

FLORIDA PUBLIC SERVICE COMMISSION  
Capital Circle Office Center • 2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

M E M O R A N D U M

August 1, 1996

TO: DIRECTOR, DIVISION OF RECORDS AND REPORTING (BAYO)

FROM: DIVISION OF WATER & WASTEWATER (TOMLINSON) *6/28*  
DIVISION OF LEGAL SERVICES (PELLEGRINI) *CG*

RE: DOCKET NO. 960800-SU - WEBER INVESTMENTS, INC. -  
ACKNOWLEDGEMENT OF ABANDONMENT OF WASTEWATER SYSTEM IN  
PUTNAM COUNTY BY WEBER INVESTMENTS, INC. AND NAMING  
PUTNAM COUNTY AS RECEIVER.  
COUNTY: PUTNAM

AGENDA: AUGUST 13, 1996 - REGULAR AGENDA - INTERESTED PERSONS MAY  
PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: S:\PSC\WAW\WP\960800SU.RCM

---

DOCUMENT NUMBER-DATE

08075 AUG-1 96

FPSC-RECORDS/REPORTING

DOCKET NO. 960800-SU  
DATE: August 1, 1996

#### CASE BACKGROUND

Weber Investments, Inc. (Weber or utility) is a Class C utility located in Putnam County. The system provides service to approximately 58 mobile homes within the Port Buena Vista Subdivision. Although the utility was constructed in 1969, and the owner has been operating the utility since 1972, the Commission did not learn of the utility's existence until October 1992. As a result, on June 29, 1994, the utility was granted Certificate No. 491-S by Order No. PSC-94-0805-FOF-SU.

Pursuant to Section 367.165, Florida Statutes, a utility must give sixty days notice to this Commission prior to abandonment. The utility provided notice on May 13, 1996 as required. Subsequent to the notice of abandonment, the County and the Commission learned that although the date of abandonment had not occurred, the utility was delinquent in paying the electric bill and the electric provider intended to promptly disconnect the electrical service. In addition, the owner's, Mr. Weber's, telephone number had been disconnected and could no longer be reached. To allow the electrical service to be disconnected would have deprived the customers of essential services and could possibly cause irreparable injury in the form of serious health and environmental problems. As a result, on June 4, 1996, Putnam County petitioned the Court for appointment of receiver. On June 4, 1996, Weber was declared abandoned by Judge Stephen L. Boyles of the Circuit Court of the Seventh Judicial Circuit for Putnam County. The same Order appointed Putnam County receiver over the system until further order of the Court. This docket has been opened to recognize the abandonment and the appointment of a receiver.

DOCKET NO. 960800-SU  
DATE: August 1, 1996

**DISCUSSION OF ISSUES**

**ISSUE 1:** Should the Commission acknowledge the abandonment of Weber Investments, Inc. in Putnam County and the appointment of Putnam County as receiver?

**RECOMMENDATION:** Yes. The Commission should acknowledge the abandonment of Weber Investments, Inc. and the appointment of Putnam County as receiver. (TOMLINSON)

**STAFF ANALYSIS:** On May 13, 1996, Weber Investments, Inc. provided notice of abandonment pursuant to Section 367.165, Florida Statutes. On June 4, 1996, Judge Stephen L. Boyles in the Circuit Court of the Seventh Judicial Circuit for Putnam County issued an Order in Case No. 96-5223-CA-53, finding the system abandoned and appointing Putnam County as receiver of Weber Investments, Inc. In this case, the facility is being abandoned because the owner, Mr. Warren Weber, is re-locating out of state and believes that he no longer will be able to devote the necessary attention to the facility.

Among other provisions, the Circuit Court Order appointing Putnam County receiver requires that the owner surrender all property, assets, documents and facilities pertaining to Weber Investments, Inc. to the receiver. The Order also stated that the receiver would not be liable for debts, cost, or other obligations relating to the system incurred prior to the date of the Order. The Order requires the receiver to pay all operating expenses from the revenues received.

Based on the foregoing, staff recommends that the Commission acknowledge Weber Investment, Inc.'s abandonment and the appointment of Putnam County as receiver for the Utility. Pursuant to Sections 367.031 and 361.022(2), Florida Statutes, Putnam County is exempt from Commission regulation.

For information, there are outstanding regulatory assessment fees, and staff will pursue collection efforts in another docket.

DOCKET NO. 960800-SU  
DATE: August 1, 1996

ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes. This docket should be closed. (TOMLINSON, PELLEGRINI)

STAFF ANALYSIS: Staff believes it would be more appropriate to allow this docket to be closed. The primary purpose of this docket was to inform the Commission of the abandonment and recognize Putnam County as receiver of Weber Investments, Inc. Therefore, Staff recommends this docket be closed.