

State of Florida



Public Service Commission

-M-E-M-O-R-A-N-D-U-M-

DATE: November 26, 2001
TO: Division of Commission Clerk and Administrative Services
FROM: Patricia Brady, Division of Regulatory Oversight *pb p.d.*
RE: Docket No. 011402-WU - Notice of abandonment of water services in Marion County by Silver City Utilities.

Please add to the docket file the attached facsimile letter dated November 15, 2001, from Thomas A. Cloud, Esq., representing Marion County, Florida, to Patricia Brady of Commission staff. The letter indicates that, at this time, the Board of County Commissioners does not intend to take over the water system.

Attachment

cc: Division of Regulatory Oversight (Redemann)
Division of Economic Regulation (Iwenjiora)
Division of Legal Services (Harris)
Division of Commission Clerk and Administrative Services (Security File)

DOCUMENT NO.
14986-01
11/29/01

GRAY, HARRIS & ROBINSON

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407-244-5624

Thomas A. Cloud

E-MAIL ADDRESS

November 15, 2001

Our File No:40200-1

VIA FACSIMILE 850-413-6687

Patricia Brady
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

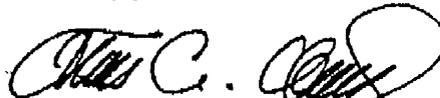
Re: Silver City Utilities

Dear Pat:

Permit me to introduce myself, I am Water and Wasterwater Utilities Counsel to Marion County, Florida. The County forwarded to me your communication to Gordon Johnston, the Marion County Attorney, regarding Silver City's utility. There seems to be some confusion as to whether or not Silver City Utilities is in fact a "utility." While the enclosed letter from David Small lists a number in the RE of the letter ("WU362"), the letter goes on to state that "We again reiterate that the Utility has never received any revenue from its customers at any time and also has never had a rate case done." There is some reference in a 1999 letter to having a certificate, but again based on the description in the letter, it does not appear that Silver City is in fact a "utility." If not, that means that they are not entitled to take advantage of the abandonment statute under Section 367.165, Florida Statutes. This is because the statute only applies to "utilities."

At this time, the Board of County Commissioners has no intention of taking over this water system. I will call you today to see if we can get to the bottom of this mess.

Sincerely yours,


Thomas A. Cloud, Esquire

GRAY, HARRIS & ROBINSON, P.A.

TAC/jg

Enclosure

cc: Janet Tutt (via fax 352-620-3344)
Gordon Johnston (via fax 352-620-3790)



*Copy - Madeline Janet Tatt
Foot m/c*

355 Princes Street,
Kincardine, Ontario.
Canada N2Z 2T7

RECEIVED
01 OCT 29 PM 3:31
CLERK OF CIRCUIT COURT
MARION COUNTY, FL

October 24, 2001.

Division of Commission Clerk and Fiscal Services,
Florida Public Service Commission,
2540 Shumard Oak Boulevard,
Tallahassee, Florida 32399-0850

RECEIVED
OCT 31 2001
MARION COUNTY
ADMINISTRATIVE OFFICE

Dear Sirs:

RE: Silver City Utilities WU362

We wish to advise that we would like to commence abandonment of the above-noted water system as of December 31, 2001. We will co-operate with any organization regarding this matter if an extension is warranted.

We would like to offer a brief history of the Utility and enclose herewith photocopies of letters to the Commission dated July 27, 1999 and February 28, 2001. We again reiterate that the Utility has never received any revenue from its customers at any time and also has never had a rate case done.

We feel that the homeowners association has been given ample time to assume full responsibility for the water system. We are sorry that a more amicable conclusion could not be reached to this problem. We trust that you will give this your utmost consideration. We can be reached at the above-noted address or by telephone at 519-396-2350 or 519-396-2658.

Yours very truly,

David L. Small

✓ c.c. Marion County, Board of County Commissioners
Florida Department of Environmental Protection