

State of Florida



Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

-M-E-M-O-R-A-N-D-U-M-

DATE: July 14, 2010
TO: Ann Cole, Commission Clerk, Office of Commission Clerk
FROM: Thomas J. Walden, Utilities System/Engineering Specialist, Division of Economic Regulation
RE: Docket No. 100334-WU; Notice of abandonment of water system by San Sebastian Water, LLC in Brevard County

RECEIVED-FPSC
10 JUL 16 AM 11:06
COMMISSION
CLERK

Attached is a copy of Brevard County's Petition to Appoint Receiver that should be filed in the above mentioned docket. The hearing on the appointment is scheduled for July 23.

TJW
attachment

cc: Office of the General Counsel (Klancke)

DOCUMENT NUMBER-DATE

05802 JUL 15 e

FPSC-COMMISSION CLERK

IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT
IN AND FOR BREVARD COUNTY, FLORIDA

CASE NUMBER:

In re the Petition of BOARD OF COUNTY
COMMISSIONERS OF BREVARD COUNTY,
FLORIDA, a political subdivision of the State of
Florida, to Appoint Receiver for San Sebastian
Water, LLC Water Utility.

Petitioner.

BREVARD COUNTY'S PETITION TO APPOINT RECEIVER

COMES NOW, Petitioner, BOARD OF COUNTY COMMISSIONERS OF BREVARD
COUNTY, FLORIDA (the "County"), a political subdivision of the State of Florida, by and
through its undersigned attorney and pursuant to Section 367.165, Florida Statutes, and states:

1. San Sebastian Water LLC ("San Sebastian") is a Class "C" water utility domiciled in Brevard County, Florida, at 8800 7th Avenue, Micco, Florida 32976.
2. Brevard County is a political subdivision of the State of Florida.
3. San Sebastian provides water services in and/or around the residential San Sebastian Woods Subdivision located in Brevard County, Florida.
4. The water system operated by San Sebastian is in a state of disrepair and requires the immediate purchase and installation of the improvements and equipment specified in Exhibit A, attached hereto.
5. The water utility operated by San Sebastian serves existing customers and the quality of water provided to those customers is in jeopardy if the system is not repaired.
6. On June 7, 2010, San Sebastian gave notice to the County that the utility was financially distressed and was being abandoned. That notice is attached hereto as Exhibit B.

DOCUMENT NUMBER-DATE

95802 JUL 15 0

FPSC-COMMISSION CLERK

ORIGINAL WAS FILED
2010 JUL 12 A 10 44
SCOTT ELLIS
FILED IN OFFICE
VIRGINIA BRANCH

7. Under section 367.165, Florida Statutes, after receiving the notice attached as Exhibit B, Brevard County is required to file a petition in circuit court requesting the court to appoint a receiver for the Utility.
8. Pursuant to Section 367.165(2), Florida Statutes this Court has jurisdiction to appoint a receiver to operate the utility, which may be the governing body of a political subdivision.
9. Brevard County, as the operator of its own water and service system, has the experience and resources necessary to bring the San Sebastian water system into good working order.
10. Brevard County requests that the Board of County Commissioners, through the County Water Resources Department, be appointed as receiver.
11. Under section 367.165, Florida Statutes, the abandonment takes effect 60 days after the date of the notice attached as Exhibit A.

WHEREFORE, Petitioner respectfully requests that this Court appoint the Board of County Commissioners of Brevard County, Florida as receiver of the San Sebastian Water utility before August 24, 2010, and grant such other and further relief as the Court deems just and proper.

OFFICE OF THE COUNTY ATTORNEY
2725 Judge Fran Jamieson Way
Bldg C - Suite 308
Viera, Florida 32940
321.633.2090
321.633.2096 Fax



Scott Knox, County Attorney
Florida Bar No. 211291
Attorney for Petitioner Brevard County

SAN SEBASTIAN WATER LLC.

P.O. BOX 432

MELBOURNE FL 32902

772-664-0598

Dick Martens,

The following is a list of maintenance and other issues currently in need of attention.

West well, pump and motor replacement. (\$2,300.00) est.

Three of the four high service pumps need shaft seals. (\$1,500.00) est.

One of the two gas chlorinator tank heads needs to be replaced. (\$600.00) est.

The GST physical level indicator is in need of repair. (\$200.00) est.,
There is a digital level indicator operative.

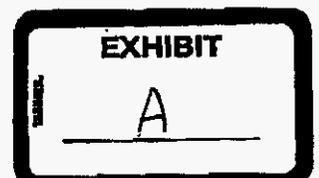
The hydro tank air pump does not work in auto. (\$?)

I would recommend installing surge protectors for the well pumps. (\$?)

The GST is due for a 5 year cleaning and inspection before the end of the year. (\$2,000.00) est.

The Insurance premium is due this month. (\$1,495.00). Advanced Well Drilling is due \$1,386.00 for the motor and labor for the east well.

Accurate Utilities, (David Whiteside) is due \$8,000.00 for operating services. Thank you very much for your help and please keep me informed as how to proceed. Mike Coffey 321-508-7723



SAN SEBASTIAN WATER LLC.

P.O. BOX 432

MELBOURNE FL 32902

772-664-0598

June 7, 2010

Notice of Abandonment

San Sebastian Water, LLC., 8800 7th Street, Micco, Fl 32976, pursuant to Section 367.165, Florida Statutes, hereby notices the Florida Public Service Commission and Brevard County of the abandonment of its water system in Brevard County, effective 60 days from the date of this notice.

The utilities books and records are located at, 8800 7th Street, Micco, Fl 32976.

The utility is being abandoned because the utility owner no longer wishes to be a utility.

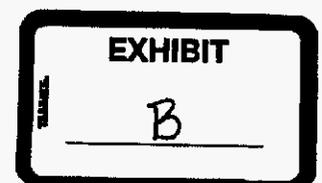
The utility is in good standing with the DEP.

Dated this 7th day of June, 2010

San Sebastian Water, LLC.

Mike Coffey, Manager, P.O. Box 432, Melbourne, Fl 32902

(321) 508-7723



I. CASE STYLE: IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT IN AND FOR BREVARD COUNTY, FLORIDA

In re: the Petition of BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida, to Appoint Receiver for San Sebastian Water, LLC Water Utility

CASE NO.
Judge:

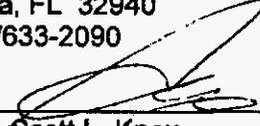
II. TYPE OF CASE (Place an x in one box only. If the case fits more than one type of case, select the most definitive.)

- | | | |
|---|---|---|
| <input type="checkbox"/> Simplified dissolution | <input type="checkbox"/> Professional Malpractice | <input type="checkbox"/> Contracts |
| <input type="checkbox"/> Dissolution | <input type="checkbox"/> Products liability | <input type="checkbox"/> Condominium |
| <input type="checkbox"/> Support-IV-D | <input type="checkbox"/> Auto negligence | <input type="checkbox"/> Real property/
Mortgage foreclosure |
| <input type="checkbox"/> Support-Non IV-D | <input type="checkbox"/> Other negligence | <input type="checkbox"/> Eminent domain |
| <input type="checkbox"/> URESA-IV-D | | <input checked="" type="checkbox"/> Other |
| <input type="checkbox"/> URESA-Non IV-D | | |
| <input type="checkbox"/> Domestic violence | | |
| <input type="checkbox"/> Other domestic relations | | |

III. Is jury trial demanded in complaint? yes no

DATE: 7/12/10

OFFICE OF THE COUNTY ATTORNEY
2725 Judge Fran Jamieson Way
Viera, FL 32940
321/633-2090

By: 
Scott L. Knox
County Attorney