

APPLICATION FOR TRANSFER TO GOVERNMENTAL AUTHORITY

(Pursuant to Section 367.071(4)(a), Florida Statutes)

TO: Director, Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850

ORIGINAL

991937-SU

The undersigned hereby makes application for the approval of the transfer of (all ~~or part~~) of the facilities operated under Water Certificate No. N/A and/or Wastewater Certificate No.

261-S -SU-292 located in BAY County,

Florida, and submits the following:

PART I APPLICANT INFORMATION

A) The full name (as it appears on the certificate), address and telephone number of the seller (utility):

Forest Shores Utilities, Inc.

Name of utility

(850) 871-6111

Phone No.

(850) 874-1000

Fax No.

6138 E. Highway 98

Office street address

Panama City

City

FL

State

32404

Zip Code

N/A

Mailing address if different from street address

N/A

Internet address if applicable

B) The name, address and telephone number of a representative of the utility to contact concerning this application:

James H. Crews (850) 871-6111

Name Phone No.

6138 E. Highway 98

Street address

Panama City FL 32404

City State Zip Code

C) The full name, address and telephone number of the governmental authority:

City of Callaway

Name of utility

(850) 871-6000 ()

Phone No. Fax No.

6601 E. Hwy 22

Office street address

Panama City FL 32404

City State Zip Code

N/A

Mailing address if different from street address

N/A

Internet address if applicable

D) The name, address and telephone number of a representative of the governmental authority to contact concerning this application:

Mrs. Judy Whitis (850) 871-6000

Name Phone No.

6601 E. Hwy 22

Street address

Panama City FL 32404

City State Zip Code

PART II FINANCIAL INFORMATION

- A) Exhibit "A" - A copy of the contract pursuant to Rules 25-30.037(4)(c) and (d), Florida Administrative Code.
- B) Exhibit "B" - A statement regarding the disposition of customer deposits and the accumulated interest thereon.
- C) Exhibit "C" - A statement regarding the disposition of any outstanding regulatory assessment fees, fines or refunds owed.
- D) Exhibit "D" - A statement that the buyer (governmental authority) obtained from the utility or the Commission the utility's most recent available income and expense statement, balance sheet and statement of rate base for regulatory purposes and contributions-in-aid-of-construction.
- E) Indicate the date on which the buyer proposes to take official action to acquire the utility:

November 1, 1999

If only a portion of the utility's facilities is being transferred, a revised territory description and map of the utility's remaining territory must be provided, as discussed in PART III, below.

IF THE UTILITY'S ENTIRE FACILITIES ARE BEING TRANSFERRED, PLEASE DISREGARD PART III OF THIS APPLICATION FORM.

PART III CERTIFICATION

A) **TERRITORY DESCRIPTION**

Exhibit N/A - An accurate description of the utility's revised territory. If the water and wastewater territory is different, provide separate descriptions.

Note: Use the Survey of Public Lands method (township, range, section, and quarter section), if possible, or a metes and bounds description. Give the subdivision or project name. The description should NOT refer to land grants or plat books, but may use geographic boundaries (i.e., road right-of-ways, railroads, rivers, creeks, etc). The object is to make the description as brief, but as accurate as possible.

B) **TERRITORY MAPS**

Exhibit N/A - One copy of an official county tax assessment map or other map showing township, range and section with a scale such as 1"=200' or 1"=400' on which the remaining territory is plotted by use of metes and bounds or quarter sections and with a defined reference point of beginning. If the water and wastewater territory is different, provide separate maps.

C) **TARIFF SHEETS**

Exhibit N/A - The original and two copies of tariff sheet(s) revised to show correct service territory. Please refer to Rules 25-9.009 and 25-9.010, Florida Administrative Code, regarding page numbering of tariff sheets before preparing the tariff revisions. (Pages 9-10.) Sample tariff sheets are attached. (Pages 11-14.)

PART IV AFFIDAVIT

I James H. Crews (applicant) do solemnly swear or affirm that the facts stated in the foregoing application and all exhibits attached thereto are true and correct and that said statements of fact thereto constitute a complete statement of the matter to which it relates.

BY: *James H. Crews*
Applicant's Signature
James H. Crews
Applicant's Name (Typed)
President
Applicant's Title *

Subscribed and sworn to before me this Dec 8, 99
of _____ 19



Frances A Warfield
My Commission CC578320
Expires Aug. 18, 2000

Frances A. Warfield
Notary Public

* If the applicant is a corporation, the affidavit must be made by the president or other officer authorized by the by-laws of the corporation to act for it. If the applicant is a partnership or association, a member of the organization authorized to make such affidavit shall execute same.



FLORIDA PUBLIC SERVICE COMMISSION

CERTIFICATE NUMBER

261-S

Upon consideration of the record it is hereby ORDERED that authority be and is hereby granted to

FOREST SHORES UTILITIES, INC.,

Whose principal address is

6242 East Highway 98

Panama City, Florida 32401 (Bay County)

to provide sewer service in accordance with the provisions of Chapter 367, Florida Statutes, the Rules, Regulations and Orders of this Commission in the territory described by the Orders of this Commission.

This Certificate shall remain in force and effect until suspended, cancelled or revoked by Orders of this Commission.

ORDER 8685 DATED 1/23/79 DOCKET 780034-S

ORDER _____ DATED _____ DOCKET _____

ORDER _____ DATED _____ DOCKET _____

ORDER _____ DATED _____ DOCKET _____

BY ORDER OF THE
FLORIDA PUBLIC SERVICE COMMISSION


Commission Clerk


Chairman



EXHIBIT "B"

All deposits have been refunded.

EXHIBIT "C"

Assessment fees inclosed thru October 31, 1999

EXHIBIT "D"

A copy of annual return provided to City of Callaway.

SEWER SYSTEM PURCHASE AGREEMENT

THIS AGREEMENT made this 29th day of Nov., 1999, by and between FOREST SHORES UTILITIES, INC., a Florida corporation, ("Seller") of 6138 E. Highway 98, Panama City, FL 32404, and the CITY of CALLAWAY, a Florida municipal corporation, ("Buyer") of 6601 E. Highway 22, Callaway, FL 32404,

WITNESSETH:

WHEREAS, heretofore Seller has operated a sanitary sewer collection system within the municipal limits of the Buyer, and,

WHEREAS, the effluent from said collection system is now being treated through the municipal system of Buyer, and Seller desires to relieve itself of the responsibilities of the sewer collection business, which responsibility the Buyer is willing to purchase and accept only upon receipt of ownership of the collection system and facilities presently operated and owned by Seller.

NOW, THEREFORE, in consideration of the mutual covenants herein written and in reliance hereon each by the other and intending to be legally bound, the parties agree:

1. Seller hereby conveys and sets over unto Buyer and its successors in interest all right, title and interest in and to the sanitary sewer collection system and any related

appliances, machinery or appurtenances presently used or owned in connection with it along with all the rights given to Seller in Docket No. 780034-3 and Sewer Certificate No. 261-S, and Buyer accepts ownership and responsibility for the future maintenance and operation of said system, having inspected the system in its present condition and finding it to be satisfactory for the uses and purposes intended by the Buyer.

2. Seller warrants that it is in possession of the sanitary sewer collection system and all appurtenances or easements owned or used in connection with it. The Seller hereby transfers all of its rights, title and interest in the ownership, access, operation and maintenance of the sanitary sewer collection system, its franchise rights and customers records to the Buyer. Seller's access rights, whether they be transferred by gift or purchase in this transaction, form a material part of the consideration flowing to Buyer.

3. The Seller dedicated easements to the public at the inception of the development of the Forest Shores Subdivision Those easements are depicted on the plat of Forest Shores Subdivision in **Exhibit 1**. The Seller transfers any and all right, title and interest, if any, to the Buyer for its ownership in easements or licenses pertaining to the ownership, operation and maintenance of the wastewater collection system within the franchise area. The franchise area is depicted on **Composite Exhibit 2**.

4. Buyer agrees to buy the sanitary sewer collection system owned by Seller for and in consideration of the sum of EIGHTY-SEVEN THOUSAND THREE HUNDRED DOLLARS (\$87,300.00) to be paid to Seller. Payment shall be made by the Buyer to the Seller in lump sum after the following events have occurred:

- a. All terms of this agreement have been fulfilled with the exception of payment from Buyer to Seller.
- b. Seller has performed all activities required by the *Public Service Commission* and by law in order to accomplish the sale to Buyer.

The purchase price for the assets following negotiations between the parties has resulted in the following allocation of the purchase price: \$50,000 for the exclusive franchise rights; \$10,000 for the customer files and records; and \$27,300 for the collection system.

5. Seller hereby gives its further assurances to the Buyer that it shall cooperate fully with Buyer in the transition of the ownership of the system, in acquainting the necessary personnel of the Buyer with the operation and maintenance of the system and with any and all other reasonable requests or obligations that may arise in the transfer of the system to the Buyer.

6. The transfer of ownership and responsibility for the operation is effective upon approval by the Florida Public Service Commission (Certificate # 261-S). This contract shall constitute a deed or bill of sale, as the case may be, concerning the transfer of ownership of the subject facility as reflected on **Exhibit 3**. Seller, nevertheless, further assures that it will cooperate with Buyer in all regards to facilitate the transfer and ownership of the operation by executing documents and other instruments the City may reasonably require.

SO AGREED this 29th day of Nov., 1999.

FOREST SHORES UTILITIES, INC.

James H. Crews
James Crews
Its President

Ed. Ben A. Ly Gina M. Carey
Witness: (Print Name)

Martha H. Hura
Witness: (Print Name)

Attest:

(Corporate Seal)

James H. Crews
Secretary

CITY OF CALLAWAY, FLORIDA

Ray G. Boevink
Ray G. Boevink, Mayor

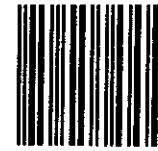
Deborah A. McLeod
Witness: Deborah A. McLeod (Print Name)

Patricia Middleton
Witness: Patricia Middleton (Print Name)

Attest:

Genette R. Bernal
Genette Bernal, City Clerk

Forest Shores Utilities, Inc.
6138 E. Hwy 98
Panama City, Fl 32404



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32399

U.S. POSTAGE
PAID
PANAMA CITY, FL
32404
DEC 15, '99
AMOUNT

\$0.99
00034980-02

FIRST CLASS

Director, Division of Records and
Reporting
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850

RECEIVED
 Florida Public Service Commission
 (See Filing Instructions on Back of Form)

FOR PSC USE ONLY	
Check#	1103
\$	1,949.00 0604002 000000
\$	P 0604002 000000
\$	I
Postmark Date	12/15/99
Initials of Preparer	MC

STATUS:
 Actual Return
 Estimated Return

PERIOD COVERED:
 3~
 1/1/99 to 10/31/99

1~ 99 DEC 16 AM 9:12
 SU292 MAIL ROOM
 DEPOSIT DATE
 D219 DEC 16 1999

Please Complete Below If Address Has Changed

Forest Shores Utilities, Inc. 6138 E Hwy 98 Panama City, FL 32404
 (System's Name) (Address) (City/State) (Zip)

Florida Public Service Commission Certificate WASTEWATER OPERATING REVENUES	#		#		#
FLAT-RATE REVENUES					
1. Residential Revenues (521.1)	\$ 43,311.00		\$		
2. Commercial Revenues (521.2)					
3. Industrial Revenues (521.3)					
4. Revenues from Public Authorities (521.4)					
5. Multiple Family Dwelling Revenues (521.5)					
6. Other Revenues (521.6)	\$ 43,311.00		\$		
7. TOTAL FLAT-RATE REVENUES					
MEASURED REVENUES					
8. Residential Revenues (522.1)					
9. Commercial Revenues (522.2)					
10. Industrial Revenues (522.3)					
11. Revenues from Public Authorities (522.4)					
12. Multiple Family Dwelling Revenues (522.5)	\$		\$		\$
13. TOTAL MEASURED REVENUES					
14. Revenues from Public Authorities (523)					
15. Revenues from Other Systems (524)					
16. Interdepartmental Revenues (525)	\$ 43,311.00		\$		\$
17. TOTAL (Lines 7+13+14+15+16)					
OTHER WASTEWATER REVENUES					
18. Guaranteed Revenues (Include Revenues from A.F.P.I. Charges (530)					
19. Sales of Sludge (531)					
20. Forfeited Discounts (532)					
21. Rents From Wastewater Property (534)					
22. Interdepartmental Rents (535)					
23. Other Wastewater Revenues (536) Describe:					
24. TOTAL OTHER WASTEWATER REVENUES (Lines 18+19+20+21+22+23)	\$		\$		\$

R&R

DOCUMENT NUMBER DATE
 15392 DEC 16 99
 PSC-RECORDS/REPORTING

FOREST SHORES UTILITIES, INC 6138 E. HWY 98 PANAMA CITY, FL 32404-7421 850-871-6111 FAX 850-874-1000	BAY BANK & TRUST COMPANY PANAMA CITY, FL 32401 63-520/632	1103
PAY TO THE ORDER OF Florida Public Service Commission		\$ **1,949.00
One Thousand Nine Hundred Forty-Nine and 00/100*****		
Florida Public Service Commission	FOREST SHORES UTILITIES, INC.	DOLLARS Security features included. Details on back.
MEMO Reg. Assessment Fee (1999)	<i>James H. Crew</i> MP	