

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 4, 2016,
TO: Carlotta S. Stauffer, Commission Clerk, Office of Commission Clerk
FROM: Clayton Lewis, U S Engineering Specialist, Division of Engineering
RE: **Replacement Filing** - Docket No.160130- WU- Application for transfer of water facilities to the City of Tavares in Lake County, and cancellation of Certificate No. 644-W, by TLP Water, Inc.

Please accept the attached memorandum, dated November 4, 2016, as a replacement for the memorandum filed on November 3, 2016, Document No. 08650-16, in the above referenced docket.

Thank you.



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DATE: November 4, 2016

TO: Margo A. Leathers, Attorney, Office of the General Counsel
Drew Hill, OPS Law Clerk, Office of the General Counsel

FROM: Clayton K. Lewis, US Engineering Specialist, Division of Engineering
Emily Knoblauch, Engineering Specialist I, Division of Engineering CKL EK

RE: Docket No. 160130-WU - Application for transfer of water facilities to the City of Tavares in Lake County, and cancellation of Certificate No. 644-W, by TLP Water, Inc.

TLP Water, Inc. (TLP or Utility) is a Class C water utility providing service to approximately 53 customers in Lake County. On May 24, 2016, the Commission received an application for transfer from TLP stating the City of Tavares had assumed the operation, management, and control of the distribution of water to TLP's customers on May 15, 2016. It should be noted that no facilities have been transferred to the City of Tavares. On September 30, 2016, Commission staff received a copy of the City of Tavares' resolution confirming the transfer of customers. See Documents Nos. 03178-16 and 07892-16.

Pursuant to Section 367.071(4)(a), Florida Statutes (F.S.), and Rule 25-30.038(2), Florida Administrative Code (F.A.C.), the Utility provided copies of the document transferring the Utility's customers and Annual Report. In accordance with Rule 25-30.038(2)(f), F.A.C., the Utility stated it held no customer deposits. TLP paid its outstanding regulatory assessment fees of \$1,743.57 on February 24, 2016. The Utility filed its 2015 Annual Report on March 29, 2016.

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. It should be noted that past Commission practice indicates that a transfer of customers from a regulated utility to a governmental entity shall be approved as a matter of right in accordance with the provisions of Section 367.071, F.S.¹

¹Order No. PSC-92-0422-FOF-SU, issued on May 28, 1992, in Docket No. 910508-SU, *In re: Application for transfer of Certificate No. 380-S from Naples Mobile Estates, Inc. to Yad Vkidush Hashem/House of Martyrs, Inc. in Collier County, Florida.*

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Based on the above, staff believes that the application is in compliance with Sections 367.071 and 367.022(2), F.S., and Rule 25-30.038, F.A.C. Staff recommends the Commission acknowledge the transfer of TLP's customers to the City of Tavares as a matter of right, pursuant to Section 367.071(4)(a), F.S., and cancel Certificate No. 644-W effective May 15, 2016. In addition, staff recommends the docket should be closed because no further action is necessary.

cc: Office of Commission Clerk, Docket No. 160130-WS

C. Mouring (AFD)

S. Cornelius (AFD)

S. Bruce (ECO)