

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: March 19, 2020

TO: Office of Commission Clerk (Teitzman)

FROM: Division of Engineering (Doehling, Johnson) *JD KJ TJS*
Office of the General Counsel (Lherisson) *BLSC*

RE: Docket No. 20190213-WS – Application for transfer of water and wastewater facilities of Grenelefe Resort Utility, Inc., water Certificate No. 589-W, and wastewater Certificate No. 507-S to Lake Marion Investment LLC, in Polk County.

AGENDA: 03/31/20 – Regular Agenda – Interested Persons May Participate

COMMISSIONERS ASSIGNED: All Commissioners

PREHEARING OFFICER: Fay

CRITICAL DATES: None

SPECIAL INSTRUCTIONS: None

Case Background

On December 2, 2019, Lake Marion Investment LLC (Lake Marion) filed an application for transfer of water and wastewater facilities from Grenelefe Resort Utility, Inc. (Grenelefe) in Polk County. On February 18, 2020, Lake Marion notified the Commission that the sale of the facilities has been canceled and is therefore requesting withdrawal of its application and a refund of its filing fee.

Pursuant to Section 2.07(C)(2)d.4. 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

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of Lake Marion's withdrawal of its transfer application and for consideration of its request for a refund of the filing fee.

The Commission has jurisdiction pursuant to Section 367.045, Florida Statutes.

Discussion of Issues

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

Recommendation: Yes. The Commission should acknowledge Lake Marion's withdrawal of its application for transfer of water and wastewater facilities, and approve its request for a refund of the \$1,500 filing fee. (Doehling, Johnson, Lherisson)

Staff Analysis: On December 2, 2019, Lake Marion filed an application for transfer of water and wastewater facilities. Subsequently, on December 9, 2019, Lake Marion paid a \$1,500 filing fee, pursuant to Rule 25-30.020, Florida Administrative Code. On February 18, 2020, Lake Marion notified the Commission that the sale of the facilities has been canceled and is therefore requesting withdrawal of its application and a refund of its filing fee.

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 application fee.¹ However, in cases where staff has devoted a significant amount of time in processing the application, the Commission has denied the refund of the filing fee.²

Staff has expended a minimal amount of time in its review of Lake Marion's application and an audit was not yet conducted. Therefore, staff recommends the Commission acknowledge Lake Marion's withdrawal of its application for transfer of water and wastewater facilities, and approve the request for a refund of the filing fee.

¹Order No. PSC-07-0326-FOF-WU, issued April 16, 2007, in Docket No. 20060806-WU, *In re: Application for amendment of Certificate No. 347-W to add territory in Marion County by Marion Utilities, Inc.*

²Order No. PSC-07-0871-FOF-WS, issued October 30, 2007, in Docket No. 20060653-WS, *In re: 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.*

Issue 2: Should this docket be closed?

Recommendation: Yes. This docket should be closed because no further action is required.
(Lherisson)

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