

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Notice of abandonment of  
Manatee Utilities, Inc. in Levy  
County by Frank E. Woodward.

DOCKET NO. 960802-WU  
ORDER NO. PSC-97-1545-FOF-WU  
ISSUED: December 9, 1997

The following Commissioners participated in the disposition of this matter:

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

ORDER CANCELING CERTIFICATE AND CLOSING DOCKET

BY THE COMMISSION:

Manatee Utilities, Inc., (Manatee) is a Class C water utility serving approximately 50 customers in Chiefland County Estates in Levy County. The utility has operated under Certificate No. 411-W since December 9, 1983. The utility's 1994 annual report shows total gross revenues of \$6,207 with a net operating loss of \$6,934. The utility has not filed annual reports for either 1995 or 1996.

In Order No. PSC-95-0222-FOF-WU, issued February 17, 1995, in Docket No. 941122-WU, we acknowledged the abandonment of the utility by its owner, James E. Bennett, and the appointment of Frank E. Woodward as receiver. The order required that Mr. Woodward file an application for transfer of the utility's certificate by May 31, 1995. The utility did not file the application. In addition, there is no record that a reported purchase of the utility by Mr. Woodward was acknowledged by the circuit court and that, as a consequence, Mr. Woodward's responsibility as receiver was vacated.

On November 8, 1995, Mr. Woodward filed a notice of intent to abandon the utility pursuant to Section 367.165, Florida Statutes, and Docket No. 951445-WU was opened. On February 1, 1996, however, Mr. Woodward filed a notice with this Commission staying the abandonment and requesting that Docket No. 951445-WU be closed.

DOCUMENT NUMBER-DATE

12562 DEC-95

FILED RECORDS/REPORTING

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Commission staff sent another application for transfer to Mr. Woodward on March 13, 1996. Again, the utility failed to file an application.

On July 3, 1996, Mr. Woodward noticed this Commission a second time of his intent to abandon Manatee and this docket was opened. We acknowledged Mr. Woodward's abandonment effective September 1, 1996, in Order No. PSC-96-1186-FOF-WU, issued September 20, 1996. Levy County has been operating the utility since that time through an independent contractor. The County has not petitioned the court for appointment as receiver for the utility.

Pursuant to Section 367.022(2), Florida Statutes, utility systems owned, managed, or controlled by governmental authorities are exempt from Commission regulation. As of July 1, 1996, Section 367.022, Florida Statutes, became self-executing. Thus, we order that Manatee's certificate, Certificate No. 411-W, be canceled and that this docket be closed.

The staff advised Levy County of its intention to recommend the action we have taken. The County affirmed that it will continue to operate the utility as it presently does. The County understands that if a disposition of the utility is made to an entity subject to the Commission's regulation, it will inform the Commission.

The utility's former receiver has not paid the utility's regulatory assessment fees for 1995 and 1996, nor were the annual reports filed for those years. These matters will, however, be addressed separately in another docket.

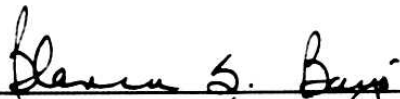
Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Manatee Utilities, Inc.'s certificate, Certificate No. 411-W, is hereby canceled, effective September 1, 1996. It is further

ORDERED that this docket shall be closed.

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By ORDER of the Florida Public Service Commission this 9th  
day of December, 1997.

  
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BLANCA S. BAYÓ, Director  
Division of Records and Reporting

( S E A L )

CJP

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.