

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application For Approval) DOCKET NO. 950951-WS
of Transfer of Beauclerc) ORDER NO. PSC-95-1096-FOF-WS
Utilities Company to City of) ISSUED: September 5, 1995
Jacksonville and Cancellation)
of Certificates Nos. 210-W and)
155-S in Duval County.)
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ORDER ACKNOWLEDGING SALE OF BEAUCLERC UTILITIES
COMPANY TO THE CITY OF JACKSONVILLE, CANCELLING
CERTIFICATES NOS. 210-W AND 155-S AND CLOSING DOCKET

BY THE COMMISSION:

On August 11, 1995, Beauclerc Utilities Company (Beauclerc or Utility) filed an application with this Commission for acknowledgment of the transfer of its water and wastewater facilities to the City of Jacksonville, in Duval County, Florida. The closing is scheduled to occur on August 30, 1995.

The provisions of Section 367.071, Florida Statutes, require an application for approval of sale or transfer of water and/or wastewater utilities to governmental agencies, although such sales are approved as a matter of right. Subsection 367.022(2), Florida Statutes, exempts from regulation by the Commission systems owned, operated, managed or controlled by governmental agencies.

Rule 25-30.037(4)(g), Florida Administrative Code, requires a utility to submit a statement regarding disposition of customer deposits. According to the Asset Purchase Agreement with the City of Jacksonville, Beauclerc will jointly read the meters of the customers as close to the date of the closing of the sale as possible. Beauclerc will then bill the customers for water and wastewater service up to the joint meter reading date. The utility will credit the amount billed to the customers by the amount of any deposit being held together with accumulated interest, and by the prorated amount of any Flat Rate Facility Charge previously paid by the customer for any portion of the charge period occurring after the date of the closing. If the amount of the credits exceeds the charges, the excess will be paid promptly to the customer.

Pursuant to Rule 25-30.037(4)(e), Florida Administrative Code, Beauclerc provided a statement that the City has obtained from the utility the most recent available income and expense statement, balance sheet, statement of rate base for regulatory purposes and contributions-in-aid-of-construction.

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

Beauclerc has not paid regulatory assessment fees for 1995. Therefore, the Utility shall remain responsible for paying regulatory assessment fees for 1995, up to the date of the sale to the City of Jacksonville. There are no other dockets pending involving this system.

On the basis of the foregoing, we find it appropriate to acknowledge the transfer of the Beauclerc to the City of Jacksonville and cancel Certificates Nos. 210-W and 155-S. Beauclerc shall return the Certificates to this Commission within 20 days of the date of this Order for cancellation.

It is, therefore,

ORDERED by the Florida Public Service Commission that the sale of Beauclerc Utilities Company, 8729 Old Kings Road South, Jacksonville, Florida 32217, to the City of Jacksonville, 515 North Laura Street, Jacksonville, Florida 32202-3156, is hereby acknowledged. It is further

ORDERED that Certificates Nos. 210-W and 155-S are hereby cancelled. Beauclerc Utilities Company is directed to return the Certificates to this Commission for cancellation within 20 days of the date of this Order. It is further

ORDERED that Beauclerc Utilities Company shall remain responsible for all outstanding regulatory assessment fees. It is further

ORDERED that Docket No. 950951-WS is hereby closed.

By ORDER of the Florida Public Service Commission, this 5th day of September, 1995.



BLANCA S. BAYÓ, 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, 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 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.