

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for approval of transfer of water facilities of Duval Utility Company to Clay Utility Authority and cancellation of Certificate No. 299-W in Clay County.

DOCKET NO. 970273-WU
ORDER NO. PSC-98-0333-FOF-WU
ISSUED: February 26, 1998

ORDER ACKNOWLEDGING TRANSFER,
CANCELING CERTIFICATE AND CLOSING DOCKET

BY THE COMMISSION:

Duval Utility Company (Duval or utility) is a Class C utility that provides water service to 92 customers in Clay County under Certificate No. 299-W. On March 4, 1997, we received an application requesting approval to transfer Certificate No. 299-W to Sun Coast Utility (Sun Coast). The utility's application, as filed was deficient. Subsequently, Duval and Sun Coast decided to transfer the utility facilities to the Clay County Utility Authority (Clay County or County) rather than proceeding with the previously requested transfer.

On August 29, 1997, Duval filed an application to transfer the water facilities to the County and for cancellation of Certificate No. 299-W in Clay County, pursuant to Section 367.071(4)(a), Florida Statutes, and Rule 25-30.037(4), Florida Administrative Code. According to the application, the transfer of the facilities to the County was approved by the Clay County Board of County Commissioners on August 12, 1997, pursuant to Clay County Resolution No. 96/97-86. The utility's facilities were subsequently donated to Clay County.

Rule 25-30.037(4)(g), Florida Administrative Code, requires a utility to submit a statement regarding disposition of customer deposits when a utility is transferred. There are no customer deposits at the time of closing. Therefore, no refunds are outstanding. In addition, the County has obtained the most recent available income and expense statement, balance sheet, statement of rate base for regulatory purposes, and contributions-in-aid-of-construction from the utility. The utility is current on all annual report and regulatory assessment fees. There are no other dockets pending involving this utility. The provisions of Section

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367.071, Florida Statutes, require an application for approval of sale or transfer of water and/or wastewater utilities to governmental agencies. Pursuant to Section 367.071(4)(a), Florida Statutes, however, the sale or transfer of facilities to a governmental authority is approved as a matter of right.

Based on the foregoing, we find it appropriate to acknowledge the transfer of Duval Utility Company to the Clay County Utility Authority. Pursuant to Section 367.022, Florida Statutes, the County is exempt from the Commission's regulation. Therefore, Certificate No. 299-W is hereby canceled.

No further action is required and this docket shall be closed.

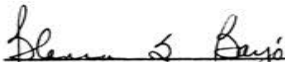
Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the application for transfer of facilities from Duval Utility Company, 995 Baymeadows Road, Suite 4, Jacksonville, Florida 32256, to Clay County Utility Authority, 782 Foxridge Center Drive, Orange Park, Florida 32065, is hereby acknowledged. It is further

ORDERED that Certificate No. 299-W is hereby canceled. It is further

ORDERED that this docket shall be closed.

By ORDER of the Florida Public Service Commission this 26th day of February, 1998.



BLANCA S. BAYO, Director
Division of Records and Reporting

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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 Director, Division of Records and Reporting, 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 Director, Division of Records and reporting 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.