

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Notice of Abandonment of ) DOCKET NO. 960802-WU  
Manatee Utilities, Inc. in Levy ) ORDER NO. PSC-96-1186-FOF-WU  
County by Frank E. Woodward ) ISSUED: September 20, 1996  
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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

BY THE COMMISSION:

Manatee Utilities, Inc., (Manatee or utility) 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, we received notice from Frank E. Woodward of his intent to abandon Manatee, in which he stated that "due to factors beyond my control, I am hereby abandoning any claim to or responsibility for the water system known as Manatee Utilities." Levy County has yet to petition the circuit court to appoint a receiver.

In Order No. PSC-95-0222-FOF-WU, issued February 17, 1995, in Docket No. 941122-WU, we acknowledged the abandonment of the utility by the prior owner, 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, Mr. Woodward's purchase of the utility's mortgage note has apparently never been acknowledged by the circuit court nor, as a consequence, Mr. Woodward's responsibility as receiver for the utility 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

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after the notice of abandonment was filed and prior to Levy County taking any action, Mr. Woodward, on February 1, 1996, filed official notice 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, we received the instant notice from Mr. Woodward.

Section 367.165(1), Florida Statutes, requires 60 days notice prior to the abandonment of a utility. As a consequence, Manatee became abandoned on September 1, 1996. Levy county has assumed responsibility for the operation of the utility. Accordingly, we find it appropriate to acknowledge the abandonment of Manatee Utilities, Inc., by Frank E. Woodward.

This docket shall remain open until some appropriate disposition of the utility is made.

Based on the foregoing, it is

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

ORDERED that this docket shall remain open.

By ORDER of the Florida Public Service Commission, this 20th day of September, 1996.

BLANCA S. BAYÓ, Director  
Division of Records and Reporting

by: Kay DeLo  
Chief, Bureau of Records

( S E A L )

CJP

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 this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code, if issued by a Prehearing Officer; (2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or (3) 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 wastewater utility. A motion for reconsideration shall be filed with the Director, Division of Records and Reporting, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.