certificate Nos. 499-W and 433-S.

DOCKET NO. 120271-WS
ORDER NO. PSC-13-0272-FOF-WS
ISSUED: June 13, 2013

ORDER ACKNOWLEDGING TRANSFER AND
CANCELLING CERTIFICATE NOS. 499-W AND 433-S

BY THE COMMISSION:

Damon Utilities, Inc. (Damon or Utility) is a Class C water and wastewater utility providing service to approximately 283 water and 104 wastewater customers in Highlands County. Water and wastewater rates were last established for this Utility in its 2008 rate case.¹

On October 25, 2012, Damon filed a partially complete application for transfer of its water and wastewater facilities to the City of Avon Park (Avon Park) and cancellation of Certificate Nos. 499-W and 433-S. After contacting the buyer, Commission staff was able to compile a completed application on February 12, 2013. 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 completed application included an Agreement for Purchase and Sale of Water and Wastewater Assets between Damon and Avon Park, dated April 18, 2012, contingent upon Commission-approval of the instant 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 Avon Park obtained the most recent income statement, the most recent balance sheet, statement of rate base for regulatory purposes, and contributions-in-aid-of-construction. Damon has not collected any customer deposits, therefore the requirements of Rule 25-30-037(4)(g), F.A.C., regarding customer deposits are not applicable to this docket. The Utility has paid all outstanding regulatory assessment fees (RAFs), including RAFs for the period January 1, through December 31, 2012. The Utility will not be under our jurisdiction after December 31, 2012; therefore, no RAFs are due after this date, and no annual report needs to be filed for the year ended December 31, 2013.

We have jurisdiction pursuant to Section 367.071, F.S. 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 Avon Park as a matter of right, pursuant to Section 367.071(4)(a), F.S., and cancel Certificate Nos. 499-W and 433-S effective December 31, 2012.

¹ See Order No. PSC-09-0618-PAA-WS, issued September 11, 2009, in Docket No. 080709-WS, In re: Application for staff-assisted rate case in Highlands County by Damon Utilities, Inc.

DOCUMENT NUMBER DATE

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FPSC-COMMISSION CLERK

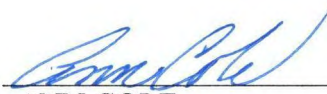
Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the application for transfer of water and wastewater facilities of Damon Utilities, Inc. to the City of Avon Park in Highlands County is hereby acknowledged, effective December 31, 2012. It is further

ORDERED that Certificate Nos. 499-W and 433-S are hereby cancelled. It is further

ORDERED that this docket shall be closed.

By ORDER of the Florida Public Service Commission this 13th day of June, 2013.



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.