

FLORIDA PUBLIC SERVICE COMMISSION
Capital Circle Office Center • 2540 Shumard Oak Boulevard
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M E M O R A N D U M

AUGUST 22, 1996

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

FROM: DIVISION OF WATER & WASTEWATER (BRADY) *pb gpm*
DIVISION OF LEGAL SERVICES (PELLEGRINI) *Mr. B*

RE: DOCKET NO. ~~960802-WU~~ - MANATEE UTILITIES, INC. - NOTICE
OF ABANDONMENT OF MANATEE UTILITIES, INC. BY FRANK E.
WOODWARD.
COUNTY: LEVY

AGENDA: SEPTEMBER 3, 1996 - REGULAR AGENDA - INTERESTED PERSONS
MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: S:\PSC\WAW\WP\960802-WU.RCM

CASE BACKGROUND

Manatee Utilities, Inc., (Manatee) is a Class C water utility serving approximately 50 customers in Chiefland County Estates in Manatee County, Florida. The utility has operated under Certificate No. 411-W since December 9, 1983. The utility's 1994 annual report on file with the Commission lists total gross revenues of \$6,207 with a net operating loss of \$6,934. The utility has not filed a 1995 annual report.

On July 3, 1996, the Commission received notice from Mr. Frank E. Woodward of his intent to abandon Manatee. As of the date of this memorandum, Levy County had not yet petitioned the Circuit Court to appoint a receiver. This recommendation is being brought to the Commission for purposes of acknowledging the abandonment. Once a receiver for the utility has been appointed by the Circuit Court, staff will bring another recommendation to the Commission to acknowledge the appointment of a receiver.

DOCUMENT NUMBER-DATE

08839 AUG 21 1996

FPSC-RECORDS/REPORTING

DOCKET NO. 960802-WU
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DISCUSSION OF ISSUES

ISSUE 1: Should the Commission acknowledge the abandonment of Manatee Utilities, Inc.?

RECOMMENDATION: Yes, the Commission should acknowledge the abandonment of Manatee Utilities, Inc. (BRADY, PELLEGRINI)

STAFF ANALYSIS: As stated in the Case Background, On July 3, 1996, Mr. Frank E. Woodward notified the Commission that, "...due to factors beyond my control, I am hereby abandoning any claim to or responsibility for the water system known as Manatee Utilities." In Order No. PSC-95-0222-FOF-WU, issued February 17, 1995, in Docket No. 941122-WU, the Commission acknowledged the abandonment of the utility by the prior owner, Mr. James E. Bennett, and the appointment of Mr. Woodward as receiver. The order required that Mr. Woodward file an application for transfer by May 31, 1995. The application for transfer was never received. In addition, there is no record that the purchase of the utility by Mr. Woodward was acknowledged by the Circuit Court and that, as a consequence, Mr. Woodward's responsibility as receiver was vacated.

Nevertheless, on November 8, 1995, Mr. Woodward filed notice of intent to abandon the utility pursuant to Section 367.165, Florida Statutes, and Docket No. 951445-WU was opened. Shortly after the notice of abandonment was filed and prior to the County taking any action, Mr. Woodward reconsidered. On February 1, 1996, Mr. Woodward filed official notice with the Commission staying the abandonment and requesting that Docket No. 951445-WU be closed. Another application for transfer of Certificate No. 411-W was sent to Mr. Woodward on March 13, 1996. Again, a completed application was not received. Instead, on July 3, 1996, the Commission received the above-quoted notice from Mr. Woodward of his intent to abandon Manatee and this docket was opened.

Section 367.165(1), Florida Statutes, requires 60 days' notice prior to the abandonment of a utility. As a consequence, Manatee may become abandoned effective September 1, 1996. As of the date of this memorandum, Levy County had not yet petitioned the Circuit Court to appoint a receiver, or successor-receiver, as the case may be. However, staff is bringing this recommendation to the Commission so that it can acknowledge Mr. Woodward's intent to abandon Manatee. Once a receiver for the utility has been appointed by the Circuit Court, staff will bring another recommendation to the Commission to acknowledge that appointment.

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ISSUE 2: Should this docket be closed?

RECOMMENDATION: No. The docket should remain open until the Commission acknowledges the appointment of a receiver for Manatee Utilities, Inc. (PELLEGRINI)

STAFF ANALYSIS: As of the time of this recommendation, Levy County has not petitioned the Circuit Court to appoint a receiver for Manatee Utilities, Inc. Therefore, the docket should remain open until the Commission has acknowledged the appointment of the receiver.