

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Notice of abandonment of  
water and wastewater services in  
Volusia County by DeBary  
Associates, Inc.

DOCKET NO. 000292-WS  
ORDER NO. PSC-00-1083-FOF-WS  
ISSUED: June 5, 2000

The following Commissioners participated in the disposition of this matter:

JOE GARCIA, Chairman  
J. TERRY DEASON  
SUSAN F. CLARK  
E. LEON JACOBS, JR.  
LILA A. JABER

ORDER ACKNOWLEDGING NOTICE OF ABANDONMENT

BY THE COMMISSION:

DeBary Associates, Inc., (DeBary or utility) is a Class C water and wastewater utility serving the Meadowlea on the River Mobile Home community in Volusia County (County). According to its 1998 annual report, the utility had approximately 80 connections with combined gross revenues of \$82,716 and a combined net operating loss of \$4,015.

On March 6, 2000, notice of the intent to abandon DeBary, was given by the owner's representative, Mr. Gary Shipman, to the Commission's Division of Water and Wastewater, Volusia County, and the City of DeBary, pursuant to Section 367.165, Florida Statutes. DeBary provided more than the required 60 days notice by extending the effective date of abandonment to June 1, 2000, to ensure that its customers are not affected by this abandonment. According to DeBary's notice of intent, it can no longer provide utility services due to changed circumstances. However, DeBary will cooperate with the receiver of the utility in order to facilitate a smooth transition.

After receiving DeBary's notice of its intent to abandon, we contacted the County Attorney, the County Director of Utilities, the local water and wastewater compliance sections of Florida's Department of Environmental Protection (FDEP), and the utility's

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current operator and all parties are working as expeditiously as possible on a mutually beneficial solution to this abandonment. However, if there is an interim period between the actual abandonment of the utility and the appointment of a receiver, the County is prepared to continue utility operations without interruption of service to the utility's customer. Once a receiver for the utility has been appointed by the Circuit Court, our staff will bring another recommendation before us to acknowledge that action. We will continue to work with the County, the utility, and FDEP to ensure continued service to the utility's customers.

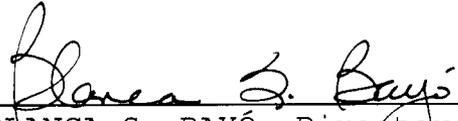
Therefore, we acknowledge the notice of abandonment of DeBary, by Mr. Charles Shalett and order that this docket should remain open until we have acknowledged the appointment of a receiver for DeBary.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Mr. Charles Shalett's notice of abandonment of DeBary Associates, Inc. shall be acknowledged. It is further

ORDERED that this docket shall remain open until the Commission acknowledges the appointment of a receiver for DeBary Associates, Inc.

By ORDER of the Florida Public Service Commission this 5th day of June, 2000.

  
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BLANCA S. BAYÓ, Director  
Division of Records and Reporting

( S E A L )

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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.