

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by CITY OF ) DOCKET NO. 900341-WS  
MOUNT DORA to delete territory ) ORDER NO. PSC-92-1030-FOF-WS  
from JJ'S MOBILE HOMES, INC.'s ) ISSUED: 09/21/92  
Certificates Nos. 298-W and )  
248-S in Lake County )  
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The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD, Chairman  
SUSAN F. CLARK  
J. TERRY DEASON  
BETTY EASLEY  
LUIS J. LAUREDO

ORDER REVIVING ORDERS NOS. 23500 AND 23500-A,  
DECLARING THEM FINAL AND EFFECTIVE, AND CLOSING DOCKET

JJ's Mobile Homes, Inc. d/b/a The Dora Pines Mobile Home Park Estates (JJ's or the utility) is a Class C utility serving approximately 138 customers in Lake County, Florida.

On April 26, 1990, the City of Mt. Dora, Florida (City) filed a Petition to Delete Territory from Certificate of Authority. The petition asked this Commission to exercise its authority to either revoke or delete territory from the water and wastewater certificates issued to JJ's. On September 17, 1990, the Commission issued proposed agency action (PAA) Order No. 23500 denying the City's complaint. On September 19, 1990, that Order was amended by Order No. 23500-A. The City filed a petition on PAA Order No. 23500 on October 8, 1990. The docket was referred to the Division of Administrative Hearings (DOAH) for hearing on October 26, 1990. On March 12, 1991, the DOAH case was held in abeyance pending the 5th DCA's decision in the appeal of the circuit court's decision in the action filed by the City of Mount Dora against JJ's. The parties were to advise the Hearing Officer of the necessity for further proceedings after the 5th DCA rendered a decision.

The territorial dispute between the City and JJ's was resolved by the decision of the 5th DCA in City of Mount Dora, Florida v. JJ's Mobile Homes, 579 So2d. 219 (Fla 5th DCA, 1991), which held that the utility had the legal right to provide water and wastewater service within its Commission certificated territory,

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and that the City did not have a legal right to provide the same service within that territory.

In the complaint docket at DOAH, the parties were ordered to advise the DOAH Hearing Officer of the necessity of further proceedings by September 13, 1991. Neither the City nor the utility responded and the DOAH case was dismissed without prejudice on October 4, 1991.

Based on the foregoing, we hereby revive Orders Nos. 23500 and 23500-A, and make them effective and final as of August 20, 1992, the date of our vote at Agenda Conference. As provided in Orders Nos. 23500 and 23500-A, the utility shall file an application for modification of its service availability charges within 90 days from the date of the effective date of Orders Nos. 23500 and 23500-A.

There being no further matters before us in this proceeding, this docket shall be closed.

It is therefore,

ORDERED by the Florida Public Service Commission that Orders Nos. 23500 and 23500-A are hereby revived, and made effective and final as of August 20, 1992. It is further

ORDERED that this docket is hereby closed.

By ORDER of the Florida Public Service Commission this 21st day of September, 1992.

  
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STEVE TRIBBLE, Director  
Division of Records and Reporting

( S E A L )

CB

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.