

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request For) DOCKET NO. 940239-WU
Acknowledgement of Sale of) ORDER NO. PSC-94-0432-FOF-WU
Facilities to Collier County and) ISSUED: April 11, 1994
Cancellation of Certificate No.)
472-W in Collier County by)
Wyndemere Services, Inc.)
_____)

ORDER ACKNOWLEDGING SALE TO GOVERNMENTAL AGENCY,
CANCELLING CERTIFICATE AND CLOSING DOCKET

BY THE COMMISSION:

On March 7, 1994, Wyndemere Services, Inc. (Wyndemere or Utility) filed an application with this Commission for acknowledgment of the sale of its water facilities to Collier County, Florida. The sale occurred on August 4, 1993.

The provisions of Section 367.071, Florida Statutes, require an application for approval of sale or transfer of water and/or wastewater utilities to governmental agencies, although such sales are approved as a matter of right. Subsection 367.022(2), Florida Statutes, exempts from regulation by the Commission systems owned, operated, managed or controlled by governmental agencies.

Rule 25-30.037(4)(g), Florida Administrative Code, requires a utility to submit a statement regarding disposition of customer deposits. Since Wyndemere did not collect customer deposits, none were transferred at the time of closing. Commission requirements regarding regulatory assessment fees have been met, and there are no dockets pending involving this system.

On the basis of the foregoing, we find it appropriate to acknowledge the sale of Wyndemere's facilities to Collier County and cancel Certificate No. 472-W. Wyndemere has been unable to locate Certificate No. 472-W so that it can be returned to this Commission for cancellation.

It is, therefore,

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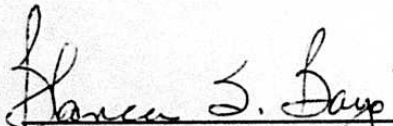
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ORDERED by the Florida Public Service Commission that the sale of facilities of Wyndemere Services, Inc., 3000 Livingston Road, Naples, Florida 33999, to Collier County Utilities, 3050 North Horseshoe Drive, Suite 290, Naples, Florida 33942, is hereby acknowledged. It is further

ORDERED that Certificate No. 472-W is hereby cancelled. It is further

ORDERED that Docket No. 940239-WU is hereby closed.

By ORDER of the Florida Public Service Commission, this 11th day of April, 1994.



BLANCA S. BAYO, Director
Division of Records and Reporting

(S E A L)

ALC

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), 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.

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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 Director, Division of Records and Reporting 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 or sewer utility by filing a notice of appeal with the Director, Division of Records and Reporting 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 Civil Procedure. The notice of appeal must be in the form specified in Rule 9.900 (a), Florida Rules of Appellate Procedure.