

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Notice of abandonment of) DOCKET NO. 940222-WU
water system serving Canal Point) ORDER NO. PSC-94-0917-FOF-WU
in Palm Beach County by) ISSUED: July 26, 1994
SOUTHEASTERN STATES UTILITIES,)
INC.)
_____)

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON, Chairman
SUSAN F. CLARK
JULIA L. JOHNSON
DIANE K. KIESLING

ORDER ACKNOWLEDGING APPOINTMENT OF A RECEIVER FOR
SOUTHEASTERN STATES UTILITIES' CANAL POINT WATER SYSTEM
AND CLOSING DOCKET

BY THE COMMISSION:

BACKGROUND

Southeastern States Utilities, Inc. (Southeastern or the utility) is a Class C utility located in Palm Beach County that serves the town of Canal Point near Lake Okeechobee. Since 1976, the system has received bulk water service from the City of Pahokee through a master meter. The 1993 Annual Report indicates that the system serves 224 customers with an annual net income of \$3,657.

Pursuant to Section 367.165, Florida Statutes, on February 23, 1994, William Abroms, as president of Southeastern, filed a notice of abandonment of the water system servicing Canal Point in Palm Beach County. On March 14, 1994, Mr. Abroms filed a supplement to the notice which completed the noticing requirements. In Order No. PSC-94-0584-FOF-WU, issued May 18, 1994 this Commission acknowledged the utility's Notice of Abandonment and addressed the utility's obligation to pay regulatory assessment fees.

On April 22, 1994, Judge James T. Carlisle of the Circuit Court of the Fifteenth Judicial Circuit in and for Palm Beach County, Florida, issued an order in Case No. CL-94-2102-AC appointing Utilities, Inc. of Florida receiver of Southeastern States Utilities, Inc. Utilities, Inc. has owned and operated several utilities in the state for a number of years.

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

Among other provisions, the Circuit Court order appointing Utilities, Inc. receiver requires the owner to surrender all property, assets, documents, and facilities pertaining to the Southeastern States Utilities, Inc. water system to the receiver. The order requires the receiver to operate and maintain the utility, collect all revenues, and provide adequate and uninterrupted service to customers, as well as pay all operating expenses from the revenues received. These revenues are to be maintained by the receiver in an insured banking account. The receiver may, by order of the court, authorize construction for improvements to the property.

The Circuit Court order also recognizes that in accordance with Chapter 367, Florida Statutes, the receiver operating an abandoned utility shall be considered to hold a temporary authorization from the Public Service Commission. As such, the receiver shall be responsible for filing the 1994 annual report pursuant to Rule 25-30.110, Florida Administrative Code, and Sections 367.021 (12) and 367.165(3), Florida Statutes, and filing the 1994 regulatory assessment fees pursuant to Rule 25-30.120, Florida Administrative Code. In addition, the receiver is required to do all things required of a regulated utility.

In consideration of the above, we find it appropriate to acknowledge Utilities, Inc. of Florida as receiver for the Southeastern States Utilities, Inc. system at Canal Point.

Rule 25-30.120, Florida Administrative Code, requires the payment of regulatory assessment fees on or before March 31 for the preceding year. In Order No. PSC-94-0584-FOF-WU, we addressed the utility's responsibility to pay past due regulatory assessment fees for 1993. In that Order, we found that "neither Southeastern's apparent inability to pay, nor the pending abandonment proceedings eliminates the utility's responsibility for payment of the fees." Because Southeastern's obligation to pay the fees arose prior to the abandonment of the water system, we found that Southeastern States, not the potential receiver, should be held responsible for the fees.

The primary purpose of this docket was to acknowledge the initial abandonment and recognize the appointment of a receiver. Therefore, we find it to be appropriate to close this docket. The collection of the 1993 regulatory assessment fees, and any penalties and fines, shall be addressed in a separate docket.

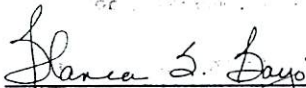
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Based on the foregoing, it is, therefore,

ORDERED by the Florida Public Service Commission that the appointment of Utilities, Inc. as receiver of the Canal Point Water System, previously owned by Southeastern States Utilities, Inc. is hereby acknowledged. It is further

ORDERED that this docket is closed.

By ORDER of the Florida Public Service Commission, this 26th day of July, 1994.



BLANCA S. BAYO, Director
Division of Records and Reporting

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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 Civil Procedure. The notice of appeal must be in the form specified in Rule 9.900 (a), Florida Rules of Appellate Procedure.