

State of Florida



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

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

DATE: May 9, 2014

TO: Art Graham, Chairman
Lisa Polak Edgar, Commissioner
Ronald A. Brisé, Commissioner
Eduardo E. Balbis, Commissioner
Julie I. Brown, Commissioner
S. Curtis Kiser, General Counsel
Braulio Baez, Executive Director

FROM: Thomas E. Ballinger, Director, Division of Engineering *TJB*
Suzanne S. Brownless, Senior Attorney, Office of the General Counsel *SSB*

RE: Docket No. 140061-WS - Abandonment of water and wastewater system in Escambia County by Innerarity Development Corporation.

Pursuant to Section 2.07(C)(4)(e) of the Administrative Procedures Manual (APM), the Division of Engineering recommends that the appointment of Escambia County as receiver of the water and wastewater systems of Innerarity Development Corporation (Utility) be acknowledged and that Certificates Nos. 546-W and 476-S be cancelled effective March 21, 2014.

Escambia County and the Utility have complied with all of the requirements of Section 367.165, Florida Statutes, and Rule 25-30.090, Florida Administrative Code. In accordance with Section 2.07(C)(4)(e), APM, the Office of General Counsel will issue an administrative order acknowledging the appointment of Escambia County as the Utility's receiver and cancelling Certificates Nos. 546-W and 476-S effective March 21, 2014 no sooner than two weeks after the date of this memorandum. Please let us know if you have any questions or concerns regarding this matter.

cc: Deputy Executive Director – TECH (L.Harvey)
Division of Engineering (Lewis, Vickery, Hill)
Office of Commission Clerk (Docket No. 140061-WS)

COMMISSION
CLERK

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

DATE: May 9, 2014
TO: Suzanne S. Brownless, Senior Attorney, Office of the General Counsel
FROM: Adam R. Hill, Engineering Specialist I, Division of Engineering *ARH*
Laura King, Utilities System/Engineering Spec Supervisor, Division of Engineering *DK*
RE: Docket No. 140061-WS - Abandonment of water and wastewater system in Escambia County by Innerarity Development Corporation.

Innerarity Development Corporation (Innerarity or Utility) is a class C water and wastewater utility providing service to approximately 205 water and 188 wastewater customers in Escambia County. The Utility currently holds Water Certificate No. 546-W and Wastewater Certificate No. 476-S.¹

On January 27, 2014, pursuant to Section 367.165, Florida Statutes (F.S.) and Rule 25-30.090, Florida Administrative Code (F.A.C.), the Utility filed its Notice of Intent to Abandon with Escambia County and the Commission effective March 28, 2014. On March 21, 2014, Circuit Court Judge Jan Shackelford appointed Escambia County as the Utility's receiver. On March 24, 2014 Escambia County notified the Commission that it had been appointed receiver and requested a copy of the Utility's tariffs. The County already had a copy of the Utility's 2013 annual report in its possession. At that time Escambia County also requested that it be found exempt from Commission regulation as a governmental entity pursuant to Rule 25-30.090(6), F.A.C., and Section 367.022(2), F.S.

The Utility filed its 2013 Annual Report on February 28, 2014, and has paid all outstanding regulatory assessment fees (RAFs) for the period January 1, 2013 to December 31, 2013 and for the period January 1 through March 21, 2014, the date that Escambia County was appointed receiver. Because the Utility will not be jurisdictional as of December 31, 2014, no annual report needs to be filed for 2014.

Pursuant to Section 2.07(C)(4)(e) of the Administrative Procedures Manual, staff has been given administrative authority to acknowledge notices of abandonment, appointment of receivers and to cancel water and wastewater certificates when a governmental entity has been appointed as receiver for such abandoned utilities pursuant to Section 367.165(2), F.S. Based on the above, staff believes all of the requirements of Section 367.165, F.S. and Rule 25-30.090, F.A.C. have been met.

¹ See: Order No. PSC-92-1183-FOF-WS, issued on October 19, 1992, in Docket No. 920660-WS, In re: Application of Innerarity Island Development Corporation for water and wastewater certificates in Escambia County, Florida.

Memorandum

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Therefore, staff recommends that the appointment of Escambia County as the duly appointed receiver for the Utility be acknowledged and Certificates Nos. 546-W and 476-S be cancelled effective March 21, 2014. Additionally, staff recommends that the docket be closed since no further action is necessary.