

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Notice of abandonment of ) DOCKET NO. 921103-WU  
water system in Levy County by ) ORDER NO. PSC-93-0369-FOF-WU  
University Oaks Water System. ) ISSUED: 03/09/93

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON, Chairman  
SUSAN F. CLARK  
JULIA L. JOHNSON  
LUIS J. LAUREDO

ORDER ACKNOWLEDGING ABANDONMENT OF  
UNIVERSITY OAKS WATER SYSTEM AND  
ACKNOWLEDGING APPOINTMENT OF RECEIVER

BY THE COMMISSION:

University Oaks Water System (University Oaks or utility) is a class C utility presently serving 89 customers in Levy County. On October 19, 1992, University Oaks filed a notice of abandonment pursuant to Section 367.165, Florida Statutes. According to the utility's 1990 annual report, the most current report on file with this Commission, the utility earned revenues of \$6,236.00 in 1989, while the operating income for the utility was a loss of \$2,489.00.

On December 17, 1992, Judge Stan R. Morris of the Circuit Court of the Eighth Circuit in and for Levy County, Florida, issued an Order in Case No. 92-607-CA appointing Mr. Frank E. Woodward receiver of University Oaks. Mr. Woodward is a water plant operator who resides in the development and has expressed interest in purchasing the system.

Among other provisions, the Circuit Court Order appointing Mr. Woodward receiver requires the owner to surrender all property, assets, documents, and facilities pertaining to University Oaks Water System to the receiver. The Order requires the receiver to operate and maintain the utility, collect all revenues, and provide adequate and uninterrupted service to customers, as well as pay all operating expenses from the revenues received. The Order also directs the receiver to make extensions, expansions, repairs, replacements, and improvements to University Oaks as necessary.

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FPSC-RECORDS/REPORTING

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University Oaks is currently the subject of an enforcement action brought against it by the Department of Environmental Regulation (DER) for past violations. Additionally, in the course of this docket, a question has arisen regarding compliance with this Commission's annual reporting requirement and regulatory assessment fee requirement for 1991. The utility owner shall be responsible for the delinquent annual report and regulatory fees for 1991, and any fines or penalties thereof, if so imposed. We will address these matters in separate dockets.

However, as of December 17, 1992, the receiver shall be responsible for filing the 1992 annual report pursuant to Rule 25-30.110, Florida Administrative Code, and Sections 367.021(12) and 367.165(3), Florida Statutes, and filing the 1992 regulatory assessment fees pursuant to Rule 25-30.120, Florida Administrative Code. Furthermore, as the temporary holder of the certificate of authorization of the utility, the receiver, in addition to filing the annual report and paying regulatory assessment fees, is required to do all things required of a regulated utility. Therefore, no further action is required in this docket, and it shall be closed.

It is, therefore,

ORDERED by the Florida Public Service Commission that the abandonment of University Oaks Water System is hereby acknowledged. It is further

ORDERED that the appointment of Frank E. Woodward as receiver of University Oaks Water System is hereby acknowledged. It is further

ORDERED that this docket is closed.

By ORDER of the Florida Public Service Commission this 9th day of March, 1993.

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STEVE TRIBBLE, Director  
Division of Records and Reporting

( S E A L )  
LK

by: Kay Hejran  
Chief, Bureau of Records

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), 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 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 or sewer 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 Civil Procedure. The notice of appeal must be in the form specified in Rule 9.900 (a), Florida Rules of Appellate Procedure.