

State of Florida



# Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD  
TALLAHASSEE, FLORIDA 32399-0850

RECEIVED-PPSC

11 JAN 12 AM 11:25

COMMISSION  
CLERK

**-M-E-M-O-R-A-N-D-U-M-**

**DATE:** January 12, 2011

**TO:** Office of Commission Clerk (Cole)

**FROM:** Office of the General Counsel (Klancke) *CK*  
Division of Economic Regulation (Brady, Chase, Daniel, Williams) *JP pb*

**RE:** Docket No. 090478-WS – Application for original certificates for proposed water and wastewater systems, in Hernando and Pasco Counties, and request for initial rates and charges, by Skyland Utilities, LLC.

**AGENDA:** 01/25/11 – Regular Agenda – Notice of Withdrawal – Interested Persons May Participate

**COMMISSIONERS ASSIGNED:** All Commissioners

**PREHEARING OFFICER:** Graham

**CRITICAL DATES:** None

**SPECIAL INSTRUCTIONS:** None

**FILE NAME AND LOCATION:** S:\PSC\ECR\WP\090478.RCM.DOC

### Case Background

On October 16, 2009, Skyland Utilities, LLC (Skyland or Utility), filed an application for original certificates to operate a water and wastewater utility in Hernando and Pasco Counties, and for approval of initial rates and charges (Application). While the privately owned water and wastewater utilities in Pasco County are subject to Chapter 367, Florida Statutes (F.S.), the privately owned utilities in Hernando are not. As such, Skyland relied on the provisions of Chapter 367.171(7), F.S., which gives the Commission exclusive jurisdiction over all utility systems whose service transverse county boundaries, whether the counties involved are jurisdictional or nonjurisdictional. On November 13, 2009, Hernando County, Hernando County Water and Sewer District, and Hernando County Utility Regulatory Authority (collectively

DOCUMENT NUMBER 00298

00298 JAN 12 =

FPSC-COMMISSION CLERK

Hernando), Pasco County (Pasco), and the City of Brooksville (Brooksville) each timely filed a protest to the Utility's Application. On June 16, 2010, the Office of Public Counsel intervened in this case.<sup>1</sup>

A full administrative hearing was held on July 7 – 8, and September 23, 2010. Commission staff filed its post-hearing recommendation December 2, 2010. On January 10, 2010, Skyland filed its Withdrawal of Application and Request for Acknowledgement of Withdrawal (Withdrawal). None of the other parties to this proceeding oppose the requested Withdrawal.

This recommendation addresses Skyland's Withdrawal and the ultimate disposition of Docket No. 090478-WS. The Commission has jurisdiction over this matter pursuant to Sections 367.031, 367.045, 367.081, 367.101 and 367.171(7), F.S.

---

<sup>1</sup> See Order No. PSC-10-0387-PCO-WS, issued June 16, 2010, in Docket No. 090478-WS, In re: Application for original certificates for proposed water and wastewater systems, in Hernando and Pasco Counties, and request for initial rates and charges, by Skyland Utilities, LLC.

**Discussion of Issues**

**Issue 1:** Should the Commission acknowledge the Applicant's voluntary withdrawal of its application for original certificates to operate a water and wastewater utility in Hernando and Pasco Counties?

**Recommendation:** Yes, the Commission should acknowledge the Applicant's voluntary withdrawal of its application for original certificates to operate a water and wastewater utility in Hernando and Pasco Counties. (Klancke)

**Staff Analysis:** As stated in the case background, in this case a formal hearing has occurred. Upon the completion of the formal hearing, the record in this proceeding was closed. (TR 982) Although a recommendation in this matter was filed on December 2, 2010, it has not been deliberated at a Commission Conference nor has a final determination been rendered by the Commission in this matter. Because none of the other parties to this proceeding have opposed the requested Withdrawal, staff believes that in this instance, the Applicant may withdraw its petition. Thus, staff recommends that the Commission acknowledge the Applicant's voluntary withdrawal of its application for original certificates to operate a water and wastewater utility in Hernando and Pasco Counties.

Docket No. 090478-WS

Date: January 12, 2011

**Issue 2:** Should this docket be closed?

**Recommendation:** Yes. If the Commission approves staff's recommendation in Issue 1, the docket should be closed. (Klancke)

**Staff Analysis:** If the Commission approves staff's recommendation in Issue 1, the docket should be closed.