

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: November 3, 2020

TO: Stefanie-Jo Osborn, Attorney, Office of the General Counsel
Jennifer S. Crawford, Attorney Supervisor, Office of the General Counsel

FROM: Clayton K. Lewis, US Engineering Specialist, Division of Engineering *CL*
Marissa Ramos, Public Utilities Supervisor, Division of Engineering *me LK*

RE: Docket 20200224-WS - Joint application for transfer of water and wastewater facilities of Indiantown Company, Inc. to Village of Indiantown, in Martin County, and request for cancellation of Certificate Nos. 387-W and 331-S.

Indiantown Company, Inc. (Indiantown or Utility) is a Class A water and wastewater utility providing service to approximately 2,000 residential water and wastewater customers in Martin County. Indiantown also provides water for private fire protection to approximately 19 customers. On October 12, 2020, Indiantown filed an application for transfer of its water and wastewater facilities to the Village of Indiantown (the Village), and cancellation of Certificate Nos. 387-W and 331-S. The application included an Asset Purchase Agreement between Indiantown and the Village, a municipal corporation in Martin County, which was executed on September 30, 2020. 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.

Furthermore, pursuant to Section 367.071(4)(a), F.S., and Rule 25-30.038(2)(f), Florida Administrative Code (F.A.C.), the Utility provided a copy of the document transferring the Utility's water and wastewater facilities. In accordance with Rule 25-30.038(2)(f), F.A.C., the Utility stated that all customer deposits have been transferred to the Village. Indiantown has paid its regulatory assessment fees through the date of the sale. Additionally, the Utility provided a copy of its 2019 Annual Report to the Village.

The Commission has jurisdiction pursuant to Section 367.071, F.S. Also, pursuant to Section 2.07(C)(4)d. of the Administrative Procedures Manual, staff has been given administrative authority to approve transfers to governmental entities that are in compliance with Section 367.071(4)(a), F.S. and are not controversial in nature.

Based on the above, staff believes that the application is in compliance with Sections 367.022(2) and 367.071, F.S., and Rule 25-30.038, F.A.C. Staff recommends that the Commission acknowledge the transfer of the water and wastewater systems to the Village as a matter of right, pursuant to Section 367.071(4)(a), F.S., and cancel Certificate Nos. 387-W and 331-S effective October 1, 2020. In addition, staff recommends that the docket be closed because no further action is necessary.

cc: Office of Commission Clerk (Docket No. 20200224-WS)