

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Acknowledgement of) DOCKET NO. 941178-WS
abandonment of facilities in Lee) ORDER NO. PSC-94-1588-FOF-WS
County by HARBOR UTILITIES) ISSUED: December 22, 1994
COMPANY, INC.)
_____)

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 ABANDONMENT OF UTILITY

BY THE COMMISSION:

Harbor Utilities Company, Inc., (utility) is a Class C utility located in Lee County serving 644 water customers and 439 wastewater customers. The 1993 Annual Report indicates that the utility received gross revenues of \$158,739 and a net operating loss of \$82,178. The utility has paid regulatory assessment fees for 1993. On October 21, 1994, Mr. James J. Ryan, President of Harbor, filed a notice of abandonment with the Commission and the Florida Department of Environmental Protection (DEP).

Mr. Ryan plans to abandon the utility on December 18, 1994, or earlier, if a receiver has been appointed. Mr. Ryan has complied with the notice requirements of Section 367.165, Florida Statutes and Rule 25-30.090, Florida Administrative Code.

Mr. Ryan has stated that the utility does not have the required financial resources to bring the facility into compliance with DEP standards, which are too great for the existing utility. Mr. Ryan states the utility's efforts to obtain meaningful rate relief through the Commission have been unsuccessful, along with its efforts to secure funds from the Lee County Municipal Services Benefit Unit.

The hearing date for the appointment of a receiver was December 9, 1994, in the Circuit Court of Lee County, Florida. However, the Court has deferred appointing a receiver until later.

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

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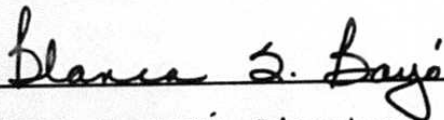
This docket shall remain open to acknowledge the Circuit Court's appointment of a receiver for the utility.

Based on the foregoing, it is, therefore,

ORDERED by the Florida Public Service Commission that the abandonment of Harbor Utilities Company, Inc.'s water and wastewater systems in Lee County is hereby acknowledged. It is further

ORDERED that this docket shall remain open to monitor any receivership activities.

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