

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for transfer) DOCKET NO. 950025-SU
of facilities of S-W Disposal) ORDER NO. PSC-95-0418-FOF-SU
System, Inc. to Bonita Springs) ISSUED: March 27, 1995
Utilities, Inc., and)
cancellation of Certificate No.)
314-S in Lee County.)
_____)

The following Commissioners participated in the disposition of this matter:

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

ORDER APPROVING TRANSFER, CANCELLING
CERTIFICATE NO. 314-S AND CLOSING DOCKET

BY THE COMMISSION:

BACKGROUND

S-W Disposal System, Inc. (S-W) is a class "C" wastewater utility which provides service to approximately 395 customers in Lee County. Within its 1993 annual report, the utility reported gross operating revenues of \$66,754 with a net operating loss of \$11,175.

On January 5, 1995, S-W and Bonita Springs Utilities, Inc. (Bonita) filed an application for transfer of S-W's system to Bonita, pursuant to Section 367.071, Florida Statutes. Bonita is planning to interconnect the S-W system into their system upon our approval of the transfer. Order No. 24921, issued August 16, 1991, exempted Bonita's wastewater system from this Commission's regulation. Bonita is a not-for-profit corporation engaged in the business of providing wastewater treatment service in Lee County. Bonita is a member-owned cooperative whose membership is comprised of residential and commercial customers.

APPLICATION

The application is in compliance with the governing statute, Section 367.071, Florida Statutes, and Rule 25-30.037, Florida Administrative Code. The application contains a check in the

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amount of \$750.00, which is the correct filing fee pursuant to Rule 25-30.020, Florida Administrative Code.

In addition, the application contains proof of compliance with the noticing provisions set forth in Rule 25-30.030, Florida Administrative Code, including notice to the customers of the system to be transferred. No objections to the notice of application have been received and the time for filing such has expired. A description of the territory served by the utility is not attached, since we do not grant specific territory to exempt entities. In Docket No. 910998-SU, by Order No. PSC-92-0539-FOF-SU, issued June 23, 1992, rate base was established as \$24,064. No acquisition adjustment has been proposed. The rate base and acquisition adjustment has no effect on an exempt entity. The S-W system will be dismantled after interconnection with Bonita. Bonita will transmit the wastewater to its regional wastewater facility.

Bonita has been in existence since 1970 and exempt since 1971 for the provision of water service to over 13,000 customers in Southwest Lee County. In 1990, Bonita began developing a regional wastewater treatment and disposal system. Bonita is coordinating its effort with Lee County to provide regional service throughout the county. To fund the wastewater system, Bonita has secured \$22.8 million in Industrial Development Revenue Bonds. According to the application, the S-W system was not designed as a permanent service provider addressing the long-term needs of area residents.

The application contains a copy of the contract for sale which includes the purchase price, terms of payment and a list of the assets purchased and the liabilities assumed. Bonita provided a statement in its application that it will fulfill the commitments, obligations and representations of S-W. All former customers of S-W will become members of Bonita's not-for-profit corporation.

The application states that there are no outstanding customer deposits, no developer agreements, no customer advances, no leases, and no debt of S-W being assumed by Bonita. S-W owes \$260.99 plus penalties and interest for outstanding 1991 regulatory assessment fees. S-W will also be liable for the 1994 regulatory assessment fees that are due on March 31, 1995.

Based on the preceding discussion, we find that the transfer of assets from S-W Disposal System, Inc. to Bonita Springs Utilities Inc., is in the public interest and is hereby approved. Accordingly, Certificate No. 314-S shall be cancelled. Since no further action is required, this docket shall be closed.

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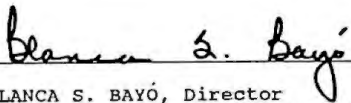
It is, therefore,

ORDERED by the Florida Public Service Commission that the transfer of the assets from S-W Disposal System, Inc., Post Office Drawer F, Bonita Springs, Florida 33959, to Bonita Springs Utilities, Inc., Post Office Box 2368, Bonita Springs, Florida 33959, is hereby approved. It is further

ORDERED that Certificate No. 314-S is hereby cancelled. It is further

ORDERED that this docket is hereby closed.

By ORDER of the Florida Public Service Commission, this 27th day of March, 1995.



BLANCA S. BAYÓ, 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 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.