

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for transfer of water and wastewater facilities to Florida Governmental Utility Authority, and cancellation of Certificate Nos. 157-W and 107-S, by Lindrick Service Corporation.

DOCKET NO. 100147-WS
ORDER NO. PSC-10-0356-FOF-WS
ISSUED: June 4, 2010

The following Commissioners participated in the disposition of this matter:

NANCY ARGENZIANO, Chairman
LISA POLAK EDGAR
NATHAN A. SKOP
DAVID E. KLEMENT
BEN A. "STEVE" STEVENS III

ORDER ACKNOWLEDGING TRANSFER OF FACILITIES

BY THE COMMISSION:

Background

Lindrick Service Corporation (Lindrick or utility) is a Class A water and wastewater utility providing service to approximately 4,200 customers in Pasco County. The utility is located in the Northern Tampa Bay Water Use Caution Area of the Southwest Florida Water Management District (SWFWMD). The utility's 2008 annual report shows gross revenue of \$2,778,925 and net operating income of \$164,734. The utility was originally issued Certificate Nos. 157-W and 107-S in 1973.¹

On March 26, 2010, Lindrick filed an application for transfer of its water and wastewater systems to the Florida Governmental Utility Authority (FGUA) and for cancellation of Certificate Nos. 157-W and 107-S. We have jurisdiction to consider this matter pursuant to Section 367.071, Florida Statutes (F.S.).

Transfer of Facilities

Lindrick applied for a transfer of its facilities and territory to FGUA on March 26, 2010, pursuant to Section 367.071, F.S., and Rule 25-30.037(4), Florida Administrative Code, (F.A.C.) The closing on the sale of the utility facilities took place on March 10, 2010, which is the effective date of the transfer.

¹ Order No. 5797, issued July 5, 1973, in Docket No. C-73117-W, In re: Application of Lindrick Service Corporation for Certificates to Operate Existing Water and Sewer Systems in Pasco County.

DOCUMENT NUMBER-DATE
04661 JUN-4 2010
FPSC-COMMISSION CLERK

Pursuant to Section 367.071(4)(a), F.S., the sale of facilities to a governmental authority shall be approved as a matter of right. We have determined that FGUA is a governmental authority in previous dockets.² As such, no notice of the transfer is required and no filing fees apply.

The application is in compliance with Section 367.071(4)(a), F.S., and Rule 25-30.037(4), F.A.C. The application contains a statement that the FGUA obtained Lindrick's most recent income and expense statement, balance sheet, statement of rate base for regulatory purposes, and contributions-in-aid-of-construction, pursuant to Rule 25-30.037(4)(e), F.A.C. In addition, a statement was provided that the customer deposits were transferred to FGUA and the accumulated interest on the deposits was distributed to the applicable customers.

The utility has paid its 2009 Regulatory Assessment Fees and has filed all annual reports through 2008. The utility has been granted an extension until May 31, 2010, to file its 2009 Annual Report. Lindrick shall be responsible for the payment of RAFs on revenues for the period January 1, 2010, through March 9, 2010, with a due date of July 30, 2010. However, the utility shall not be required to file an annual report for 2010.

Accordingly, the transfer of the Lindrick water and wastewater territory and facilities to FGUA shall be acknowledged, as a matter of right, pursuant to Section 367.071(4)(a), F.S. Certificate Nos. 157-W and 107-S shall be cancelled effective March 10, 2010, which was the closing date of the sale.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the transfer of Lindrick Service Corporation's water and wastewater territory and facilities to the Florida Governmental Utility Authority shall be acknowledged, as a matter of right. It is further

ORDERED that Certificate Nos. 157-W and 107-S shall be cancelled effective March 10, 2010. It is further

ORDERED that Lindrick Service Corporation shall be responsible for the payment of regulatory assessment fees on revenues for the period January 1, 2010, through March 9, 2010, with a due date of July 30, 2010. It is further

² See Order No. PSC-00-2351-FOF-WS, issued December 7, 2000, in Docket No. 990489-WS, In re: Application by Florida Cities Water Company, holder of Certificate Nos. 027-W and 024-S in Lee County and 0007-W and 0003-S in Brevard County, and Poinciana Utilities, Inc., holder of Certificate Nos. 146-W and 103-S in Polk and Osceola Counties, for transfer of facilities to Florida Governmental Utility Authority and Cancellation of Certificate Nos. 027-W, 024-S, 007-W, 003-S, 146-W, and 103-S; Order No. PSC-03-1284-FOF-WS, issued November 10, 2003, in Docket No. 030932-WS, In re: Joint application for acknowledgement of sale of land and facilities of Florida Water Services Corporation in Lee County to Florida Governmental Utility Authority, and for cancellation of Certificate Nos. 306-W and 255-S; and Order No. PSC-09-0334-PAA-WS, issued May 14, 2009, in Docket No. 090120-WS, In re: Joint notice by Aloha Utilities, Inc. and the Florida Governmental Utility Authority of transfer of water and wastewater assets to the Florida Governmental Utility Authority, in Pasco County, and cancellation of Certificate Nos. 136-W and 97-S.

ORDERED that this docket shall be closed.

By ORDER of the Florida Public Service Commission this 4th day of June, 2010.



ANN COLE
Commission Clerk

(SEAL)

LAH

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 Office of Commission Clerk, 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 Office of Commission Clerk, 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.