

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request for) DOCKET NO. 940408-WS
acknowledgement of resolution) ORDER NO. PSC-94-0719-FOF-WS
rescinding Florida Public) ISSUED: June 9, 1994
Service Commission jurisdiction)
over private water and)
wastewater utilities in Hernando)
County.)
_____)

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON, Chairman
SUSAN F. CLARK
JULIA L. JOHNSON
DIANE K. KIESLING

ORDER ACKNOWLEDGING RESCISSION OF COMMISSION JURISDICTION
AND ESTABLISHING PROCEDURE FOR CANCELLATION
OF CERTIFICATES IN HERNANDO COUNTY

BY THE COMMISSION:

On August 21, 1969, the Hernando County Board of County Commissioners adopted a resolution declaring Hernando County subject to the provisions of Chapter 367, Florida Statutes, thereby establishing jurisdiction of this Commission over all investor-owned water and wastewater utilities in Hernando County. The Commission has actively regulated the utilities in Hernando County since that time. On April 5, 1994, the Hernando County Board of County Commissioners met and adopted Resolution No. 94-77 rescinding Florida Public Service Commission jurisdiction in Hernando County effective immediately.

ACKNOWLEDGEMENT OF RESOLUTION

Section 367.171(1), Florida Statutes (1989), provides that a county, after 10 continuous years under jurisdiction of the Commission, may by resolution or ordinance rescind said jurisdiction and thereby exclude itself from the provisions of Chapter 367, Florida Statutes. Hernando County has met that requirement. Accordingly, we hereby acknowledge the Hernando County Resolution No. 94-77 rescinding Florida Public Service Commission jurisdiction over the privately-owned water and wastewater systems in Hernando County as of April 5, 1994, subject to the exceptions discussed below.

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DISPOSITION OF CERTIFICATES

Section 367.171(5), Florida Statutes, states that:

When a utility becomes subject to regulation by a county, all cases in which the utility is a party then pending before the Commission, or in any court by appeal from any order of the Commission, shall remain within the jurisdiction of the Commission or court until disposed of in accordance with the law in effect on the day such case was filed by any party with the Commission or initiated by the Commission, whether or not the parties or the subject of any case relates to a utility in a county wherein this chapter no longer applies.

The following utilities hold valid Public Service Commission certificates to provide water and wastewater service in Hernando County:

<u>Utility</u>	<u>Certificate Number(s)</u>	
Rolling Hills Water, Inc.	071-W	
Southern States Utilities, Inc.	046-W	047-S
Weeki Wachee Woodlands Water Co.	059-W	

The following cases involving these utilities are pending before the Commission:

<u>Utility</u>	<u>Docket Number(s)</u>
Rolling Hills Water, Inc.	940087-WU
Southern States Utilities, Inc.	940392-WS
Southern States Utilities, Inc.	930945-WS
Southern States Utilities, Inc.	930880-WS
Southern States Utilities, Inc.	930758-WS
Southern States Utilities, Inc.	920199-WS

In accordance with Section 367.171(5), Florida Statutes, we find that the Public Service Commission shall retain jurisdiction over those pending cases listed above until they are concluded. Certificate No. 071-W, held by Rolling Hills Water, Inc., and Certificate No. 046-W and 047-S, held by Southern States Utilities, Inc., shall be returned to this Commission for cancellation within 30 days of the conclusion of the above-referenced cases currently pending before this Commission. Certificate No. 059-W, held by

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Weeki Wachee Woodlands Water Co., shall be returned to this Commission for cancellation within 30 days of this Order.

The cancellation of the certificates pursuant to this Order shall not affect the authority of the Commission to collect, or the obligation of the utilities to pay, regulatory assessment fees accrued prior to the April 5, 1994, transfer of jurisdiction to Hernando County.

Based on the foregoing, it is, therefore,

ORDERED by the Florida Public Service Commission that the Hernando County Resolution No. 94-77, rescinding Commission jurisdiction in Hernando County as of April 5, 1994, is hereby acknowledged. It is further

ORDERED that Certificate No. 059-W, held by Weeki Wachee Woodlands Water Co., be cancelled and returned to the Commission within 30 days of the issuance of this Order. It is further

ORDERED that, pursuant to Section 367.171(5), Florida Statutes, cases pending before this Commission for Commission-regulated utilities in Hernando County as of April 5, 1994, shall remain within the jurisdiction of this Commission, and such cases shall be disposed of in accordance with the law in effect on the day each such case was filed with this Commission. It is further

ORDERED that each regulated utility within Hernando County with cases pending before this Commission as of April 5, 1994, shall within 30 days of the conclusion of their respective cases, return their respective certificates to this Commission for cancellation. It is further

ORDERED that this docket shall be closed.

By ORDER of the Florida Public Service Commission, this 9th day of June, 1994.



BLANCA S. BAYO, Director
Division of Records and Reporting

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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.

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.