

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for transfer of wastewater facilities to the City of Port St. Joe, and cancellation of Certificate No. 422-S, by ESAD Enterprises, Inc. d/b/a Beaches Sewer System.

DOCKET NO. 20230102-SU
ORDER NO. PSC-2023-0337-FOF-SU
ISSUED: November 13, 2023

ORDER ACKNOWLEDGING TRANSFER AND CANCELLING
CERTIFICATE NO. 422-S

BY THE COMMISSION:

ESAD Enterprises Inc. d/b/a Beaches Sewer System (Beaches) is a Class C utility providing service to approximately 256 wastewater customers in Gulf County. On September 5, 2023, Beaches filed an application for transfer of its wastewater facilities to the City of Port St. Joe and cancellation of Certificate No. 422-S. The application included a Purchase Agreement dated November 18, 2022, which became effective on September 30, 2023. 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.

Furthermore, pursuant to Section 367.071(4)(a), F.S., and Rule 25-30.038(2)(d), Florida Administrative Code (F.A.C.), Beaches provided a copy of the document transferring its wastewater facilities. In accordance with Rule 25-30.038(2)(f) and (g), F.A.C., Beaches stated that there were no customer deposits nor interest due to customers. Beaches has paid its regulatory assessment fees through the date of the sale. A copy of the Utility's most recent annual report was provided to the City of Port St. Joe.

We have jurisdiction pursuant to Section 367.071, F.S. Based on the above, the application is in compliance with Sections 367.022(2) and 367.071, F.S., and Rule 25-30.038, F.A.C. The transfer of the wastewater system to the City of Port St. Joe is hereby acknowledged as a matter of right, pursuant to Section 367.071(4)(a), F.S. Certificate No. 422-S is hereby canceled, effective September 30, 2023.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the transfer of ESAD Enterprises Inc. d/b/a Beaches Sewer System's wastewater facilities to the City of Port. St. Joe is hereby acknowledged as a matter of right. It is further

ORDERED that Certificate No. 422-S is canceled, effective September 30, 2023. It is further

ORDERED that this docket is closed.

By ORDER of the Florida Public Service Commission this 13th day of November, 2023.



ADAM J. TEITZMAN
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.

MRT

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.