

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for transfer of wastewater facilities to City of Sanibel in Lee County, and cancellation of Certificate No. 207-S, by Sanibel Bayous Utility Corporation.

DOCKET NO. 080199-SU  
ORDER NO. PSC-08-0470-FOF-SU  
ISSUED: July 21, 2008

The following Commissioners participated in the disposition of this matter:

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

ORDER APPROVING TRANSFER

BY THE COMMISSION:

Background

Sanibel Bayous Utility Corporation (Sanibel Bayous or utility) is a Class C wastewater utility serving approximately 150 residential, 116 multi-family, and four general service customers in Sanibel Bayous Subdivision, Heron's Landing Subdivision, the Ridge Subdivision, and Blind Pass Condominiums on Sanibel Island. Sanibel Bayous was granted Certificate No. 207-S pursuant to Order No. 7402, issued August 24, 1976, in Docket No. 760364-S, In Re: Application of Sanibel Bayous Utility Corporation for a certificate to operate a sewer system in Lee County, Florida. The utility's 2007 annual report indicates that it had a gross revenue of \$71,627 and a net operating loss of \$20,519.

The City of Sanibel (City) and Sanibel Bayous entered into an Agreement in which Sanibel Bayous will sell all personal and real properties along with all rights, title, and interest to the City of Sanibel. On March 3, 2008, the City closed on the acquisition of Sanibel Bayous. On April 4, 2008, an application was filed for the transfer of the utility to the City and for the cancellation of Certificate No. 207-S. We have jurisdiction to consider this matter pursuant to Section 367.071, Florida Statutes.

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

Transfer of Facilities and Cancellation of Certificate

On April 4, 2008, Sanibel Bayous filed a completed application to transfer its facilities to the City of Sanibel pursuant to Section 367.071(4)(a), Florida Statutes, and Rule 25-30.037(4) and (5), Florida Administrative Code. According to the application, the City began providing service to the customers of Sanibel Bayous on March 3, 2008. Therefore, we find that the effective date of the transfer is March 3, 2008.

According to the application, the utility holds no customer deposits. No deposits or accumulated interest shall be transferred to the City or applied to the customer accounts. The application contains a statement that the City obtained Sanibel Bayous' most recent income and expense statement, balance sheet, statement of rate base for regulatory purposes, and contributions-in-aid-of-construction pursuant to Rule 25-30.037(4)(e), Florida Administrative Code.

In accordance with Rule 25-30.110, Florida Administrative Code, Sanibel Bayous filed its annual reports for 2007 and prior years. Pursuant to Rule 25-30.120, Florida Administrative Code, the utility's Regulatory Assessment Fees (RAFs) for 2007 and all prior years have been paid. Sanibel Bayous shall not be required to file an annual report for the period of January 1, 2008, through March 3, 2008, because of its transfer to the City. The seller of Sanibel Bayous shall, however, be on notice that he is responsible for the RAFs for the period of January 1, 2008, through the date of closing.

We find that the application is in compliance with the provisions of Rule 25-30.037, Florida Administrative Code. Pursuant to Section 367.071(4)(a), Florida Statutes, the transfer of facilities to a governmental authority shall be approved as a matter of right. Therefore, we approve the transfer of Sanibel Bayous' facilities to the City and cancel Certificate No. 207-S effective March 3, 2008.

*Based on the foregoing, it is*

ORDERED that the transfer of the wastewater facilities from Sanibel Bayous Utility Corporation to the City of Sanibel shall hereby be approved as a matter of right, pursuant to Section 367.071(4)(a), Florida Statutes. It is further

ORDERED that Certificate No. 207-S shall be cancelled effective March 3, 2008. It is further

ORDERED that this docket shall be closed.

By ORDER of the Florida Public Service Commission this 21st day of July, 2008.



ANN COLE  
Commission Clerk

( 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 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.