

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Resolution of Board of) DOCKET NO. 941044-WS
Commissioners of Charlotte) ORDER NO. PSC-94-1451-FOF-WS
County declaring Charlotte) ISSUED: November 28, 1994
County subject to provisions of)
Chapter 367, F.S.)
_____)

The following Commissioners participated in the disposition of this matter:

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

ORDER ACKNOWLEDGING RESOLUTION
OF THE BOARD OF COUNTY COMMISSIONERS
DECLARING CHARLOTTE COUNTY SUBJECT TO THE
PROVISIONS OF CHAPTER 367, FLORIDA STATUTES

BY THE COMMISSION:

On September 27, 1994, the Board of County Commissioners of Charlotte County adopted Resolution No. 94-195, pursuant to Section 367.171, Florida Statutes, declaring that as of September 27, 1994, water and wastewater utilities in Charlotte County are subject to the provisions of the Water and Wastewater Regulatory Law, Chapter 367, Florida Statutes. The Florida Public Service Commission (Commission) received Charlotte County's resolution on September 30, 1994. The effect of the resolution is to invoke the Commission's jurisdiction over water and wastewater utilities in Charlotte County as of September 27, 1994.

We, therefore, find that the provisions of Chapter 367, Florida Statutes, became applicable in Charlotte County, effective September 27, 1994. All utilities as defined by Chapter 367, Florida Statutes, shall comply with the provisions of this Order.

Pursuant to Section 367.171(2)(a), Florida Statutes, each utility was to register with this Commission within thirty (30) days of the date this Commission received jurisdiction, or by October 27, 1994. All utilities must obtain either a certificate of authorization or an exemption from regulation pursuant to Section 367.031, Florida Statutes.

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

ORDER NO. PSC-94-1451-FOF-WS
DOCKET NO. 941044-WS
PAGE 2

Each utility desiring to obtain a grandfather certificate for the area served by such utility as of September 27, 1994, shall make application to this Commission pursuant to Section 367.171(2)(b), Florida Statutes, within ninety (90) days of the date this Commission received jurisdiction, or by December 27, 1994.

Each utility shall continue to collect the rates and charges for water and wastewater service which were being collected on September 27, 1994. Such rates and charges shall remain in effect until changed by this Commission.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Resolution No. 94-195, of the Board of County Commissioners of Charlotte County, declaring that County to be subject to the provisions of Chapter 367, Florida Statutes, effective September 27, 1994, is hereby acknowledged. It is further

ORDERED that all water and wastewater utilities in Charlotte County are hereby directed to comply with Commission procedures as set forth in the body of this Order and Chapter 367, Florida Statutes. It is further

ORDERED that this docket remain open until all utilities have complied with the provisions of this Order.

By ORDER of the Florida Public Service Commission, this 28th day of November, 1994.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

by: Kay Flynn
Chief, Bureau of Records

(S E A L)

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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 and/or wastewater 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.