

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show)
cause proceedings against)
BELLA VISTA COMMUNITY)
ASSOCIATION, INC. for)
operating a water system)
in Lake County without a)
certificate)
_____)

· DOCKET NO. 920348-WU
ORDER NO. PSC-92-1180-FOF-WU
ISSUED: 10/19/92

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 CANCELLING SHOW CAUSE PROCEEDING

BY THE COMMISSION:

Bella Vista Community Association, Inc. (Bella Vista or utility) provides water service to approximately sixteen residents in Lake County. In Docket No. 900860-WU, Bella Vista requested that it be found exempt from Commission regulation pursuant to Section 367.022(7), Florida Statutes, as a nonprofit association. By Order No. 24125, issued February 18, 1991, the Commission denied Bella Vista's application for exemption because the utility did not meet the requirements found in Section 367.022(7), Florida Statutes. Specifically, Bella Vista was not a non-profit corporation organized under Chapter 617, Florida Statutes. Order No. 24125 ordered Bella Vista to file an application for an original certificate, in accordance with Section 367.031, Florida Statutes. Bella Vista did not comply with Order No. 24125.

At the June 2, 1992, Agenda Conference, the Commission ordered Bella Vista to show cause, in writing, within twenty days, why it should not be fined up to \$5,000 per day for its failure to comply with Order No. 24125 and Section 367.031, Florida Statutes. By Order No. PSC-92-0544-FOF-WU, Bella Vista was ordered to file a written response to the show cause by July 13, 1992.

DOCUMENT NUMBER-DATE

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In response to Order No. PSC-92-0544-FOF-WU, Bella Vista reorganized as a nonprofit corporation. On September 4, 1992, we received another application for exemption pursuant to Section 367.022(7), Florida Statutes. Since Bella Vista has responded to the Order to Show Cause by filing an application for an exemption, we find it appropriate not to pursue this show cause proceeding. However, this Docket shall remain open pending further evaluation of Bella Vista Community Association, Inc.'s application for exemption.

Based on the foregoing, it is, therefore,

ORDERED by the Florida Public Service Commission that this show cause proceeding against Bella Vista Community Association, Inc., is hereby cancelled. It is further

ORDERED that this Docket remain open pending further evaluation of Bella Vista Community Association, Inc.'s application for exemption.

By ORDER of the Florida Public Service Commission this 19th day of October, 1992.



STEVE TRIBBLE, 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 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.