

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for transfer of water and wastewater facilities of Grenelefe Resort Utility, Inc., water Certificate No. 589-W, and wastewater Certificate No. 507-S to Lake Marion Investment LLC, in Polk County.

DOCKET NO. 20190213-WS
ORDER NO. PSC-2020-0114-FOF-WS
ISSUED: April 20, 2020

The following Commissioners participated in the disposition of this matter:

GARY F. CLARK, Chairman
ART GRAHAM
JULIE I. BROWN
DONALD J. POLMANN
ANDREW GILES FAY

ORDER ACKNOWLEDGING WITHDRAWAL OF TRANSFER APPLICATION AND
REFUNDING FILING FEE

BY THE COMMISSION:

Background

On December 2, 2019, Lake Marion Investment LLC (Lake Marion) filed an application for transfer of water and wastewater facilities from Grenelefe Resort Utility, Inc. (Grenelefe) in Polk County. On February 18, 2020, Lake Marion notified this Commission that the sale of the facilities has been canceled and is therefore requesting withdrawal of its application and a refund of its filing fee. We have jurisdiction pursuant to Section 367.045, Florida Statutes.

Decision

On December 2, 2019, Lake Marion filed an application for transfer of water and wastewater facilities. Subsequently, on December 9, 2019, Lake Marion paid a \$1,500 filing fee, pursuant to Rule 25-30.020, Florida Administrative Code. On February 18, 2020, Lake Marion notified us that the sale of the facilities has been canceled and is therefore requesting withdrawal of its application and a refund of its filing fee.

When a utility requests a refund of its filing fee, the request is analyzed in terms of the amount of time and work that Commission staff has devoted to processing the utility's application. In cases where our staff has not yet committed significant time and effort, such as where only the Case Assignment and Scheduling Record has been established, we have refunded

the utility's application fee.¹ However, in cases where our staff has devoted a significant amount of time in processing the application, we have denied the refund of the filing fee.²

Commission staff has expended a minimal amount of time in its review of Lake Marion's application and an audit was not yet conducted. Therefore, we find that Lake Marion's withdrawal of its application for transfer of water and wastewater facilities shall be acknowledged, and the request for a refund of the filing fee is approved.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the withdrawal of Lake Marion Investment LLC's application for transfer of water and wastewater facilities of Grenelefe Resort Utility, Inc., water Certificate No. 589-W, and wastewater Certificate No. 507-S to Lake Marion Investment LLC is hereby acknowledged. It is further

ORDERED that the request for refund of the filing fee of \$1,500 is approved, and the filing fee shall be refunded. It is further

ORDERED that because no further action is required, this docket shall be closed.

By ORDER of the Florida Public Service Commission this 20th day of April, 2020.



ADAM J. TEITZMAN

Commission Clerk

Florida Public Service Commission

2540 Shumard Oak Boulevard

Tallahassee, Florida 32399

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

BYL

¹ Order No. PSC-2007-0326-FOF-WU, issued April 16, 2007, in Docket No. 20060806-WU, *In re: Application for amendment of Certificate No. 347-W to add territory in Marion County by Marion Utilities, Inc.*

² Order No. PSC-2007-0871-FOF-WS, issued October 30, 2007, in Docket No. 20060653-WS, *In re: Application for transfer of facilities of St. Johns Landing of Putnam County Utilities Services, Inc. d/b/a St. Johns Landing Utilities Services, holder of Certificate Nos. 541-W and 649-S in Putnam County, to Frank J. Uddo and Dolores Uddo.*

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.