

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request for Approval of) DOCKET NO. 930180-WS
Sale of Facilities to Clay) ORDER NO. PSC-93-0744-FOF-WS
County and Cancellation of) ISSUED: May 17, 1993
Certificates Nos. 44-W and 43-S)
in Clay County by Kingsley)
Service Company.)
_____)

ORDER ACKNOWLEDGING SALE, CANCELLING CERTIFICATES
AND CLOSING DOCKET

BY THE COMMISSION:

On February 22, 1993, Kingsley Service Company (Kingsley) filed an application with this Commission for acknowledgement of the transfer of water and wastewater facilities to Clay County, in Clay County, Florida. The transfer occurred on December 22, 1992.

The provisions of Section 367.071, Florida Statutes, require an application for approval of sale or transfer of water and/or wastewater utilities to governmental agencies, although such sales are approved as a matter of right. Subsection 367.022(2), Florida Statutes, exempts from regulation by the Commission systems owned, operated, managed or controlled by governmental agencies.

Rule 25-30.037(3)(e), Florida Administrative Code, requires a utility to submit a statement regarding the disposition of customer deposits. Upon review of Kingsley's tariff, we determined that only one system, the Heritage Farms System, required customer deposits and that these deposits had been refunded to the customers on January 19, 1993. The second system, the Orange Park System, did not require customer deposits. All regulatory assessment fees have been paid. Further, all refunds of interim rates required in Order No. PSC-92-1494-FOF-WS, issued December 28, 1992, have been completed.

However, we believe that Kingsley has collected gross-up in excess of the amount of taxes related to the collection of taxable contributions-in-aid-of-construction (CIAC). By letter dated March 4, 1993, we informed Kingsley that it appears that Kingsley should refund a total of \$10,194.00, excluding interest. In addition, we informed the utility that gross-up refunds and verification of the refunds will be required and monitored regardless of whether the certificate has been cancelled due to the sale to the county.

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On the basis of the foregoing, we find it appropriate to acknowledge the transfer of Kingsley to Clay County and cancel Certificates Nos. 44-W and 43-S.

Based on the foregoing, it is, therefore,

ORDERED by the Florida Public Service Commission that the sale of facilities by Kingsley Service Company, 782 Foxridge Center Drive, Orange Park, Florida 32605-5706, to Clay County, P.O. Box 1366, Green Cove Springs, 32403, is hereby acknowledged. It is further

ORDERED that Certificates No. 44-W and 43-S are hereby canceled. It is further

ORDERED that this docket is hereby closed.

By ORDER of the Florida Public Service Commission this 17th day of May, 1993.



STEVE TRIBLE, Director
Division of Records and Reporting

(S E A L)

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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.