

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for transfer  
of Certificate Nos. 544-W and  
474-S in Highlands County from  
Highlands Ridge Associates, Inc.  
to Highlands Ridge Utilities,  
LLC.

DOCKET NO. 001551-WS  
ORDER NO. PSC-01-2349-PCO-WS  
ISSUED: December 6, 2001

The following Commissioners participated in the disposition of  
this matter:

E. LEON JACOBS, JR., Chairman  
J. TERRY DEASON  
LILA A. JABER  
BRAULIO L. BAEZ  
MICHAEL A. PALECKI

ORDER APPROVING EXTENSION OF TIME TO FILE  
PROOF OF OWNERSHIP OF THE LAND UPON WHICH THE  
UTILITY'S FACILITIES ARE LOCATED

BY THE COMMISSION:

Background

Highlands Ridge Associates, Inc. (HRA, utility, or seller) is  
a Class "C" utility that provides service to 394 water and 378  
wastewater customers in Highlands County. By Order No. PSC-92-  
0954-FOF-WS, issued September 9, 1992, in Docket No. 920306-WS,  
HRA was granted Certificates Nos. 544-W and 474-S, and initial  
rates and charges were approved.

On October 12, 2000, Highlands Ridge Utilities, LLC, (HRU or  
buyer) and HRA filed a joint application for approval of the  
transfer of Certificates Nos. 544-W and 474-S from HRA to HRU. By  
Order No. PSC-01-1917-PAA-WS, issued September 24, 2001, in this  
docket, we approved the transfer and declined to include an  
acquisition adjustment in the calculation of rate base. We also  
required HRU to provide proof that it owns or has continued use of  
the land upon which the utility's facilities are located by October

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FPSC-COMMISSION CLERK

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29, 2001. The Order was consummated by Order No. PSC-01-2089-CO-WS, issued October 19, 2001.

On October 24, 2001, HRU filed a Motion for Extension of Time to file the requisite proof of ownership. We have jurisdiction pursuant to Section 367.071, Florida Statutes.

Request for Extension of Time

The joint application for approval of the transfer filed by HRA and HRU stated that a warranty deed transferring the land upon which the plant facilities are located would be executed by HRA at the closing and a copy would be provided to this Commission. The transfer of the utility and the land was scheduled to take place 30 days after our approval of the transfer application.

By Order No. PSC-01-1917-PAA-WS, issued September 24, 2001, in this docket, we approved the transfer, and required HRU to provide proof that it owns or has continued use of the land upon which the utility's facilities are located. Proof was to be provided by October 29, 2001.

In support of its Motion for Extension of Time, HRU states that, pursuant to HRA and HRU's agreement, the closing of the purchase was scheduled to occur 30 days after our approval of the transfer. Because the Consummating Order, Order No. PSC-01-2089-CO-WS, was issued on October 19, 2001, closing would have been scheduled to occur on November 19, 2001. According to HRU, Order No. PSC-01-1917-PAA-WS, in effect, required the utility to file proof of ownership of the land prior to the closing. According to the Motion, the parties have agreed to delay the closing until December 31, 2001. HRU has requested that it be given until 30 days after closing in which to file proof of ownership.

By Order No. PSC-01-1917-PAA-WS, we found that the transfer was scheduled to occur 30 days after we approved the application. The application was approved at the September 4, 2001 agenda conference. Therefore, based on the utility's representations, the closing should have occurred on or about October 4, 2001. The Order allowed the utility until October 29, 2001 to file the requisite documentation. Nevertheless, because the closing has not occurred, we agree that it is necessary to change the date that the warranty deed is submitted.

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According to HRU's Motion, the parties have agreed to delay the closing until December 21, 2001. The only parties to this docket are HRA and HRU. Because both parties have agreed to the delay, we find it reasonable and appropriate to approve HRU's request for an extension of time in which to file proof of ownership or continued use of the land upon which the utility's facilities are located. Therefore, HRU is hereby granted an extension of time until 30 days after closing in which to file the proof of ownership.

It is, therefore,

ORDERED by the Florida Public Service Commission that Highlands Ridge Utilities, LLC's request for an extension of time until 30 days after closing of the transfer in which to file proof of ownership of the land upon which the utility's facilities are located is hereby granted. It is further

ORDERED that this docket shall remain open pending receipt of proof that Highlands Ridge Utilities, LLC, owns or has continued use of the land upon which the utility's facilities are located. Upon receipt and verification of such proof, the docket shall be administratively closed.

By ORDER of the Florida Public Service Commission this 6th day of December, 2001.

  
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BLANCA S. BAYÓ, Director  
Division of the Commission Clerk  
and Administrative Services

( S E A L )

ALC

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.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

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 the Commission Clerk and Administrative Services, 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.