

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Objection to notice of intent ) DOCKET NO. 881568-WS  
by TRADEWINDS UTILITIES, INC. to apply ) ORDER NO. 21740  
for amendment of Certificates 405-W ) ISSUED: 8-17-89  
and 342-S in Marion County. )  
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In re: Objection to notice of intent ) DOCKET NO. 881606-WU  
of SUNSHINE UTILITIES, INC. to apply ) ORDER NO. 21740  
for amendment of Certificates 405-W ) ISSUED: 8-17-89  
and 342-S in Marion County. )  
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In re: Objection to notice of intent ) DOCKET NO. 890440-WS  
by TRADEWINDS UTILITIES, INC. to apply ) ORDER NO. 21740  
for amendment of Certificates 405-W ) ISSUED: 8-17-89  
and 342-S in Marion County. )  
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The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD  
GERALD L. GUNTER

ORDER ACKNOWLEDGING WITHDRAWAL OF OBJECTIONS  
AND CLOSING DOCKETS

BY THE COMMISSION:

On December 12, 1988, Sunshine Utilities (Sunshine) of Ocala, Florida filed an objection to a notice published by Tradewinds Utilities, Inc. (Tradewinds) of Tradewinds' intent to amend its water and sewer certificates in Marion County. Docket No. 881568-WS was established to process Sunshine's objection.

On December 30, 1988, Tradewinds filed its application for amendment of its certificate to include the territory described in its notice which was the subject of Sunshine's protest discussed above.

DOCUMENT NUMBER-DATE  
08370 AUG 17 1988  
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Subsequently, Sunshine published its notice of intent to amend its water certificate in an area which overlapped the area previously noticed and applied for by Tradewinds.

On December 30, 1988, Tradewinds Utilities, Inc. filed a timely objection to the above-mentioned notice by Sunshine Utilities, alleging that: 1) Tradewinds had previously submitted an application for the amendment of its water and sewer certificates in an area which Sunshine's application overlaps; and, 2) Sunshine is serving an area within the disputed area known as Pearl Britain Estates without proper notification to the Commission or other utilities in the immediate area. Docket No. 881606-WU was established to process Tradewinds' objection.

In March, 1989, Tradewinds published notice of its intent to amend its water and sewer certificates to include a separate parcel adjacent to the disputed area which was the subject of the above-discussed dockets. On March 23, 1989, Sunshine filed its objection to Tradewinds' notice alleging that since Sunshine was already serving five (5) subdivisions around the new area noticed by Tradewinds, the notice by Tradewinds was an infringement of Sunshine's service area. Docket No. 890440-WS was established to process Sunshine's objection.

Since the parties and issues were the same in all three dockets, the dockets were to be disposed of in one simultaneous hearing which was to be conducted on May 22, 1989 in Ocala, Florida.

In preparation for the hearing we determined that Sunshine Utilities, Inc. had apparently installed water lines in at least three (3) unnoticed and uncertificated areas of Marion County, to wit: Pearl Britain Estates, Pearl Britain in the Pines, and Boulder Hill, in violation of Section 367.061(3), Florida Statutes, and Rule 25-30.030, Florida Administrative Code. Docket No. 890950-WU was established to process information relating to the apparent unlawful activities of Sunshine Utilities, Inc.

On May 18, 1989, the parties notified the Commission that they had settled their dispute and wished to cancel the subject hearing and withdraw their respective objections.

In consideration of the above, we hereby acknowledge each

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utility's withdrawal of its respective pending objections discussed herein. We also find that, pursuant to Section 367.061, Florida Statutes, the application filed on December 30, 1988 by Tradewinds Utilities, Inc. to amend its certificate is premature and thus shall be held in abeyance until Tradewinds completes construction in the noticed area and notifies the Commission that it is providing service to the area. The application will be considered in a subsequently established docket.

It is, therefore,

ORDERED by the Florida Public Service Commission that Dockets Nos. 881568-WS, 881606-WU and 890440-WS shall be closed.

By ORDER of the Florida Public Service Commission  
this 17th day of AUGUST, 1989.

  
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STEVE TRIBBLE, Director  
Division of Records and Reporting

( S E A L )

JRF

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

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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 Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.