

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for transfer  
of water and wastewater  
facilities of Rampart Utilities,  
Inc. to Charlotte County, and  
cancellation of Certificates  
Nos. 572-W and 497-S.

DOCKET NO. 990403-WS  
ORDER NO. PSC-99-1195-FOF-WS  
ISSUED: June 10, 1999

ORDER APPROVING SALE TO A GOVERNMENTAL AUTHORITY, CANCELING  
CERTIFICATES, AND CLOSING DOCKET

BY THE COMMISSION:

Rampart Utilities, Inc. (Rampart or utility) is a Class B water and wastewater utility providing service to Victoria Estates and Maple Leaf Estates in Charlotte County, Florida. Rampart provides potable water service, which is purchased in bulk from Charlotte County. According to its 1997 annual report, Rampart serves approximately 1,316 water and 1,312 wastewater customers with combined water and wastewater revenues of \$896,894 and a combined net operating income of \$79,366.

A resolution by the Charlotte County Board of County Commissioners on September 27, 1994 declared Charlotte County subject to Chapter 367, Florida Statutes. By Order No. PSC-95-0750-FOF-WS, issued June 22, 1995, in Docket No. 941342-WS, the Commission granted Rampart's grandfather certificates.

The provisions of Section 367.071, Florida Statutes, require an application for the approval of sale or transfer of water and/or wastewater utilities to governmental authorities. Such sales are approved as a matter of right. Subsection 367.022(2), Florida Statutes, exempts from regulation by the Commission systems owned, operated, managed or controlled by governmental authorities.

On March 30, 1999, Rampart filed an application with this Commission for approval of the transfer of its water and wastewater facilities to Charlotte County, and cancellation of Certificates Nos. 572-W and 497-S. The application included a copy of the "Rampart Utility System Asset Acquisition Agreement" (Agreement). The transfer occurred on April 28, 1999, and the total purchase price was \$2,433,200, subject to the terms, adjustments and

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prorations provided in the Agreement and payable by Charlotte County to Rampart in immediately available funds at closing.

Rule 25-30.037(4)(g), Florida Administrative Code, requires a utility to submit a statement regarding disposition of customer deposits. The application states that credit shall be given to Charlotte County, on the date of closing, for the liabilities assumed for customer deposits or unused application fees or charges, including any interest due thereon through the date of closing. Per the Agreement, Rampart will provide the County with a listing of current customers by account, customer deposits, and an aggregate total fifteen days prior to the date of closing. A copy of Charlotte County's internal memorandum, prepared by Mr. Richard E. Howell and dated March 17, 1999, was provided as evidence that Charlotte County had obtained the utility's most recent income and expense statement, balance sheet, statement of rate base for regulatory purposes, and contributions-in-aid-of-construction (CIAC).

The utility is current with its regulatory assessment fees through 1998 and was granted an extension until May 31, 1999 to file its annual report information. Rampart shall be responsible for regulatory assessment fees up until the April 28, 1999 closing date. Outstanding regulatory assessment fees and penalties owed shall be were paid in full. There are no rate dockets pending disposition nor is disposition of gross-up funds for CIAC an issue for this utility.

The utility's application complies with Section 367.071(4)(a), Florida Statutes, and Rule 25-30.037(4), Florida Administrative Code. On the basis of the foregoing, we find it appropriate to approve the transfer of Rampart Utilities, Inc. to Charlotte County, to cancel Certificates Nos. 572-W and 497-S. and to close the docket. It is therefore,

ORDERED by the Florida Public Service Commission that the sale of Rampart Utilities, Inc., 2100 Kings Highway, Port Charlotte, Florida 39980, to Charlotte County, 18500 Murdock Circle, Port Charlotte, Florida 33948-1094, is hereby approved. It is further

ORDERED that Certificates Nos. 572-W and 497-S are hereby canceled. The utility is directed to return the Certificates to this Commission for cancellation within twenty days of the date of this Order. It is further

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ORDERED that this docket is hereby closed.

By ORDER of the Florida Public Service Commission this 10th  
day of June, 1999.

BLANCA S. BAYÓ, Director  
Division of Records and Reporting

By: Kay Flynn  
Kay Flynn, Chief  
Bureau of Records

( S E A L )

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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.