

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Joint notice of transfer of Plantation Bay Utility Company water and wastewater assets located in Flagler and Volusia Counties to the City of Bunnell, Florida and request for cancellation of Certificate Nos. 455-W and 389-S.

DOCKET NO. 130242-WS
ORDER NO. PSC-14-0074-FOF-WS
ISSUED: January 31, 2014

ORDER ACKNOWLEDGING TRANSFER TO GOVERNMENT AUTHORITY AND
CANCELLING WATER AND WASTEWATER CERTIFICATES

BY THE COMMISSION:

Plantation Bay Utility Company (Plantation Bay or Utility) is a class B water and wastewater utility providing service to approximately 1,530 water and 1,500 wastewater customers in Flagler and Volusia Counties. Water and wastewater rates were last established for this Utility in its 2005 rate case.¹

A completed application for transfer of its water and wastewater facilities to the city of Bunnell, Florida (Bunnell) was filed on September 27, 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 Assets between Plantation Bay and Bunnell, dated April 8, 2013, and an Agreement for Charitable Donation of Wastewater Assets between Plantation Bay and Bunnell, dated April 8, 2013. 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 Bunnell obtained the most recent income statement, the most recent balance sheet, statement of rate base for regulatory purposes, and contributions-in-aid-of-construction. Plantation Bay has transferred all customer deposits with accrued interest to Bunnell and has submitted a statement in accordance with Rule 25-30-037(4)(g), F.A.C. The Utility has paid all outstanding regulatory assessment fees (RAFs) in full, including RAFs for the period July 1 through December 31, 2013; 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. Effective September 16, 2013, the transfer of the water and wastewater systems to Bunnell is acknowledged as a matter of right, pursuant to Section 367.071(4)(a), F.S., and Certificate Nos. 455-W and 389-S are cancelled.

¹ See Order No. PSC-06-0170A-PAA-WS, issued March 9, 2006, in Docket No. 050281-WS, In re: Application for increase in water and wastewater rates in Volusia County by Plantation Bay Utility Company.

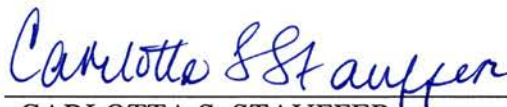
Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that that the application of Plantation Bay Utility Company for transfer of the water and wastewater facilities set forth herein to the city of Bunnell is hereby acknowledged, effective September 16, 2013. It is further

ORDERED that Certificate Nos. 455-W and 389-S are hereby cancelled. It is further

ORDERED that this docket shall be closed.

By ORDER of the Florida Public Service Commission this 31st day of January, 2014.



CARLOTTA S. STAUFFER
Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399
(850) 413-6770
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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.