

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for transfer of majority organizational control of Orange Blossom Utilities, Inc., holder of Certificate Nos. 639-W and 548-S in Sumter County, from Nancy Steinmetz Roach to Jonathan S. Dean.

DOCKET NO. 150113-WS  
ORDER NO. PSC-15-0423-TRF-WS  
ISSUED: October 6, 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 APPROVING TRANSFER OF MAJORITY ORGANIZATIONAL CONTROL  
AND NON-SUFFICIENT FUNDS CHARGES

BY THE COMMISSION:

**Background**

Orange Blossom Utilities, Inc. (Orange Blossom or Utility) is a water and wastewater utility serving approximately 32 customers in Sumter County. Original Certificate Nos. 639-W and 548-S were approved by Order No. PSC-07-0951-FOF-WS, issued November 29, 2007.

On April 2, 2015, an application for authority for transfer of majority organizational control was filed by Orange Blossom. On August 27, 2015, Orange Blossom requested that non-sufficient funds (NSF) charges be added to the water and wastewater tariffs. Commission staff identified several deficiencies in a letter to Orange Blossom on May 19, 2015. The Utility's response on June 23, 2015, satisfied these deficiencies. This Commission has jurisdiction in this case pursuant to Section 367.071, Florida Statutes (F.S.).

**Approving Transfer of Majority Organizational Control**

This application is for the transfer of majority organizational control of Orange Blossom Utilities, Inc., from Nancy Steinmetz Roach to Jonathan S. Dean (Buyer). Based on our review, the application is in compliance with the governing statute, Section 367.071, F.S., and Rule 25-30.037(3), Florida Administrative Code (F.A.C.), concerning applications for transfer of majority organizational control.

### **Noticing, Territory, and Ownership**

The applicant provided proof of compliance with the noticing provisions set forth in Section 367.071, F.S., and Rule 25-30.030, F.A.C. No objections to the transfer were filed with this Commission, and the time for doing so has expired. The notice contains a description of the territory for Orange Blossom, which is appended to this order as Attachment A. The application does not involve transfer of the facilities and Orange Blossom will continue to own the land where the water and wastewater treatment plants are currently located. The application includes evidence of this deed pursuant to Rule 25-30.037(3)(i), F.A.C.

### **Technical and Financial Ability**

Pursuant to Rule 25-30.037(3)(f), F.A.C., the application contains statements describing the technical and financial ability of the applicant to provide service. The transfer application states that the Buyer has sufficient financial assets to ensure the continuing operation of the Utility. We reviewed the financial statements of the Buyer<sup>1</sup> and find he has the financial capability to provide any necessary funding. According to the application, the public interest is served by the continuity of management in the Utility as the shares of the majority owner are purchased by the Buyer, who has been a shareholder of the corporation since its inception. Based on the information above, we find that the Buyer has the technical and financial capability to provide service to the existing service territory.

### **Rates and Charges**

The Utility's rates and charges were last approved in an original certificate docket in 2007.<sup>2</sup> Additionally, since the original certificate, the Utility has received three index price increases. The Utility's existing rates and charges are shown on Schedule No. 1 for water and Schedule No. 2 for wastewater. Rule 25-9.044(1), F.A.C., provides that, in the case of a change of ownership or control of a utility, the rates, classifications, and regulations of the former owner must continue unless authorized to change by this Commission. Therefore, we find that the Utility's existing rates and charges remain in effect until a change is authorized by this Commission in a subsequent proceeding. The tariffs reflecting the transfer shall be effective for services rendered or connections made on or after the stamped approval date on the tariffs, pursuant to Rule 25-30.475(1), F.A.C.

### **Conclusion**

Based on the above, we find that the transfer of majority organizational control from Nancy Steinmetz Roach to Jonathan S. Dean is in the public interest and shall be approved effective the date of this Commission's vote, September 15, 2015. The resultant order shall serve as the water and wastewater certificates, with the territory described in Attachment A. The existing rates and charges shall remain in effect until a change is authorized by this Commission

---

<sup>1</sup> Document No. 03862-15, p. 2.

<sup>2</sup> Order No. PSC-08-0255-PAA-WS, issued April 24, 2008, in Docket No. 070391-WS, In re: Application for certificates to provide water and wastewater service in Sumter County by Orange Blossom Utilities, Inc.

in a subsequent proceeding. The tariffs reflecting the transfer shall be effective for services rendered or connections made on or after the stamped approval date on the tariffs, pursuant to Rule 25-30.475(1), F.A.C.

### **Approving Non-Sufficient Funds Charges**

Section 367.091, F.S., requires that rates, charges, and customer service policies be approved by this Commission. We have authority to establish, increase, or change a rate or charge. We find that the Utility shall be authorized to collect NSF charges consistent with Sections 832.08(5) and 68.065(2), F.S., which allows for the assessment of charges for the collection of worthless checks, drafts, or orders of payment. As currently set forth in Sections 832.08(5) and 68.065(2), F.S., the following NSF charges may be assessed:

1. \$25, if the face value does not exceed \$50,
2. \$30, if the face value exceeds \$50 but does not exceed \$300,
3. \$40, if the face value exceeds \$300,
4. or five percent of the face amount of the check, whichever is greater.

Approval of NSF charges is consistent with our prior decisions.<sup>3</sup> Furthermore, NSF charges place the cost on the cost-causer, rather than requiring that the costs associated with the return of the NSF checks be spread across the general body of ratepayers. As such we find that the Utility shall revise its tariffs to reflect the NSF charges currently set forth in Sections 832.08(5) and 68.065(2), F.S. The NSF charges shall be effective on or after the stamped approval date on the tariff sheets, pursuant to Rule 25-30.475(1), F.A.C. In addition, the NSF charges shall not be implemented until Commission staff has approved the proposed customer notice. The Utility shall provide proof of the date the notice was given within 10 days of the date of the notice.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the application for transfer of majority organizational control of Orange Blossom Utilities, Inc. from Nancy Steinmetz Roach to Jonathan S. Dean is hereby approved effective September 15, 2015. It is further

ORDERED that this order shall serve as the water and wastewater certificates, with the territory described in Attachment A. It is further

---

<sup>3</sup> Order Nos. PSC-14-0198-TRF-SU, issued May 2, 2014, in Docket No. 140030-SU, In re: Request for approval to amend Miscellaneous Service charges to include all NSF charges by Environmental Protection Systems of Pine Island, Inc., and PSC-13-0646-PAA-WU, issued November 1, 2013, in Docket No. 130025-WU, In re: Application for increase in water rates in Highlands County by Placid Lakes Utilities, Inc.

ORDERED that the existing rates and charges shall remain in effect until a change is authorized by the Commission in a subsequent proceeding. The tariffs reflecting the transfer shall be effective for services rendered or connections made on or after the stamped approval date on the tariffs, pursuant to Rule 25-30.475(1), Florida Administrative Code. It is further

ORDERED that Orange Blossom Utilities, Inc. revise its tariffs to reflect the non-sufficient funds charges currently set forth in Sections 832.08(5) and 68.065(2), F.S. The non-sufficient funds charges shall be effective on or after the stamped approval date on the tariff sheets pursuant to Rule 25-30.475(1), Florida Administrative Code. It is further

ORDERED the non-sufficient funds charges shall not be implemented until Commission staff has approved the proposed customer notice. Orange Blossom Utilities, Inc. shall provide proof of the date the notice was given within 10 days of the date of the notice. It is further

ORDERED that Attachment A and Schedule Nos. 1 and 2, attached to this Order, are incorporated herein by reference. It is further

ORDERED that a protest is filed within 21 days of the issuance of the order, the tariffs should remain in effect, with any revenues held subject to refund, pending resolution of the protest. It is further

ORDERED that if no timely protest is filed, this docket should be closed upon the issuance of a consummating order.

By ORDER of the Florida Public Service Commission this 6th day of October, 2015.



CARLOTTA S. STAUFFER

Commission Clerk

Florida Public Service Commission

2540 Shumard Oak Boulevard

Tallahassee, Florida 32399

(850) 413-6770

www.floridapsc.com

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.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

The Commission's decision on the tariff portion of this order is interim in nature and will become final, unless a person whose substantial interests are affected by the proposed action files a petition for a formal proceeding, in the form provided by Rule 28-106.201, Florida Administrative Code. This petition must be received by the Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on October 27, 2015.

In the absence of such a petition, this Order shall become final and effective upon the issuance of a Consummating Order.

Any objection or protest filed in this docket before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.

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, 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 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.

Orange Blossom Utilities, Inc.  
Water and Wastewater Service Area  
Sumter County

Section 15, Township 18 South, Range 23 East

Begin at a point 1442.39 feet East of the Northwest corner of Section 15, Township 18 South, Range 23 East, Sumter County, Florida; thence run S.  $89^{\circ}59'25''$  E., 1442.24 feet; thence run S.  $45^{\circ}03'32''$  E., 49.56 feet; thence run S.  $00^{\circ}07'42''$  E., 14.99 feet; thence run S.  $89^{\circ}59'45''$  E., 14.99 feet; thence run S.  $45^{\circ}03'32''$  E., 14.16 feet; thence run S.  $00^{\circ}07'39''$  E., 1271.93 feet; thence run S.  $89^{\circ}55'20''$  W., 661.67 feet; thence run S.  $00^{\circ}05'52''$  E., 609.07 feet to the Northerly right-of-way line of County Road No. 466; thence run along said Northerly right-of-way the following courses: N.  $45^{\circ}43'48''$  W., 96.20 feet to the point of curvature of a curve concave Southwesterly having a radius of 1960.08 feet and a central angle of  $26^{\circ}40'29''$ ; thence run along the arc of said curve 912.54 feet said arc having a chord bearing of N.  $59^{\circ}08'15''$  W.; and a chord distance of 904.32 feet; thence departing said right-of-way run N.  $00^{\circ}01'25''$  E., 1411.10 feet to the point of beginning.

**FLORIDA PUBLIC SERVICE COMMISSION**

**Authorizes**

**Orange Blossom Utilities, Inc.  
Pursuant to  
Certificate Number 639-W**

to provide water service in Sumter County in accordance with the provisions of Chapter 367, Florida Statutes, and 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>
PSC-07-0951-FOF-WS	11/29/2007	070391-WS	Original Certificate
PSC-07-0391-PAA-WS	04/24/2008	070391-WS	Initial Rates and Charges
PSC-15-0423-TRF-WS	10/6/2015	150113-WS	Transfer Majority Organizational Control



**FLORIDA PUBLIC SERVICE COMMISSION**

**Authorizes**

**Orange Blossom Utilities, Inc.  
Pursuant to  
Certificate Number 548-S**

to provide wastewater service in Sumter County in accordance with the provisions of Chapter 367, Florida Statutes, and 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>
PSC-07-0951-FOF-WS	11/29/2007	070391-WS	Original Certificate
PSC-07-0391-PAA-WS	04/24/2008	070391-WS	Initial Rates and Charges
PSC-15-0423-TRF-WS	10/6/2015	150113-WS	Transfer Majority Organizational Control

**Orange Blossom Utilities, Inc.  
Monthly Water Rates**

**Residential and General Service**

Base Facility Charge by Meter Size

5/8" x 3/4"	\$15.48
3/4"	\$23.22
1"	\$38.71
1 1/2"	\$77.41
2"	\$123.86
3"	\$270.95
4"	\$464.47
6"	\$967.65
8"	\$1,393.40

Charge Per 1,000 gallons \$1.43

**Initial Customer Deposit**

**Residential Service and General Service**

5/8" x 3/4" \$52.00

**Miscellaneous Service Charges**

	<u>Business Hours</u>	<u>After Hours</u>
Initial Connection Charge	\$30.00	\$40.00
Normal Reconnection Charge	\$30.00	\$40.00
Violation Reconnection Charge	\$30.00	\$40.00
Premises Visit Charge (in lieu of disconnection)	\$30.00	\$40.00
Late Payment Charge		\$6.00
NSF Check Charge		Pursuant to Florida Statute 832.08(5)

**Orange Blossom Utilities, Inc.  
Water Service Availability Charge**

**Main Extension Charge**

Residential – Per ERC	\$1,440.00
All Other per gallon	\$4.80

**Meter Installation Charge**

5/8" x 3/4"	\$150.00
Over 5/8" x 3/4"	Actual Cost

**Plant Capacity Charge**

Residential – Per ERC	\$560.00
All Other per gallon	\$1.87

**Orange Blossom Utilities, Inc.  
 Monthly Wastewater Rates**

**Residential Service**

Base Facility Charge – All Meter Sizes	\$26.47
Charge Per 1,000 gallons 10,000 gallon cap	\$3.13

**General Service**

Base Facility Charge by Meter Size	
5/8" x 3/4"	\$26.47
3/4"	\$39.72
1"	\$66.19
1 1/2"	\$132.39
2"	\$211.82
3"	\$463.37
4"	\$794.34
6"	\$1,654.88
8"	\$2,383.03
Charge Per 1,000 gallons	\$3.13

**Initial Customer Deposit**

**Residential Service and General Service**

5/8" x 3/4"	\$102.00
-------------	----------

**Miscellaneous Service Charges**

	<u>Business Hours</u>	<u>After Hours</u>
Initial Connection Charge	\$30.00	\$40.00
Normal Reconnection Charge	\$30.00	\$40.00
Violation Reconnection Charge	Actual Cost	Actual Cost
Premises Visit Charge (in lieu of disconnection)	\$30.00	\$40.00
Late Payment Charge		\$6.00
NSF Check Charge	Pursuant to Florida Statute 832.08(5)	

**Orange Blossom Utilities, Inc.  
Wastewater Service Availability Charges**

**Main Extension Charge**

Residential – Per ERC	\$4,450.00
All Other per gallon	\$14.83

**Plant Capacity Charge**

Residential – Per ERC	\$1,050.00
All Other per gallon	\$3.50