

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Joint application for acknowledgment of sale of land and facilities located in Pasco and Hillsborough Counties, Florida to Pasco County, and cancellation of Certificate No. 235-W, by C. S. Water Company, Inc.

DOCKET NO. 100366-WU
ORDER NO. PSC-10-0620-FOF-WU
ISSUED: October 18, 2010

The following Commissioners participated in the disposition of this matter:

NANCY ARGENZIANO, Chairman
LISA POLAK EDGAR
NATHAN A. SKOP
ART GRAHAM
RONALD A. BRISÉ

ORDER ACKNOWLEDGING TRANSFER AND CANCELLATION OF CERTIFICATE

BY THE COMMISSION:

Background

C. S. Water Company, Inc. (C. S. Water or utility) is a Class C water utility providing service to approximately 417 customers in Pasco and Hillsborough Counties. The utility is located in the Northern Tampa Bay Water Use Caution Area of the Southwest Florida Water Management District (SWFWMD). The utility's 2009 annual report shows gross revenue of \$61,093 and a net operating loss of \$690.

The utility was originally issued Certificate No. 235-W in 1975.¹ Since then, the utility has been transferred once and its certificate has been amended once to include additional service territory.²

On July 26, 2010, C. S. Water filed an application for transfer of its water system to Pasco County and cancellation of Certificate No. 235-W. We have jurisdiction pursuant to Section 367.071, Florida Statutes (F.S.).

¹ Order No. 6997, issued November 14, 1975, in Docket No. 750544-W, In re: Application of C. S. Water Company, Inc., for a certificate to operate a water system in Pasco County, Florida.

² Order No. 25026, issued September 9, 1991, in Docket No. 910593-WU, In re: Application for transfer of majority organizational control of C. S. Water Company, Inc. from Robert Thomas to Clyde and Judith Biston in Hillsborough and Pasco Counties and Order No. 24374, issued April 17, 1991, in Docket No. 900805-WU, In re: Application of C. S. Water Company, Inc. for amendment of Certificate No. 235-W in Pasco and Hillsborough Counties.

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FPSC-COMMISSION CLERK

Acknowledgment of Transfer and Cancellation of Certificate

C. S. Water applied for a transfer of its water facilities and territory to Pasco County on July 26, 2010, pursuant to Section 367.071, F.S., and Rule 25-30.037(4), Florida Administrative Code (F.A.C.), and cancellation of Certificate No. 235-W. The closing on the sale of the utility facilities took place on July 1, 2010. Therefore, July 1, 2010, is the effective date of the transfer.

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. 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 Pasco County obtained C. S. Water's most recent income and expense statement, balance sheet, statement of rate base for regulatory purposes, and contributions-in-aid-of-construction. In addition, a statement was provided indicating that the utility has no customer deposits on hand, therefore, no deposits were transferred to the County.

The utility has filed all annual reports through 2009 and paid all RAFs through December 31, 2009. Because the utility will not be jurisdictional as of December 31, 2010, no annual report needs to be filed for 2010. However, C. S. Water shall be required to pay all outstanding RAFs for January 1, 2010, through July 1, 2010, by March 31, 2011.

Accordingly, the transfer of the C. S. Water's water territory and facilities to Pasco County shall be acknowledged, as a matter of right, pursuant to Section 367.071(4)(a), F.S., and Certificate No. 235-W shall be cancelled effective July 1, 2010, which was the closing date of the sale. Further, C. S. Water shall be required to pay all outstanding RAFs for January 1, 2010, through July 1, 2010, by March 31, 2011.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the transfer of the C. S. Water Company, Inc. water territory and facilities to Pasco County shall be acknowledged, as a matter of right, pursuant to Section 367.071(4)(a), Florida Statutes. It is further

ORDERED that Certificate No. 235-W shall be cancelled effective July 1, 2010, which was the closing date of the sale. It is further

ORDERED that C. S. Water Company, Inc. shall be required to pay all outstanding RAFs for January 1, 2010, through July 1, 2010, by March 31, 2011. It is further

ORDERED that this docket shall be closed.

By ORDER of the Florida Public Service Commission this 18th day of October, 2010.



ANN COLE
Commission Clerk

(S E A L)

ELS

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.