

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Notice of transfer as a matter of right of certain water and wastewater facilities of Aqua Utilities Florida, Inc. in DeSoto County to DeSoto County, Florida, and request for cancellation of certificates.

DOCKET NO. 130128-WS  
ORDER NO. PSC-13-0354-FOF-WS  
ISSUED: August 6, 2013

ORDER ACKNOWLEDGING TRANSFER TO GOVERNMENT AUTHORITY  
AND CANCELLING WATER AND WASTEWATER CERTIFICATES

BY THE COMMISSION:

Aqua Utilities Florida, Inc. (Aqua) is a Class A water and wastewater utility providing service to approximately 589 water and 297 wastewater customers in DeSoto County. Water and wastewater rates were last established for this utility in its 2010 rate case.<sup>1</sup>

On May 1, 2013, Aqua filed an application for transfer of certain water and wastewater facilities to Desoto County and cancellation of Certificate Nos. 599-W (water) and 514-S (wastewater). Pursuant to Section 367.071(4), Florida Statutes (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 included an Agreement for Purchase and Sale of Water and Wastewater Assets between Aqua and DeSoto County, which closed April 24, 2013. Pursuant to Section 367.071(4)(a), F.S., and Rule 25-30.037(4)(e), Florida Administrative Code (F.A.C.), Aqua included a statement that DeSoto County obtained the most recent income statements, the most recent balance sheet, statement of rate base for regulatory purposes, and contributions-in-aid-of-construction. In accordance with Rule 25-30.037(4)(g), F.A.C., the utility specified that it applied deposits to any customer account with a past due balance. For the remaining deposits, Aqua applied the interest to the customers' accounts and the remaining balance has been transferred to DeSoto County. On April 23, 2013, Aqua filed its 2012 annual report pursuant to Rule 25-30.110, F.A.C. Aqua will be responsible for regulatory assessment fees accrued from January 1, 2013 to closing. Because the systems in DeSoto County will no longer be under our jurisdiction as of December 31, 2013, annual reports for 2013 will not be required.

We have jurisdiction pursuant to Section 367.071, F.S. Based on the above, we find that the application is in compliance with Section 367.071(4)(a), F.S., and Rule 25-30.037(4), F.A.C. The transfer of water and wastewater systems to DeSoto County and cancellation of Certificate

<sup>1</sup> See Order No. PSC-12-0102-FOF-WS, issued March 5, 2012, in Docket No. 100330-WS, In re: Application for increase in water/wastewater rates in Alachua, Brevard, Desoto, Hardee, Highlands, Lake, Lee, Marion, Orange, Palm Beach, Pasco, Polk, Putnam, Seminole, Sumter, Volusia, and Washington Counties by Aqua Utilities Florida, Inc.

Nos. 599-W and 514-S are hereby acknowledged as a matter of right, effective April 24, 2013, pursuant to Section 367.071(4)(a), F.S.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the application of Aqua Utilities Florida, Inc. for transfer of the water and wastewater facilities set forth herein to DeSoto County is hereby acknowledged, effective April 24, 2013. It is further

ORDERED that Certificate Nos. 599-W and 514-S are hereby cancelled. It is further

ORDERED that this docket shall be closed.

By ORDER of the Florida Public Service Commission this 6th day of August, 2013.



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ANN COLE  
Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399  
(850) 413-6770  
www.floridapsc.com

Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

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.