

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for transfer of facilities of St. Johns Landing of Putnam County Utilities Services, Inc. d/b/a St. Johns Landing Utilities Services, holder of Certificate Nos. 541-W and 649-S in Putnam County, to Frank J. Uddo and Dolores Uddo.

DOCKET NO. 060653-WS  
ORDER NO. PSC-07-0871-FOF-WS  
ISSUED: October 30, 2007

The following Commissioners participated in the disposition of this matter:

LISA POLAK EDGAR, Chairman  
MATTHEW M. CARTER II  
KATRINA J. McMURRIAN  
NANCY ARGENZIANO  
NATHAN A. SKOP

ORDER ACKNOWLEDGING WITHDRAWAL OF APPLICATION FOR TRANSFER OF FACILITIES AND DENYING REQUEST FOR REFUND OF APPLICATION FILING FEES

BY THE COMMISSION:

St. Johns Landing of Putnam County Utilities Services, Inc. d/b/a St. Johns Landing Utilities Services (St. Johns Landing) was granted water and wastewater certificates in 1992 to operate a utility in Putnam County.<sup>1</sup> The proposed utility was to serve development and several outlying areas that were to be built on the west bank of the St. Johns River, 6 miles north of the City of Palatka. The development was never built. On September 21, 2001, the owner allowed the utility corporation to be dissolved by the Secretary of State. We became aware of the corporate dissolution in 2005, and advised Mr. Frank Uddo, the owner, of his options as holder of Certificate Nos. 541-W and 649-S.

On September 29, 2006, an application was filed for the transfer of St. Johns Landing to Frank J. Uddo and Dolores Uddo, but the application was deficient. Mr. Uddo reinstated the utility company as an active Florida corporation on September 7, 2007. On September 14, 2007, St. Johns Landing filed a request to withdraw its transfer application and requested a refund of the filing fee. We have jurisdiction over this matter pursuant to Section 367.071, Florida Statutes.

We acknowledge the withdrawal of the transfer application, but we deny the request for a refund of the application filing fee. When a utility requests a refund of its filing fee, we consider

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<sup>1</sup> The Commission granted St. Johns Landing its original Certificate Nos. 541-W and 469-S in Order No. PSC-92-0259-FOF-WS, issued April 27, 1992, in Docket No. 911025-WS, In Re: Application for water and wastewater certificates in Putnam County by St. Johns Landing of Putnam County Utilities Services, Inc. d/b/a St. Johns Landing Utilities Services.

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the request in terms of the amount of time and work that we have devoted to processing the utility's application. In cases where we have not yet expended significant time and effort to process the case, such as where only the case assignment and scheduling record has been established, we have refunded the utility's filing fee.<sup>2</sup> Where we have devoted a significant amount of time in processing the application, however, we have denied a refund of the filing fee.<sup>3</sup> In Docket No. 931198-WS, we denied the refund of the filing fee because we had expended a considerable amount of time processing deficiencies, and an audit of the utility's books and records had been completed.

This docket was opened on September 29, 2006. We have written several deficiency letters and made bi-monthly calls to the utility's representative to resolve the deficient application. A large amount of time has been expended in reviewing the application and working with the utility to complete the transfer application. For these reasons, we deny the request for a refund of the filing fee.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the withdrawal of the Application for transfer of facilities of St. Johns Landing of Putnam County Utilities Services, Inc. d/b/a St. Johns Landing Utilities Services, holder of Certificate Nos. 541-W and 649-S in Putnam County, to Frank J. Uddo and Dolores Uddo is hereby acknowledged. It is further

ORDERED that the request for a refund of the application filing fee is denied. It is further

ORDERED that this docket shall be closed.

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<sup>2</sup> Order No. PSC-95-0466-FOF-WU, issued April 12, 1995, in Docket No. 950015-WU, In re: Application for transfer of Certificate No. 388-W in Lee County from Tamiami Village Utility, Inc. and for a limited proceeding to increase rates to recover increased operation and maintenance expenses as a result of pending transfer by Tamiami Village Water Company, Inc.; Order No. 20717, issued February 9, 1989, in Docket No. 880830-WS, In re: Objection to application of Seacoast Utilities for approval of transfer of Certificates Nos. 29-W and 29-S in Palm Beach County to Juniper Development Group; Order No. 19133, issued April 12, 1988, in Docket No. 871326-SU, In re: Objection of Highlands Utilities Corporation to notice of C & H Utilities Corporation of application to amend Certificate No. 423-S in Highlands County; and application of C & H Utilities Corporation for amendment of Certificate No. 423-S in Highlands County.

<sup>3</sup> Order No. 20717, issued February 9, 1989, in Docket No. 880830-WS, In re: Objection to application of Seacoast Utilities for approval of transfer of Certificates Nos. 29-W and 29-S in Palm Beach County to Juniper Development Group; Order No. PSC-94-0776-FOF-WS, issued June 22, 1994, in Docket No. 931198-WS, In re: Application for transfer of Certificates Nos. 326-W and 274-S in Volusia County from Pine Island Utility Corporation to Landis Enterprises, Inc.

By ORDER of the Florida Public Service Commission this 30th day of October, 2007.



ANN COLE  
Commission Clerk

( S E A L )

MCB

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 Office of Commission Clerk, 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 Office of Commission Clerk, 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.