

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for sale, assignment, or transfer of Certificates Nos. 523-W and 457-S in Sumter County from EGR Enterprises, Inc. d/b/a Wildwood Estates to LHTW Properties, Inc. d/b/a Wildwood Estates.

DOCKET NO. 961444-WS
ORDER NO. PSC-99-0301-FOF-WS
ISSUED: February 16, 1999

The following Commissioners participated in the disposition of this matter:

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

ORDER MODIFYING ORDER NO. PSC-98-1571-FOF-WS

BY THE COMMISSION:

BACKGROUND

Wildwood Estates (utility) is a Class C water and wastewater utility providing service to approximately 79 mobile home customers in Sumter County. The utility reported 1997 combined gross revenues of \$12,940 and a combined net operating loss of \$27,860.

Certificates Nos. 523-W and 457-S were originally granted to Heritage Wood 'N Lakes Estates (Heritage) by Order No. 22152, issued November 6, 1989, in Docket No. 890730-WS. On April 4, 1991, the utility assets were acquired by EGR Enterprises, Inc. d/b/a Wildwood Estates (EGR). On November 30, 1993, a little over a year later, EGR sold the utility assets to LHTW Properties, Inc. d/b/a Wildwood Estates (LHTW) without prior Commission notification and approval.

Since LHTW continued to file annual reports and regulatory assessment fees for the utility under the same d/b/a and from the same address as EGR, we did not become aware a transfer had

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occurred until March, 1996. After several filing extensions, an application for transfer of Certificates Nos. 523-W and 457-S from EGR to LHTW was filed on December 3, 1996. By Order No. PSC-98-1571-FOF-WS, issued November 23, 1998, we approved the transfer and declined to initiate a show cause proceeding against EGR for an apparent violation of Section 367.071, Florida Statutes.

Because the utility operated under the d/b/a of Wildwood Estates both before and after the transfer, Order No. PSC-98-1571-FOF-WS required the name on the certificates to remain unchanged, based upon the assumption that only the fictitious name would appear on the certificates. Hence, it appeared there was no need to change the name on the certificates. However, this part of Order No. PSC-98-1571-FOF-WS is in error because the certificates should identify the corporation's name in addition to the fictitious name. Accordingly, Order No. PSC-98-1571-FOF-WS is hereby modified to reflect that Certificates Nos. 523-W and 457-S shall be issued in the name of LHTW Properties, Inc. d/b/a Wildwood Estates. Order No. PSC-98-1571-FOF-WS is affirmed in all other respects.

No further action is required, and this docket shall be closed.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Order No. PSC-98-1571-FOF-WS is hereby modified to reflect that Certificates Nos. 523-W and 457-S shall be issued in the name of LHTW Properties, Inc. d/b/a Wildwood Estates. It is further

ORDERED that Order No. PSC-98-1571-FOF-WS is hereby affirmed in all other respects.

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By ORDER of the Florida Public Service Commission this 16th
day of February, 1999.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

By:

Kay Flynn
Kay Flynn, Chief
Bureau of Records

(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.