

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 11, 2007

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

**FROM:** Division of Economic Regulation (Johnson) *PR*  
Office of the General Counsel (Brown) *AMC*

**RE:** Docket No. 060653-WS – Application for transfer of facilities of St. Johns Landing of Putnam County Utilities Services, Inc. d/b/a St. Johns Landing Utilities Services, holder of Certificate Nos. 541-W and 649-S in Putnam County, to Frank J. Uddo and Dolores Uddo.

**AGENDA:** 10/23/07 – Regular Agenda – Interested Persons May Participate

**COMMISSIONERS ASSIGNED:** All Commissioners

**PREHEARING OFFICER:** McMurrian

**CRITICAL DATES:** None

**SPECIAL INSTRUCTIONS:** None

**FILE NAME AND LOCATION:** S:\PSC\ECR\WP\060653.RCM.DOC

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### Case Background

St. Johns Landing of Putnam County Utilities Services, Inc. d/b/a St. Johns Landing Utilities Services (St. Johns Landing) was granted water and wastewater certificates in 1992 to operate a utility in Putnam County.<sup>1</sup> The proposed utility was to a serve development and several outlying areas that were to be built on the west bank of the St. Johns River, 6 miles north of the City of Palatka. The development was never built. On September 21, 2001, the owner

<sup>1</sup> The Commission granted St. Johns Landing Utilities Services its original Certificate Nos. 541-W and 469-S in Order No. PSC-92-0259-FOF-WS, issued April 27, 1992 in Docket No. 911025-WS, In Re: Application for water and wastewater certificates in Putnam County by St. Johns Landing of Putnam County Utilities Services, Inc. d/b/a St. Johns Landing Utilities Services.

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allowed the utility corporation to be dissolved by the Secretary of State. Staff became aware of the corporate dissolution in 2005, and advised Mr. Frank Uddo, the owner, of his options as holder of Certificate Nos. 541-W and 649-S.

On September 29, 2006, an application was filed for transfer of the certificates of St. Johns Landing of Putnam County Utilities Services, Inc. d/b/a St. Johns Landing Utilities Services to Frank J. Uddo and Dolores Uddo, however the application was deficient. Mr. Uddo reinstated the utility company as an active Florida Corporation on September 7, 2007. On September 14, 2007, St. Johns Landing filed a request to withdraw its transfer application and requested a refund of the filing fee.

Pursuant to Section 2.07(C)(6)(d) of the Administrative Procedures Manual, staff may administratively close dockets in which the applicant seeks to withdraw its initial pleading as long as there are no pending issues that need to be addressed by the Commission, no requests for refund of filing fees, and no agency actions taken. Since a request for a refund of the filing fee has been made, this recommendation is being brought to the Commission for acknowledgement of St. Johns Landing's withdrawal of its transfer application and for consideration of the utility's request for a refund of the filing fee. The Commission has jurisdiction pursuant to Section 367.071, Florida Statutes.

### Discussion of Issues

**Issue 1:** Should the Commission acknowledge the utility's withdrawal of its application and refund the filing fee?

**Recommendation:** The Commission should acknowledge withdrawal of the application, but the filing fee paid by St. Johns Landing should not be refunded due to the amount of time and effort expended in processing the application. (Johnson, Brown)

**Staff Analysis:** As described in the case background, the utility withdrew its request for the transfer of the certificates and requested a refund of its filing fee on September 14, 2007. When a utility requests a refund of its filing fee, the request is analyzed in terms of the amount of time and work that staff has devoted to processing the utility's application. In cases where staff has not yet committed significant time and effort, such as where only the case assignment and scheduling record has been established, the Commission has refunded the utility's filing fee.<sup>2</sup>

However, where staff has devoted a significant amount of time in processing the application, the Commission has denied the refund of the filing fee.<sup>3</sup> In Docket No. 931198-WS, the Commission denied the refund of the filing fee because staff expended a considerable amount of time processing deficiencies and an audit of the utility's books and records had been completed.

This docket was opened on September 29, 2006. Staff has written several deficiency letters and made bi-monthly calls to the utility's representative to resolve the deficient application. A large amount of staff's time has been expended in reviewing the application and working with the utility to complete the transfer application. Thus, staff recommends the Commission acknowledge St. Johns Landing's withdrawal of its application for transfer of its certificates, but deny the request for a refund of the filing fee.

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<sup>2</sup> Order No. PSC-95-0466-FOF-WU, issued April 12, 1995, in Docket No. 950015-WU, In re: Application for transfer of Certificate No. 388-W in Lee County from Tamiami Village Utility, Inc. and for a limited proceeding to increase rates to recover increased operation and maintenance expenses as a result of pending transfer by Tamiami Village Water Company, Inc.; Order No. 20717, issued February 9, 1989, in Docket No. 880830-WS, In re: Objection to application of Seacoast Utilities for approval of transfer of Certificates Nos. 29-W and 29-S in Palm Beach County to Juniper Development Group; Order No. 19133, issued April 12, 1988, in Docket No. 871326-SU, In re: Objection of Highlands Utilities Corporation to notice of C & H Utilities Corporation of application to amend Certificate No. 423-S in Highlands County; and application of C & H Utilities Corporation for amendment of Certificate No. 423-S in Highlands County.

<sup>3</sup> Order No. 20717, issued February 9, 1989, in Docket No. 880830-WS, In re: Objection to application of Seacoast Utilities for approval of transfer of Certificates Nos. 29-W and 29-S in Palm Beach County to Juniper Development Group; Order No. PSC-94-0776-FOF-WS, issued June 22, 1994, in Docket No. 931198-WS, In re: Application for transfer of Certificates Nos. 326-W and 274-S in Volusia County from Pine Island Utility Corporation to Landis Enterprises, Inc.

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

**Recommendation:** Yes, this docket should be closed because the utility has withdrawn its application and no further action is required. (Brown)

**Staff Analysis:** If staff's recommendation in Issue 1 is approved, this docket should be closed because no further action is required.