

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for transfer of water and wastewater facilities to Martin County, and cancellation of Certificate No(s). 336-W and 291-S, by Utilities, Inc. of Hutchinson Island.

DOCKET NO. 090442-WS
ORDER NO. PSC-09-0816-FOF-WS
ISSUED: December 10, 2009

The following Commissioners participated in the disposition of this matter:

MATTHEW M. CARTER II, Chairman
LISA POLAK EDGAR
NANCY ARGENZIANO
NATHAN A. SKOP
DAVID E. KLEMENT

FINAL ORDER ACKNOWLEDGING TRANSFER AS A MATTER OF RIGHT

BY THE COMMISSION:

Background

Utilities, Inc. of Hutchinson Island (UIHI or utility) is a Class B utility providing water and wastewater service to approximately 127 water and 113 wastewater customers in Martin County. The utility is in the South Florida Water Management District (SFWMD). The utility's 2008 annual report indicates that the utility had gross revenue of \$279,746 and \$247,567 and net operating income of \$82,870 and (\$43,111) for water and wastewater, respectively.

The utility's water and wastewater systems were originally issued Certificate Nos. 336-W and 291-S in 1981.¹ The utility has been transferred five times since it received its certificates.²

On September 9, 2009, UIHI filed an application for transfer of its facilities and territory to Martin County, pursuant to Section 367.071, Florida Statutes (F.S.), and Rule 25-30.037(4),

¹ Order No. 9885, issued March 17, 1981, in Docket No. 800754-WS, In re: Application of Indian River Plantation Company, d/b/a Plantation Utilities, for certificates to operate water and sewer utilities in Martin County.

² Order No. 14738, issued August 19, 1985, in Docket No. 850054-WS, In re: Application for Transfer of Certificates Nos. 336-W and 291-S from Indian River Plantation Company to Radnor Plantation Corporation d/b/a Plantation Utilities.; Order No. PSC-98-0994-FOF-WS, issued July 20, 1998, in Docket No. 970429-WS, In re: Joint application for authority to transfer Certificates Nos. 336-W and 291-S in Martin County from Radnor/Plantation Corporation d/b/a Plantation Utilities to IHC Realty Partnership, L.P. d/b/a Plantation Utilities.; Order No. PSC-04-0438-PAA-WS, issued April 29, 2004, in Docket No. 030891-WS, In re: Joint application for transfer of Certificates Nos. 336-W and 291-S, in Martin County from IHC Realty Partnership L.P. d/b/a Plantation Utilities to Columbia Properties Stuart, LLC.; Order No. PSC-04-1027-PAA-WS, issued October 22, 2004, in Docket No. 040179-WS, In re: Application for transfer of facilities and Certificate Nos. 336-W and 191-S in Martin County from Columbia Properties Stuart, LLC to Utilities, Inc of Hutchinson Island.; and, Order No. PSC-06-0094-FOF-WS, issued February 9, 2006, in Docket No. 050499-WS, In re: Application for authority to transfer majority organizational control of Utilities, Inc. from Nuon Global Solutions USA, B.V. to Hydro Star, LLC.

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FPSC-COMMISSION CLEAR

Florida Administrative Code, (F.A.C.) and cancellation of Certificate Nos. 336-W and 291-S. The closing on the sale of the utility facilities took place on November 9, 2009. We have jurisdiction pursuant to Section 367.071, F.S.

Transfer to Martin County

Pursuant to Section 367.071(4)(a), F.S., the sale of facilities to a governmental authority shall be approved as a matter of right. As such, no notice of the transfer is required and no filing fees apply. The application is in compliance with Section 367.071(4)(a), F.S., and Rule 25-30.037(4), F.A.C.

The application contains a statement that the County obtained UIHI's 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), F.A.C. A statement was provided indicating that UIHI will transfer its customer deposits to Martin County.

Additionally, pursuant to the requirements of Rule 25-30.037(4)(h), F.A.C., a statement was included that UIHI has paid all regulatory assessment fees (RAFs). The utility has filed all annual reports through 2008 and paid all RAFs through June 30, 2009. Because the utility will not be jurisdictional as of December 31, 2009, no annual report needs to be filed for 2009. However, UIHI should be required to pay all outstanding RAFs for July 1, 2009, through November 9, 2009, by January 30, 2010.

Accordingly, we find that the transfer of the UIHI water and wastewater territory and facilities to Martin County is hereby acknowledged as a matter of right pursuant to Section 367.071(4)(a), F.S., and Certificate Nos. 336-W and 291-S shall be cancelled effective November 9, 2009, which was the closing date of the sale. UIHI shall pay all outstanding RAFs for July 1, 2009, through November 9, 2009, by January 30, 2010.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the transfer of the water and wastewater facilities of Utilities, Inc. of Hutchinson Island to Martin County is hereby acknowledged as a matter of right, effective November 9, 2009. It is further

ORDERED that Certificate Nos. 336-W and 291-S shall be cancelled effective November 9, 2009. It is further

ORDERED that Utilities, Inc. of Hutchinson Island shall pay all outstanding regulatory assessment fees for July 1, 2009, through November 9, 2009, by January 30, 2010. It is further

ORDERED that this docket shall be closed.

By ORDER of the Florida Public Service Commission this 10th day of December, 2009.



ANN COLE
Commission Clerk

(S E A L)

KEF

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.