

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 26, 2021

TO: Stefanie-Jo Osborn, Attorney, Office of the General Counsel
Jennifer S. Crawford, Attorney Supervisor, Office of the General Counsel

FROM: Clayton K. Lewis, US Engineering Specialist, Division of Engineering *CL*
Marissa Ramos, Public Utilities Supervisor, Division of Engineering *MR LK*

RE: Docket 20210053-WU - Application for transfer of water facilities to City of Lake Wales in Polk County, and cancellation of Certificate No. 583-W, by Park Water Company.

Park Water Company (Park or Utility) is a Class B water utility providing service to approximately 783 residential and 36 general service customers in Polk County. On March 8, 2021, Park filed an application for transfer of its water facilities to the City of Lake Wales, and cancellation of Certificate No. 583-W. The application included an Asset Purchase Agreement which was executed on February 18, 2021. Pursuant to Section 367.071(4), Florida Statutes (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.

Furthermore, pursuant to Section 367.071(4)(a), F.S., and Rule 25-30.038(2)(d), Florida Administrative Code (F.A.C.), the Utility provided a copy of the document transferring the Utility's water facilities. In accordance with Rule 25-30.038(2)(f), F.A.C., the Utility stated that all customer deposits have been transferred to the City of Lake Wales. Park has paid its regulatory assessment fees through the date of the sale. A copy of the Utility's most recent available annual report was provided to the City of Lake Wales.

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.

Based on the above, staff believes that the application is in compliance with Sections 367.022(2) and 367.071, F.S., and Rule 25-30.038, F.A.C. Staff recommends that the Commission acknowledge the transfer of the water system to the City of Lake Wales as a matter of right, pursuant to Section 367.071(4)(a), F.S., and cancel Certificate No. 583-W effective February 18, 2021. In addition, staff recommends that the docket be closed because no further action is necessary.

cc: Office of Commission Clerk (Docket No. 20210053-WU)