

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-**

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**DATE:** October 23, 2023

**TO:** Major Thompson, Senior Attorney, Office of the General Counsel  
Jennifer S. Crawford, Attorney Supervisor, Office of the General Counsel

**FROM:** Thomas E. Ballinger, Director, Division of Engineering *TB*

**RE:** Docket No. 20230102-SU - Application for transfer of wastewater facilities to the City of Port St. Joe, and cancellation of Certificate No. 422-S, by ESAD Enterprises, Inc. d/b/a Beaches Sewer System.

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ESAD Enterprises, Inc. d/b/a Beaches Sewer System (Beaches) is a Class C utility providing service to approximately 256 wastewater customers in Gulf County. On September 5, 2023, Beaches filed an application for the transfer of its wastewater facilities to the City of Port St. Joe and cancellation of Certificate No. 422-S. The application included a Purchase Agreement dated November 18, 2022, which became effective on September 30, 2023. 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)(d), Florida Administrative Code (F.A.C.), Beaches provided a copy of the document transferring its wastewater facilities. In accordance with Rule 25-30.038(2)(f) and (g), F.A.C., Beaches stated that there were no customer deposits nor interest due to customers. Beaches has paid its regulatory assessments fees through the date of the sale. A copy of the Utility's most recent annual report was provided to the City of Port St. Joe.

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 wastewater system to the City of Port St. Joe as a matter of right, pursuant to Section 367.071(4)(a), F.S. and cancel Certificate No. 422-S effective September 30, 2023. In addition, staff recommends that the docket be closed because no further action is necessary.

CL/MR/pz

cc: Office of Commission Clerk (Docket No. 20230102-SU)