

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request For Name Change ) DOCKET NO. 950713-WU  
On Certificate No. 511-W in ) ORDER NO. PSC-95-1226-FOF-WU  
Marion County From Spruce Creek ) ISSUED: October 3, 1995  
Development Company of Ocala, )  
Inc. d/b/a Spruce Creek South )  
Utilities to Spruce Creek South )  
Utilities, Inc. )  
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The following Commissioners participated in the disposition of this matter:

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

ORDER APPROVING NAME CHANGE, WAIVING NOTICING  
REQUIREMENTS AND CLOSING DOCKET

BY THE COMMISSION:

Background

On July 10, 1995, Spruce Creek Development Company of Ocala, Inc. d/b/a Spruce Creek South Utilities (Spruce Creek or utility) filed an application with this Commission to change the name on Certificate No. 511-W to Spruce Creek South Utilities, Inc. (SCSUI). Certificate No. 511-W was issued to Spruce Creek in March of 1989. At that time, the utility was in the process of establishing a corporate identity separate from the development company. In January, 1990, the utility filed Articles of Incorporation with the Secretary of State under the name of SCSUI. The utility has been operating under the name SCSUI since that time.

The Commission granted the utility Certificate No. 467-S under its new name in October of 1991. However, since an application to change the name on the water certificate was never filed, that certificate continues to bear the original name. The discrepancy

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was discovered during a 1995 information update by the Division of Records and Reporting. As stated previously, the utility filed an application to correct the name on Certificate 511-W on July 10, 1995.

The application is in compliance with Rule 25-30.039, Florida Administrative Code, except for the noticing provision. Rule 25-30.039(2)(f), Florida Administrative Code, requires a utility requesting approval of a name change to provide a copy of the proposed notice to its customers with the application. The utility did not file a proposed notice with its application because it is already known to its customers by the name, SCSUI.

All correspondence and billing has been under the name SCSUI since January of 1990. Requiring the utility to notice the customers of the change in name from Spruce Creek to SCSUI would be unnecessarily costly and confusing in consideration of the fact that the customers receive their bills from SCSUI.

The application included a sworn statement signed by the Vice President of the corporation that ownership and control of the utility as well as its assets have not changed. The utility's rates and charges approved by the Commission in Order No. 21340, issued June 6, 1989, are not affected by the name change.

Therefore, we find it appropriate to approve Spruce Creek's request to change the name on Certificate No. 511-W to SCSUI. Since Spruce Creek has been known to its customers by the name SCSUI since 1990, the noticing requirements set forth in Rule 25-30.039, Florida Administrative Code, are hereby waived. Spruce Creek has returned Certificate No. 511-W to this Commission for entry reflecting the new name. The utility has also provided a revised water tariff reflecting the name SCSUI. The tariff shall be effective for connections made or service rendered on or after the stamped approval date on the tariff sheets.

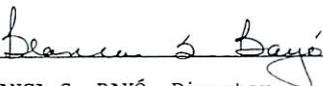
It is, therefore,

ORDERED by the Florida Public Service Commission that the request of Spruce Creek Development Company of Ocala, Inc. d/b/a Spruce Creek South Utilities' to change the name on Certificate No. 511-W to Spruce Creek South Utilities, Inc., 17585 Southeast 102nd Avenue, Summerfield, Florida 34491, is hereby granted. It is further

ORDERED that the noticing requirements set forth in Rule 24-30.039, Florida Administrative Code, are hereby waived. It is further

ORDERED that Docket No. 950713-WU is hereby closed.

By ORDER of the Florida Public Service Commission, this 3rd day of October, 1995.

  
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BLANCA S. BAYÓ, 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, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, 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 Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900 (a), Florida Rules of Appellate Procedure.