

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for transfer of )	DOCKET NO. 900179-WU
Certificate No. 204-W from Lake )	
Tarpon Homes, Inc. to Utilities, Inc. )	ORDER NO. 23379
of Florida in Pinellas County. )	
_____ )	ISSUED: 8-21-90

The following Commissioners participated in the disposition of this matter:

MICHAEL McK. WILSON, Chairman  
THOMAS M. BEARD  
BETTY EASLEY  
GERALD L. GUNTER  
FRANK S. MESSERSMITH

ORDER APPROVING TRANSFER  
AND CLOSING DOCKET

Background

On March 9, 1990, Utilities, Inc. of Florida (Utilities, Inc.) filed an application with this Commission for the transfer of Lake Tarpon Homes, Inc. (Lake Tarpon or Utility). The sale of the system occurred on January 16, 1990, contingent upon approval by this Commission. Lake Tarpon currently serves a 40 unit apartment complex and 510 homes.

Application

The application is in compliance with Section 367.071, Florida Statutes, and other pertinent statutes and administrative rules concerning an application for transfer. In particular, the notarized application contains:

- 1) A filing fee in the amount of \$900, as prescribed by Rule 25-30.020, Florida Administrative Code.
- 2) Proof of notice to all interested governmental and regulatory agencies and all utilities within a four-mile radius of the territory, and proof of advertisement in a newspaper of general circulation in the county, as prescribed by Rule 25-30.030, Florida Administrative Code.
- 3) Proof of notice to all customers of record pursuant to 25-30.030(g), Florida Administrative Code.

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- 4) Evidence that the utility owns the land upon which the utility's facilities are located as required by Rule 25-30.035(3)(f), Florida Administrative Code.

No objections have been received and the time for filing such has expired.

Utilities, Inc. owns and operates water and wastewater systems throughout the State and has demonstrated that it has the financial and technical expertise to operate the Lake Tarpon system. Therefore, we find that the transfer of Certificate No. 204-W and the Utility's assets from Lake Tarpon to Utilities, Inc. is in the public interest and it is approved. A description of the territory to be transferred is shown on Attachment A of this Order.

#### Rate Base

When there is a transfer of a utility system, we usually establish rate base as of the date of transfer. However, in this case the transfer occurred during the pendency of a staff-assisted rate case. By Order No. 22956, issued May 21, 1990, in Docket No. 890442-WU, we established rate base for this Utility. There have not been any additions or retirements to the system since then. An acquisition adjustment has not been requested even though Utilities, Inc. paid in excess of rate base for the Utility. Therefore, we are not establishing rate base in this proceeding.

#### Rates and Charges

Rule 25-9.044(1), Florida Administrative Code, states that the new owner of a system must adopt and use the rates, classification and regulations of the former operating company unless authorized to change by the Commission. Utilities, Inc. has not requested a change in the rates and charges of the Utility and we see no reason to change them at this time. Therefore, Utilities, Inc. shall continue to charge the rates and charges previously approved for Lake Tarpon until authorized to change by this Commission. Utilities, Inc. shall file a tariff reflecting the change in ownership within 30 days of the date of this Order. The tariff shall be effective for services provided or connections made after the stamped approval date.

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It is, therefore,

ORDERED by the Florida Public Service Commission that the transfer of Certificate No. 204-W from Lake Tarpon Homes, Inc., 43 Village Green Way, Palm Harbor, Florida 34684, to Utilities, Inc., 2335 Sanders Road, Northbrook, Illinois 60062, is hereby approved. It is further

ORDERED that Utilities, Inc. shall continue to charge the customers of Lake Tarpon the rates and charges previously approved for Lake Tarpon. It is further

ORDERED that Utilities, Inc. shall file a tariff reflecting the change in ownership within 30 days of the date of this Order. The tariff shall be effective for services provided or connections made after the stamped approval date. It is further

ORDERED that Docket No. 900179-WU is hereby closed.

By ORDER of the Florida Public Service Commission,  
this 21st day of AUGUST, 1990.

  
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STEVE TRIBBLE, 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 120.59(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 Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.

ATTACHMENT A

DESCRIPTION OF TERRITORY SERVED

In Sections 29 and 30, Township 27 South, Range 16 East, Pinellas County, Florida.

Begin at the intersection of the East right of way of United States Highway #19, with the North right of way of County Road #87-E, located near the South West corner of the South East 1/4 of Section 30, Township 27 South, Range 16 East for a Point of Beginning; then run East along said North right of way of County Rd. #87 East in a straight line extended to the West Shore line of Lake Tarpon. Then run North along this West shore line to the North line of the Southwest 1/4 of the Southwest 1/4 of Section 29, Township 27 South, Range 16 East; then run West along this North line and the North line of the Southeast 1/4 of the Southeast 1/4 of Section 30, Township 27 South, Range 16 East to the East right of way line U.S. Highway #19; then run South along this East right of way line to the Point of Beginning.