

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: October 30, 2018

TO: Johana Nieves, Attorney, Office of the General Counsel
Jennifer S. Crawford, Attorney Supervisor, Office of the General Counsel

FROM: Melinda H. Watts, Engineering Specialist III, Division of Engineering *MHW*
Luis Salvador, Engineering Spec I, Division of Engineering *RS* *TS*

RE: Docket No. 20180150-WU - Application for transfer of water facilities to City of Ocala Water and Sewer, and cancellation of Certificate No. 427-W, by Windstream Utilities Company.

Windstream Utilities Company (Windstream or Utility) is a Class C water utility providing service to approximately 147 customers in Marion County. On August 1, 2018, the Commission received an application for transfer from Windstream stating the City of Ocala Water and Sewer had assumed the operation, management, and control of the distribution of water to Windstream's customers on July 10, 2018. With its application for transfer to a governmental entity, Windstream provided a copy of the contract for sale confirming the transfer of customers. See Document No. 05025-2018.

Pursuant to Section 367.071(4)(a), Florida Statutes (F.S.), and Rule 25-30.038(2), Florida Administrative Code (F.A.C.), the Utility provided copies of the document transferring the Utility's customers and Annual Report. In accordance with Rule 25-30.038(2)(f), F.A.C., the Utility stated it held no customer deposits. Windstream paid its 2017 regulatory assessment fees (RAFs) of \$2,699.73 on March 16, 2018, and paid its 2018 RAFs through the date of the transfer of \$1,736.73 on September 14, 2018. The Utility filed its 2017 Annual Report on June 22, 2018.

The Commission has jurisdiction pursuant to Section 367.071, F.S. Also, pursuant to Section 2.07(C)(4)(d) of the Administrative Procedures Manual, staff has been given administrative authority to approve transfers to governmental entities that are in compliance with Section 367.071(4)(a), F.S., and are not controversial in nature. It should be noted that past Commission practice indicates that a transfer of customers from a regulated utility to a governmental entity shall be approved as a matter of right in accordance with the provisions of Section 367.071, F.S.¹

¹ Order No. PSC-92-0422-FOF-SU, issued on May 28, 1992, in Docket No. 19910508-SU, *In re: Application for transfer of Certificate No. 380-S from Naples Mobile Estates, Inc. to Yad Vkidush Hashem/House of Martyrs, Inc. in Collier County, Florida.*

Docket No. 20180150-WU

Page 2

October 30, 2018

Based on the above, staff believes that the application is in compliance with Sections 367.071 and 367.022(2), F.S., and Rule 25-30.038, F.A.C. Staff recommends the Commission acknowledge the transfer of Windstream's customers to the City of Ocala Water and Sewer as a matter of right, pursuant to Section 367.071(4)(a), F.S., and cancel Certificate No. 427-W effective July 10, 2018. In addition, staff recommends the docket should be closed because no further action is necessary.

MW/jp

cc: Office of Commission Clerk (Docket No. 20180150-WU)