

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Joint application for authority as a matter
of right to transfer water facilities to Marion
County, and to amend water Certificate No.
427-W, by Windstream Utilities Company.

DOCKET NO. 140149-WU
ORDER NO. PSC-15-0129-FOF-WU
ISSUED: March 20, 2015

The following Commissioners participated in the disposition of this matter:

ART GRAHAM, Chairman
LISA POLAK EDGAR
RONALD A. BRISÉ
JULIE I. BROWN
JIMMY PATRONIS

ORDER ACKNOWLEDGING TRANSFER TO GOVERNMENT AUTHORITY AND
MODIFICATION OF WATER CERTIFICATE NO. 427-W

BY THE COMMISSION:

BACKGROUND

Windstream Utilities Company (Windstream or Utility) is a Class B Utility providing water service to approximately 1,270 residential customers in Marion County and no wastewater service. The Utility is within the Southwest Florida Water Management District and is not within a water use caution area, but lawn watering is restricted to twice a week. The Utility's 2013 Annual Report indicates that the Utility had gross operating revenues of \$542,652 and a net operating income of \$14,318.

Windstream was originally granted Certificate No. 427-W for its water system in 1982.¹ The Utility has had seven amendments and transfers since it received its certificate. On August 11, 2014, Windstream filed an application for transfer of its Sun Country Estates/Paddock Downs and Majestic Oaks water systems to Marion County.

The purpose of this order is to acknowledge the transfer of Windstream's Sun Country Estates/Paddock Downs and Majestic Oaks water systems to Marion County as a matter of right, and to amend Windstream's Certificate No. 427-W to reflect the deletion of those territories. We have jurisdiction pursuant to Section 367.071, Florida Statutes (F.S.).

¹ See Order No. 10623, issued February 24, 1982, in Docket No. 810478-W (AP), In re: Application of Sun Country Estates Utility, Inc. for a certificate to operate a utility in Marion County, Florida.

DECISION

Windstream filed for a transfer of its Sun Country Estates/Paddock Downs and Majestic Oaks facilities and amendment of Certificate No. 427-W on August 11, 2014. 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. 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), Florida Administrative Code (F.A.C.).

On July 15, 2014, the Utility and Marion County executed an Agreement for Purchase and Sale of Water System Assets. A copy of this contract was included in their application. The date that Marion County officially assumed responsibility over the Sun Country Estates/Paddock Downs and Majestic Oaks systems is the effective date of the transfer, July 16, 2014.

The application contains a statement that Marion County has obtained a copy of Windstream'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. The Utility also included a statement indicating that all customer deposits and interest were delivered to the County. In accordance with Rule 25-30.120, F.A.C., the Utility has committed that it will pay the regulatory assessment fees due through the July 16, 2014, transfer date. Windstream Utilities has also filed its annual reports for 2013 and all prior years.

We find that the transfer of Windstream's Sun Country Estates/Paddock Downs and Majestic Oaks water systems to Marion County shall be acknowledged as a matter of right pursuant to Section 367.071(4)(a), F.S., and Certificate No. 427-W shall be amended to reflect the territory deletion effective July 16, 2014. A description of the territories deleted as a result of this transfer is appended to this order as Attachment A. This order shall serve as Windstream's water certificate and shall be retained by the Utility.

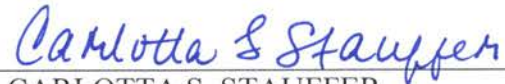
Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the joint application for transfer of Windstream's Sun Country Estates/Paddock Downs and Majestic Oaks water systems to Marion County is hereby acknowledged, effective July 16, 2014. It is further

ORDERED that Certificate No. 427-W is hereby amended to reflect the territory deletion effective July 16, 2014.

ORDERED that this docket shall be closed.

By ORDER of the Florida Public Service Commission this 20th day of March, 2015.



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.

JEV

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.

Windstream Utilities of Central Florida, Inc.
Marion County
Description of Deleted Water Territory

Township 16 South, Range 21 East
Sections 8, 16, 17 and 21

In all or parts of Township 16 South, Range 21 East, Sections 8, 16, 17 and 21. The NE 1/4 of the NE 1/4 of Section 21, Township 16 South, Range 21 East, Marion County, Florida.

AND

Section 16, Township 16 South, Range 21 East, Marion County Florida, and that part of Sections 8 and 17, Township 16 South, Range 21 East, Marion County, Florida, lying South and East of State Road 200.

EXCEPT: The South 1/2 of the SE 1/4 of Section 17, Township 16 South, Range 21 East, Marion County, Florida.

AND EXCEPT: The South 1/2 of the SE 1/4 of the SW 1/4 of Section 17, Township 16 South, Range 21 East, Marion County, Florida.

AND EXCEPT – DEER CREEK AND SOUTH EXCEPTION

The West 1/2 of the SW 1/4 of Section 17, Township 16 South, Range 21 East, Marion County, Florida.

AND EXCEPT – MARION LANDING EXCEPTION

From the SW Corner of the SE 1/4 of Section 8, Township 16 South, Range 21 East, Marion County, Florida, and the Point of Beginning; run North 00°19'46" East, a distance of 859.77 feet to a point on the Southeasterly Right-of-Way line of State Road 200; thence North 41°47'57" East, along said Right-of-Way line for a distance of 1,017.47 feet to a point; thence South 00°26'05" West, a distance of 1,621.43 feet to a point on the South line of the SE 1/4 of said Section 8; thence continue South 00°26'05" West, a distance of 1,323.60 feet to a point; thence South 89°43'37" East, a distance of 651.34 feet to a point; thence South 89°43'47" East, a distance of 1,377.18 feet to a point; thence South 00°26'43" West, along a line parallel to and 40.00 feet West of the East line of the SW 1/4 of said Section 17, for a distance of 1,321.50 feet to a point on the South line of the North 1/2 of the South 1/4 of said Section 17; thence South 89°59'04" West, along said South line for a distance of 2,637 feet plus or minus to a point; thence South 89°59'04" West, a distance of 290.40 feet to a point; thence North 00°31'41" East, a distance of 1,995.16 feet to a point; thence North 89°45'19" East for a distance of 290.40 feet to a point, thence North 00°31'41" East, along the West line of the East 1/2 of said Section 17, for a distance of 1,987 feet plus or minus to the Point of Beginning. All lying and being in Marion County, Florida.

FLORIDA PUBLIC SERVICE COMMISSION
authorizes
Windstream Utilities Company
pursuant to
Certificate Number 427-W

To provide water service in Marion County in accordance with the provision of Chapter 367, Florida Statutes, the Rules, Regulations, and Orders of this Commission in the territory described by the Orders of this Commission. This authorization shall remain in force and effect until superseded, suspended, cancelled or revoked by Order of this Commission.

<u>Order Number</u>	<u>Date Issued</u>	<u>Docket Number</u>	<u>Filing Type</u>
10623	02/24/82	810478-W (AP)	Original Certificate
24375	04/17/91	900455-WU	Amendment
24435	04/25/91	900311-WU	Amendment
PSC-94-0082-FOF-WU	01/24/94	900496-WU	Amendment
PSC-97-1334-FOF-WU	10/27/97	960867-WU	Amendment
PSC-01-0950-CO-WU	04/17/01	001450-WU	Amendment
PSC-05-0767-FOF-WU	07/25/05	050272-WU	Amendment
PSC-15-0129-FOF-WU	03/20/2015	140149-WU	Transfer/Amendment