

MEMORANDUM

March ³⁰~~24~~, 1998

RECEIVED

MAR 30 1998
12:55
FPSC - Records Reporting

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (VACCARO) *[Handwritten initials]*

RE: DOCKET NO. 980271-WS - CANCELLATION OF CERTIFICATE NO. 491-S ISSUED TO WEBER INVESTMENT CORPORATION AND CERTIFICATE 558-W ISSUED TO LANDIS ENTERPRISES, INC. IN PUTNAM COUNTY, AND CERTIFICATES NOS. 326-W AND 274-S ISSUED TO PINE ISLAND UTILITY CORPORATION IN VOLUSIA COUNTY, DUE TO TRANSFER OF SYSTEMS TO RESPECTIVE COUNTY GOVERNMENTS.

98-0446-FOF 1115

Attached is an ORDER CANCELLING CERTIFICATES AND FINDING WEBER INVESTMENT CORPORATION RESPONSIBLE FOR FILING OF ANNUAL REPORTS AND PAYMENT OF REGULATORY ASSESSMENT FEES, to be issued in the above-referenced docket.

(Number of pages in order - 5)

3 sent - Rtr.

TV/dr

Attachment

cc: Division of Water and Wastewater (Messer)

I:980271or.tv

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation of
Certificate No. 491-S issued to
Weber Investment Corporation and
Certificate 558-W issued to
Landis Enterprises, Inc. in
Putnam County, and Certificates
Nos. 326-W and 274-S issued to
Pine Island Utility Corporation
in Volusia County, due to
transfer of systems to
respective county governments.

DOCKET NO. 980271-WS
ORDER NO. PSC-98-0446-FOF-WS
ISSUED: March 30, 1998

The following Commissioners participated in the disposition of
this matter:

JULIA L. JOHNSON, Chairman
J. TERRY DEASON
SUSAN F. CLARK
JOE GARCIA
E. LEON JACOBS, JR.

ORDER CANCELLING CERTIFICATES AND FINDING WEBER INVESTMENT
CORPORATION RESPONSIBLE FOR FILING OF ANNUAL REPORTS AND
PAYMENT OF REGULATORY ASSESSMENT FEES

BY THE COMMISSION:

BACKGROUND

This Order addresses three utility systems; each has been
abandoned, and the county in which each utility operates has been
appointed receiver by the local circuit court. The three Class C
systems are Landis Enterprises, Inc. and Weber Investments
Corporation in Putnam County, and Pine Island Utility Corporation
in Volusia County.

Landis Enterprises, Inc. (Landis) served 64 customers.
According to its last required annual report, the utility earned
revenues of \$14,299 and experienced a net operating loss of \$16,816
in 1993. Weber Investments Corporation (Weber) provided service to
approximately 58 customers. According to its certificate

DOCUMENT NUMBER DATE

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application, Weber's estimated annual revenue in 1992 was \$14,016, with a net loss of \$9,000. Pine Island Utility Corporation (Pine Island) served approximately 86 water and 71 wastewater customers. According to its last required annual report, the utility earned 1993 water and wastewater revenues of \$7,754 and \$8,456, respectively, and experienced water and wastewater net operating losses of \$24,979 and \$18,034, respectively.

CANCELLATION OF CERTIFICATES

We recently became aware that the aforementioned utility systems still retain active, Commission certificates. However, we recognized Putnam and Volusia Counties as receivers in Orders Nos. PSC-95-0844-FOF-WU, issued July 14, 1995, PSC-96-1087-FOF-SU, issued August 23, 1996 and PSC-95-0842-FOF-WS, issued July 14, 1995, respectively.

By the aforementioned Orders, we granted Putnam and Volusia Counties' requests for exemption from Commission regulation for operation of Landis and Pine Island, under Section 367.022(2), Florida Statutes. Pursuant to Section 367.022(2), Florida Statutes, a utility system that is operated, managed and controlled by a governmental entity is not subject to this Commission's regulation. However, in the case of Weber, we simply acknowledged Putnam County's appointment as receiver and its exempt status on August 23, 1996, since Section 367.022(2), Florida Statutes, became self-executing on July 1, 1996.

Although we found or acknowledged the exempt status of the counties, the Orders are silent on the cancellation of certificates. Because the facilities are exempt from Commission regulation, we find it appropriate to cancel the utilities' certificates.

We advised both Putnam and Volusia Counties of our intention to cancel the aforementioned certificates. The counties affirmed that they will continue to operate the utilities. The counties understand that if a disposition of a utility is made to an entity subject to our regulation, they will inform us.

ANNUAL REPORTS AND REGULATORY ASSESSMENT FEES

Although the responsibility for annual reports and regulatory assessment fees was addressed in two of the orders previously discussed, the third order, acknowledging Putnam County as receiver for Weber, did not specifically address these issues.

Pursuant to Rule 25-30.110, Florida Administrative Code, Weber was responsible for filing annual reports while operating under our jurisdiction. Likewise, pursuant to Sections 350.113 and 367.145, Florida Statutes, and Rule 25-30.120, Florida Administrative Code, Weber was responsible for paying regulatory assessment fees during that period. Weber failed to file annual reports for 1993 through June 4, 1996. Weber also failed to pay regulatory assessment fees for 1992 through June 4, 1996. Weber's obligation to file annual reports and pay regulatory assessment fees ended on June 4, 1996 when Putnam County was appointed receiver. Putnam County does not owe regulatory assessment fees because it is exempt from Commission regulation pursuant to Section 367.022(2), Florida Statutes.

Based on the foregoing, we find that Weber Investment Corporation is responsible for filing annual reports and paying regulatory assessment fees, as set forth above. We will address the collection of these reports and fees, including appropriate penalties and interest, in a separate docket after internal collection efforts are attempted.

Upon cancellation of the aforementioned certificates, no further action in this docket is required and the docket shall be closed.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Certificates Nos. 558-W and 491-S, held by Putnam County on behalf of Landis Enterprises, Inc. and Weber Investments Corporation, respectively, are hereby cancelled. It is further

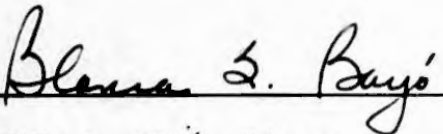
ORDERED that Certificates Nos. 326-W and 274-S, held by Volusia County on behalf of Pine Island Utility Corporation, are hereby cancelled. It is further

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ORDERED that Weber Investments Corporation is responsible for filing of annual reports and payment of regulatory assessment fees, as set forth in the body of this Order. It is further

ORDERED that this docket shall be closed.

By ORDER of the Florida Public Service Commission this 30th day of March, 1998.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), 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.