

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for transfer of) DOCKET NO. 910593-WU
majority organizational control of C. S.) ORDER NO. 25026
Water Company, Inc. from Robert Thomas to) ISSUED: 9/9/91
Clyde and Judith Biston in Hillsborough)
and Pasco Counties.)
_____)

The following Commissioners participated in the disposition of this matter:

SUSAN F. CLARK
J. TERRY DEASON
BETTY EASLEY

ORDER APPROVING TRANSFER

BY THE COMMISSION:

Background

On May 3, 1991, an application was filed with the Commission requesting approval of the transfer of majority organizational control of C. S. Water Company, Inc. (C. S. or Utility) from Robert Thomas to Clyde and Judith Biston. The sale of the stock of C. S. to the Bistons on May 3, 1991, was contingent upon Commission approval of the transfer. C. S. currently provides water service to 283 homes, Two Rivers Ranch and Crystal Springs Recreational Park in Crystal Rivers, Florida.

Application

The application is in compliance with Section 367.071, Florida Statutes, and other pertinent statutes and administrative rules, except for Rule 25-30.037(1)(o), Florida Administrative Code. That Rule requires a utility to provide proof that it owns the land upon which its facilities are located. A fee simple deed was provided with the application in the name of the Utility to show ownership of the land upon which the facilities are located. However, the Utility did not provide title insurance. At the August 27, 1991 Commission Agenda Conference, the Commission found that C. S. should be directed to file title insurance in the name of the Utility within 30 days of the Order issued in this Docket. Subsequent thereto, title insurance was filed in the name of C. S. Water Company, Inc.

The application, which is now complete, contains a filing fee in the amount of \$150, as prescribed by Rule 25-30.020, Florida

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Administrative Code. In addition, the application contains proof of compliance with the noticing provisions of Rule 25-30.030, Florida Administrative Code, including notice to the customers of the system. No objections to the transfer have been received and the time for filing such has expired.

Mr. Biston agreed to purchase the stock of C. S. for \$150,000. Mr. Biston will make a \$30,000 down payment and pay the balance of \$120,000 over 3 years at the interest rate of 10%. Mr. Biston is aware that although he is purchasing the stock for \$150,000, he will only be allowed to earn a return on the Utility's rate base of \$23,395, established as of April 30, 1990.

Mr. Biston does not have any experience in water utility operations. Therefore, Mr. Biston has retained the services of a certified plant operator, Mr. Jerry Williams, to operate the system until he is certified. In addition, according to the Department of Environmental Regulation, there are not outstanding violations against the Utility.

Based on the above information, we find that the transfer of majority organizational control of C. S. from Robert Thomas to Clyde and Judith Biston is in the public interest and it is approved. Certificate No. 235-W has been returned to the Commission for entry reflecting the transfer. Revised tariff sheets have also been filed reflecting the transfer.

Rate Base

The sale of stock of C. S. will not alter the Utility's asset and liability accounts. Accordingly, the transfer of stock ownership will not change the rate base, established by the Commission in Docket No. 900238-WU by Order No. 23853, effective January 2, 1991. Therefore, rate base is not being established in this Docket.

Rates and Charges

Rule 25-9.044(1), Florida Administrative Code, requires the new owner of a utility to adopt and use the rates, classification and regulations of the former operating company unless authorized to change by the Commission. Mr. Biston has not requested a change in the rates and charges of C. S. and we see no reason to change them at this time. C. S. is directed to continue charging the

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rates and charges approved in its tariff until authorized to change by the Commission.

C. S. has filed revised tariff sheets reflecting the change in issuing officer due to the transfer of majority organizational control. The tariff filing shall be effective for service provided or connections made after the stamped approval date on the tariff sheets.

It is, therefore,

ORDERED by the Florida Public Service Commission that the transfer of majority organizational control of C. S. Water Company, Inc. from Robert Thomas, 40 Ranch Road, Thonotosassa, Florida 33592, to Clyde and Judith Biston, 39200 Bay Avenue, Post Office Box 3000, Crystal Springs, Florida 33524, is hereby approved. It is further

ORDERED that C. S. Water Company, Inc. shall continue to charge the rates and charges approved in its tariff until authorized to change by the Commission. The tariff sheets shall be effective for service provided or connections made after the approval date on the tariff sheets. It is further

ORDERED that Docket No. 910593-WU is hereby closed.

By ORDER of the Florida Public Service Commission, this 9th
day of SEPTEMBER, 1991.



STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

ALC

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), 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 Director, Division of Records and Reporting 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 sewer utility by filing a notice of appeal with the Director, Division of Records and Reporting 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.

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ATTACHMENT A

C. S. Water Company, Inc.

TERRITORY DESCRIPTION

In Township 26 South, Range 21 East, Pasco County, Florida.
All of Section 35 and all of Section 36.

In Township 27 South, Range 21 East, Hillsborough County,
Florida, North 1/2 of Section 2 and the NE 1/4 of the NE 1/4
of Section 3.