

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Notice of abandonment of ) DOCKET NO. 941122-WU  
water system in Levy County by ) ORDER NO. PSC-95-0222-FOF-WU  
MANATEE UTILITIES, INC. ) ISSUED: February 17, 1995  
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The following Commissioners participated in the disposition of this matter:

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

ORDER ACKNOWLEDGING ABANDONMENT OF  
MANATEE UTILITIES, INC. WATER SYSTEM  
AND ACKNOWLEDGING APPOINTMENT OF RECEIVER

BY THE COMMISSION:

Manatee Utilities, Inc. (Manatee or utility) is a Class C utility which provides water service to 33 customers in Chiefland County Estates in Levy County. The annual report for 1993 shows that the utility earned revenues of \$6,664, with a net operating loss of \$6,834.

On August 26, 1994, Mr. James E. Bennett, President of Manatee, gave notice of intent to abandon the water system, pursuant to the provisions of Section 367.165, Florida Statutes. On Monday, October 31, 1994, Mr. Frank E. Woodward began operating the water system with the approval and assistance of Levy County authorities. On November 22, 1994, Judge Joseph Smith of the Circuit Court of the Eighth Judicial Circuit in and for Levy County, issued an order in Case No. 94-676-CA appointing Mr. Woodward as receiver of the system. On December 27, 1994, Mr. Woodward purchased the mortgage note for Manatee.

Among other provisions, the court order appointing Mr. Woodward as the receiver of the water system requires the owner to surrender all property, assets, documents, and facilities pertaining to the Manatee water system to the receiver. The order requires the receiver to operate and maintain the utility, collect all revenues, and provide and maintain efficient, effective and environmentally sound continuous water service to customers, as well as pay all operating expenses from the revenues received. The

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order also directs the receiver to make extensions, repairs, replacements and improvements to the utility as necessary.

Prior to Mr. Woodward operating the water system, the utility had not complied with testing requirements required by the Department of Environmental Protection (DEP). Specifically, information on Primary Organics, Secondary Standards, Volatile Organic Contaminants and Radionuclides must be submitted to DEP. According to Mr. Woodward, these water tests are currently being performed.

Pursuant to Section 367.165, Florida Statutes, we hereby acknowledge the abandonment of the Manatee Utilities, Inc. water system, and further acknowledge the appointment of Mr. Woodward as receiver of that system.

In accordance with Rule 25-30.110, Florida Administrative Code, Mr. Woodward, as receiver, shall be responsible for filing the 1994 annual report for the utility. Furthermore, in accordance with Rule 25-30.120, Florida Administrative Code, the receiver shall file the utility's 1994 regulatory assessment fees.

Section 367.071, Florida Statutes, states that no utility shall transfer its facilities without the approval of the Commission. As noted herein, Mr. Woodward purchased the mortgage note for Manatee. Because Mr. Woodward now owns the land where the water plant is located, we find it appropriate to require Mr. Woodward to file an application for a transfer for this water system by May 31, 1995.

No further action is required in this docket, and it shall be closed.

Based on the foregoing, it is, therefore,

ORDERED by the Florida Public Service Commission that the abandonment of the Manatee Utilities, Inc. water system is hereby acknowledged. It is further

ORDERED that the appointment of Mr. Frank E. Woodward as receiver of the Manatee Utilities, Inc. water system is hereby acknowledged. It is further

ORDERED that Mr. Frank E. Woodward, as receiver, shall file the 1994 annual report and 1994 regulatory assessment fees for Manatee Utilities, Inc. It is further

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ORDERED that Mr. Frank E. Woodward shall file an application for transfer of Manatee Utilities, Inc. by May 31, 1995. It is further

ORDERED that this docket shall be closed.

By ORDER of the Florida Public Service Commission, this 17th day of February, 1995.

BLANCA S. BAYO, Director  
Division of Records and Reporting

by: Kay Flynn  
Chief, Bureau of Records

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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 and/or wastewater 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.