

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for transfer ) DOCKET NO. 931198-WS  
of Certificates Nos. 326-W and ) ORDER NO. PSC-94-0776-FOF-WS  
274-S in Volusia County from ) ISSUED: June 22, 1994  
PINE ISLAND UTILITY CORPORATION )  
to LANDIS ENTERPRISES, INC. )  
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The following Commissioners participated in the disposition of this matter:

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

ORDER GRANTING UTILITY'S REQUEST TO WITHDRAW TRANSFER  
APPLICATION, DENYING REQUEST FOR A REFUND OF FILING FEE,  
AND CLOSING DOCKET

BY THE COMMISSION:

On December 15, 1993, Landis Enterprises, Inc., (Landis) filed an application for a transfer of Certificates Nos. 326-W and 274-S from Pine Island Utility Corporation (Pine Island) to Landis. On July 15, 1993, the Seventh Judicial Circuit Court appointed Water Spectrum, Inc., (Water Spectrum) the receiver of Pine Island. Mr. Hank Landis has controlling interest in both Water Spectrum and Landis. On November 1, 1993, Pine Island sold its water and wastewater facilities to Landis and, as stated earlier, on December 15, 1993, Landis filed an application for a transfer of Pine Island's certificates to Landis. However, Landis's transfer application contained several deficiencies. And, prior to completing the deficiencies, on May 4, 1994, Landis notified this Commission that on April 26, 1994, the Seventh Judicial Circuit Court in Volusia County had reinstated Water Spectrum as Pine Island's receiver, and that Landis wished to withdraw its transfer application.

Landis submitted its filing fee of \$300 along with its application for transfer and confirmation of the notice requirements pursuant to Section 367.045(1)(a), Florida Statutes, and Rule 25-30.030, Florida Administrative Code. Landis' application contained several deficiencies, but Landis withdrew its application before completion of the deficiencies.

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Along with its request for withdrawal of its transfer application, Landis also asked for a refund of the \$300 filing fee. First, it is unusual for a utility to ask for a refund of its filing fee and, second, in those cases where a utility has requested a refund of its filing fee, we have always analyzed the utility's request in terms of the amount of time and work that our Staff has devoted to processing the utility's application. Further, in those cases where the application process has been relatively simple, such as where it only involves the filing of a Case Assignment and Scheduling Record, we have generally refunded the utility's application fee. However, in this case, there were several, major deficiencies that had to be corrected, and our Staff devoted a considerable amount of time to processing those deficiencies. In addition, our Staff completed an audit of Pine Island's books and records.

Based on the above, we hereby approve Landis' request for withdrawal of its transfer application. However, we deny Landis' request for a refund of its filing fee. Since this docket does not require any further action, this docket shall be closed.

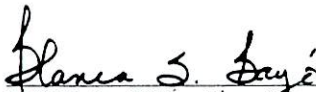
Based on the foregoing, it is, therefore,

ORDERED by the Florida Public Service Commission that Landis Enterprises, Inc.'s request for withdrawal of its application for transfer of Certificates Nos. 326-W and 274-S in Volusia County from Pine Island Utility Corporation to Landis Enterprises, Inc., is hereby granted. It is further

ORDERED that Pine Island Utility Corporation's request for a refund of its filing fee for its transfer application is hereby denied. It is further

ORDERED that this docket is hereby closed.

By ORDER of the Florida Public Service Commission, this 22nd day of June, 1994.



BLANCA S. BAYÓ, Director  
Division of Records and Reporting

( S E A L )

ELS

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.