

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Acknowledgement of) DOCKET NO. 940855-WU
abandonment of water system in) ORDER NO. PSC-94-1356-FOF-WU
Lake County by FORTY-EIGHT) ISSUED: November 7, 1994
ESTATES WATER SYSTEM and naming)
of Joe Swiderski as receiver.)
_____)

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON, Chairman
SUSAN F. CLARK
JOE GARCIA
JULIA L. JOHNSON
DIANE K. KIESLING

ORDER ACKNOWLEDGING ABANDONMENT OF FORTY-EIGHT ESTATES
WATER SYSTEM AND ACKNOWLEDGING APPOINTMENT OF RECEIVER

BY THE COMMISSION:

Forty-Eight Estates Water System (Forty-Eight Estates) is a Class C utility located in Lake County. Mr. Stanley Busk has been the owner of the utility since 1985. The Commission granted Forty-Eight Estates Certificate No. 498-W by Order No. 18839, issued on February 10, 1988.

On August 9, 1994, Forty-Eight Estates was declared abandoned by Judge Jerry T. Lockett of the Circuit Court of the Fifth Judicial Circuit for Lake County, Florida. The same Order appointed Mr. Joe Swiderski receiver over the system until further order of the Court. Mr. Swiderski is the owner and operator of J. Swiderski Utilities, Inc., which is located in Leesburg, Florida.

Pursuant to 367.165, Florida Statutes, and Rule 25-30.090, Florida Administrative Code, a utility must give sixty days notice to the Commission prior to abandonment. However, in the instant case, the abandonment was facilitated by the Florida Department of Environmental Protection (DEP) and the process occurred without intervention of the Commission. The Florida DEP previously filed suit against Mr. Busk for not maintaining the utility facilities to required standards. DEP issued an order requiring immediate repairs and upgrades to the water system.

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service to customers, as well as pay all operating expenses from the revenues received. These revenues are to be maintained by the receiver in an insured banking account. The receiver may, by order of the court, authorize construction for improvements to the property.

The Order also recognizes that in accordance with Chapter 367, Florida Statutes, the receiver operating an abandoned utility shall be considered to hold a temporary authorization from the Public Service Commission. As such, the receiver shall be responsible for complying with all statutes and rules which regulate this utility, including filing future annual reports and the paying of regulatory assessment fees. Therefore, we acknowledge the abandonment of Forty-Eight Estates and the naming of Joe Swiderski as its receiver. No further action is required and this docket shall be closed.

Based on the foregoing, it is, therefore,

ORDERED by the Florida Public Service Commission that the abandonment of Forty-Eight Estates Water System is hereby acknowledged. It is further

ORDERED that the appointment of Mr. Joe Swiderski as receiver of Forty-Eight Estates Water System is hereby acknowledged. It is further

ORDERED that Docket No. 940855-WU is closed.

By ORDER of the Florida Public Service Commission, this 7th day of November, 1994.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

by: Kay J. [Signature]
Chief, Bureau of Records

(S E A L)
MSN

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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.