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DIVISION OF LEGAL SERVICES
NOREEN S. DAVIS
DIRECTOR
(904) 413-6199

Public Service Commission

February 1, 1996

960000-

Mr. Matthew Feil, Esquire
Southern States Utilities, Inc.
1000 Color Place
Apopka, FL 32703

Re: Southern States Utilities, Inc.'s (SSU) Role as Receiver for Enterprise Utilities Corporation's Water and Wastewater Utility Assets

Dear Mr. Feil:

In your letter dated November 14, 1995, you asked whether SSU must file an application for transfer pursuant to Section 367.071, Florida Statutes, or notice of abandonment pursuant to Section 367.165, Florida Statutes, at the time SSU petitions the court to be relieved as receiver of Enterprise Utilities Corporation's Water and Wastewater Utility Assets (Enterprise).

As receiver in Volusia County, you are obligated to petition the court for withdrawal of your receivership responsibilities. Section 367.165(1), Florida Statutes, states that: "No...receiver...operating, managing or controlling a utility shall abandon the utility without giving 60 days' notice to the county or counties in which the utility is located and to the Commission." Transfer procedures are inapplicable here, as they require ownership of the utility and SSU is not the owner of these assets. SSU has merely a temporary authorization to operate and administer service of this utility, even though this "temporary" status has continued for over ten years.

Once SSU has petitioned for withdrawal, the county and court will attempt to find a willing alternative receiver. During the interim, we anticipate that the court will require SSU continue to maintain the utility and supply current customers with water and wastewater service. It is the intent of the Legislature that water or wastewater service to the customers of a utility not be interrupted by the abandonment or placement into receivership of the utility. Section 367.165, Florida Statutes.

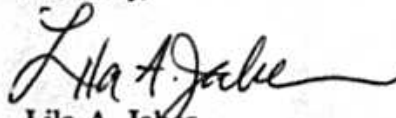
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**Continuation of Letter to:
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In the Emerald Lakes situation, the City of St. Cloud has petitioned the court for a substitute receiver. The matter, as far as I can tell, is still pending. In the case of a change in receivership, the Commission only acknowledges the change by the issuance of an order. If you have questions, please contact me at (904) 413-6199. Keep us updated on SSU's decision and I apologize for the delay in responding to your letter.

Sincerely,



**Lila A. Jaber
Bureau Chief, Water & Wastewater
Division of Legal Services**

LAJ/mw

cc: Division of Water and Wastewater (Messer, Williams)