

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for transfer
of water facilities to Marion
County and for cancellation of
Certificate 601-W by Palm Cay
Utilities, Inc.

DOCKET NO. 020376-WU
ORDER NO. PSC-02-1247-FOF-WU
ISSUED: September 10, 2002

ORDER ACKNOWLEDGING TRANSFER, CANCELING
CERTIFICATE AND CLOSING DOCKET

BY THE COMMISSION:

On April 26, 2002, Palm Cay Utilities, Inc. (Palm Cay or utility) filed an application for acknowledgment of the transfer of its water system to Marion County, pursuant to Section 367.071, Florida Statutes. Palm Cay is a Class C utility which serves one general service customer and 791 residential customers. Palm Cay and Marion County entered into the Asset Purchase & Sale Agreement for Property, Buildings and Structures on March 19, 2002. The closing occurred on March 26, 2002.

The provisions of Section 367.071(4), Florida Statutes, require an application for the approval of the sale or transfer of water and/or wastewater utilities to governmental authorities. However, such sales or transfers are approved as a matter of right. Section 367.022(2), Florida Statutes, exempts from regulation by this Commission systems owned, operated, managed, or controlled by governmental authorities.

The application filed by Palm Cay is in compliance with Section 367.071, Florida Statutes, and Rule 25-30.037, Florida Administrative Code. According to the application, all customer deposits were transferred to Marion County. Marion County has reviewed the utility's 2000 annual report including the income statement, balance sheet, and rate base.

Palm Cay has paid regulatory assessment fees through March 25, 2002, and has filed all annual reports through 2001. There are no dockets pending before this Commission involving the utility. Further, there are no penalties, interest, or refunds due or outstanding for the utility as of December 31, 2001.

DOCUMENT NUMBER-DATE

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Based on the foregoing, we find it appropriate to acknowledge the transfer of Palm Cay to Marion County, and to cancel Certificate No. 601-W. Palm Cay shall return Certificate No. 601-W to this Commission within 30 days of the date of this Order for cancellation.

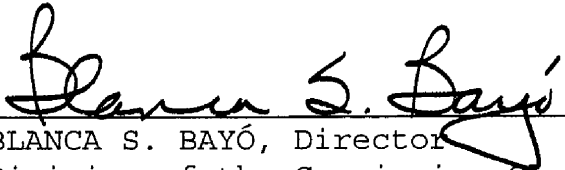
It is, therefore,

ORDERED by the Florida Public Service Commission that the transfer of Palm Cay Utilities, Inc., 1720 Southwest 55th Lane, Ocala, Florida 34474, to Marion County, 601 Southeast 25th Avenue, Ocala, Florida 34471-2690, is hereby acknowledged. It is further

ORDERED that Palm Cay Utilities, Inc. shall return Certificate No. 601-W to this Commission within 30 days of the date of this Order for cancellation. It is further

ORDERED that this docket is hereby closed.

By ORDER of the Florida Public Service Commission this 10th day of September, 2002.



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.

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 the Commission Clerk and Administrative Services, 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 the Commission Clerk and Administrative Services 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.