

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for transfer of water facilities to Florida Governmental Utility Authority, and cancellation of Certificate No. 168-W, by Pasco Utilities, Inc.

DOCKET NO. 100036-WU  
ORDER NO. PSC-10-0161-FOF-WU  
ISSUED: March 22, 2010

The following Commissioners participated in the disposition of this matter:

NANCY ARGENZIANO, Chairman  
LISA POLAK EDGAR  
NATHAN A. SKOP  
DAVID E. KLEMENT  
BEN A. "STEVE" STEVENS III

ORDER ACKNOWLEDGING TRANSFER OF FACILITIES

BY THE COMMISSION:

Background

Pasco Utilities, Inc. (Pasco Utilities or utility) is a Class C water utility providing service to approximately 698 customers in Pasco County. The utility is located in the Northern Tampa Bay Water-Use Caution Area of the Southwest Florida Water Management District (SWFWMD). The utility's 2008 annual report shows gross revenue of \$148,408 and a net operating loss of \$4,641. The utility system was originally issued Certificate No. 168-W in 1974.<sup>1</sup> Since then the utility has been transferred once and its certificate has been amended once to include additional service territory.<sup>2</sup>

On January 20, 2010, Pasco Utilities filed an application for transfer of its water system to the Florida Governmental Utility Authority (FGUA) and cancellation of Certificate No. 168-W. The agreement for purchase and sale of water assets submitted in this docket included four other utilities in addition to Pasco Utilities. The transfers of those systems are the subjects of Docket Nos. 100033-WU, 100034-WU, 100035-WU, and 100037-WU. We have jurisdiction to consider this matter pursuant to Section 367.071, Florida Statutes (F.S.).

<sup>1</sup> Order No. 6078, issued March 20, 1974, in Docket No. 73625-W, In re: Application of Pasco Utilities, Inc., for a certificate to operate water system in Pasco County, Florida.

<sup>2</sup> Order No. PSC-08-0626-FOF-WU, issued September 24, 2008, in Docket No. 080180-WU, In re: Application for transfer of majority organization control of Pasco Utilities, Inc. holder of Certificate No. 168-W in Pasco County to Gary Deremer and Cecil Delcher and Order No. 14518, issued June 27, 1985, in Docket No. 840385-WU, In re: Application of Pasco Utilities, Inc. for amendment of water Certificate No. 168-W to include additional territory in Pasco County, Florida.

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FPSC-COMMISSION CLERK

Transfer of Facilities

Pasco Utilities applied for approval of the transfer of its water facilities and territory to FGUA on January 20, 2010, pursuant to Section 367.071, F.S., and Rule 25-30.037(4), Florida Administrative Code (F.A.C.). The closing on the sale of the utility facilities took place on December 23, 2009, which is the effective date of the transfer.

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. We have determined that FGUA is a governmental authority in several previous dockets.<sup>3</sup> 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 FGUA obtained Pasco Utilities' most recent income and expense statement, balance sheet, statement of rate base for regulatory purposes, and contributions-in-aid-of-construction. In addition, a statement was provided that all customer deposits were transferred to FGUA and the accumulated interest on the deposits was distributed to the applicable customers.

The utility has filed all annual reports through 2008 and paid all regulatory assessment fees through December 23, 2009. Because the utility was not jurisdictional as of December 31, 2009, Pasco Utilities will not be required to file an annual report for 2009.

Accordingly, the transfer of Pasco Utilities' water territory and facilities to FGUA shall be acknowledged, as a matter of right, pursuant to Section 367.071(4)(a), F.S. Certificate No. 168-W shall be cancelled effective December 23, 2009.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the transfer of Pasco Utilities, Inc.'s water territory and facilities to the Florida Governmental Utility Authority shall be acknowledged, as a matter of right. It is further

ORDERED that Certificate No. 168-W shall be cancelled effective December 23, 2009. It is further

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<sup>3</sup> See Order No. PSC-00-2351-FOF-WS, issued December 7, 2000, in Docket No. 990489-WS, In re: Application by Florida Cities Water Company, holder of Certificate Nos. 027-W and 024-S in Lee County and 0007-W and 0003-S in Brevard County, and Poinciana Utilities, Inc., holder of Certificate Nos. 146-W and 103-S in Polk and Osceola Counties, for transfer of facilities to Florida Governmental Utility Authority and Cancellation of Certificate Nos. 027-W, 024-S, 007-W, 003-S, 146-W, and 103-S; Order No. PSC-03-1284-FOF-WS, issued November 10, 2003, in Docket No. 030932-WS, In re: Joint application for acknowledgement of sale of land and facilities of Florida Water Services Corporation in Lee County to Florida Governmental Utility Authority, and for cancellation of Certificate Nos. 306-W and 255-S; and Order No. PSC-09-0334-PAA-WS, issued May 14, 2009, in Docket No. 090120-WS, In re: Joint notice by Aloha Utilities, Inc. and the Florida Governmental Utility Authority of transfer of water and wastewater assets to the Florida Governmental Utility Authority, in Pasco County, and cancellation of Certificate Nos. 136-W and 97-S.

ORDERED that this docket shall be closed.

By ORDER of the Florida Public Service Commission this 22nd day of March, 2010.

  
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ANN COLE  
Commission Clerk

( S E A L )

LAH

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.