

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Resolution of the Board of County
Commissioners of Okeechobee County
declaring Okeechobee County subject to the
provisions of Chapter 367, F.S.

DOCKET NO. 040469-WS
ORDER NO. PSC-04-0593-FOF-WS
ISSUED: June 15, 2004

The following Commissioners participated in the disposition of this matter:

BRAULIO L. BAEZ, Chairman
J. TERRY DEASON
LILA A. JABER
RUDOLPH "RUDY" BRADLEY
CHARLES M. DAVIDSON

ORDER ACKNOWLEDGING RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS DECLARING OKEECHOBEE COUNTY SUBJECT TO THE
PROVISIONS OF CHAPTER 367, FLORIDA STATUTES

BY THE COMMISSION:

On May 13, 2004, the Okeechobee County Board of County Commissioners (Okeechobee County) adopted Resolution No. 2004-16 declaring the water and wastewater utilities in that county subject to the provisions of Chapter 367, Florida Statutes, effective May 13, 2004. We have jurisdiction pursuant to Section 367.171, Florida Statutes.

Pursuant to Section 367.171(1), Florida Statutes, the provisions of Chapter 366 become effective in a County upon the adoption of a resolution by the Board of County Commissioners declaring the County subject to the provisions of the Chapter. Any Board of County Commissioners which adopts such a resolution is required to immediately notify us of its adoption and submit the resolution to this Commission.

Pursuant to Section 367.171(2)(a), Florida Statutes, each utility in Okeechobee County is required to register with this Commission within thirty (30) days of the date this Commission received jurisdiction, or by June 11, 2004. All utilities must obtain either a certificate of authorization, or be exempt from regulation, pursuant to Section 367.031, Florida Statutes.

Pursuant to Section 367.171(2)(b), Florida Statutes, each utility engaged in the operation or construction of a system is entitled to receive a grandfather certificate for the area served by the utility on the day the Chapter becomes applicable to it. Within 90 days after the day the Chapter becomes applicable to it, the utility is required to make application for a grandfather certificate by filing an application with us. In addition, since they are subject to the Chapter,

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each utility must continue to collect the rates and charges for water and wastewater service which were being collected on May 13, 2004, until changed by this Commission.

We obtained a listing of all water and wastewater utilities in Okeechobee County from the Florida Department of Environmental Protection for the purpose of advising them of the County's ordinance and providing them with information to determine whether or not they are exempt from Commission regulation pursuant to Section 367.022, Florida Statutes. Entities which are not exempt from Commission regulation will receive instruction for filing an application for grandfather certificates. The resulting applications will be processed in individual dockets in the order they are filed.

Accordingly, we acknowledge Resolution No. 2004-16 by the County Commissioners of Okeechobee County which transfers regulatory jurisdiction over the County's water and wastewater utilities to this Commission effective May 13, 2004. All non-exempt, privately-owned water and wastewater utilities in Okeechobee County shall comply with the provisions of Chapter 367, Florida Statutes.

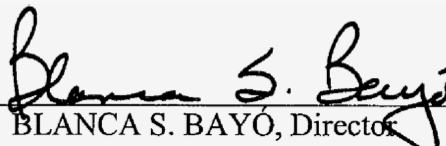
Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Resolution No. 2004-16 by the Board of County Commissioners of Okeechobee County declaring that the water and wastewater utilities in Okeechobee County shall be subject to the provisions of Chapter 367, Florida Statutes, effective May 13, 2004, is hereby acknowledged. It is further

ORDERED that all water and wastewater utilities in Okeechobee County are hereby directed to comply with Commission procedures as set forth in the body of this Order and Chapter 367, Florida Statutes. It is further

ORDERED that this docket shall be closed.

By ORDER of the Florida Public Service Commission this 15th day of June, 2004.



BLANCA S. BAYO, Director
Division of the Commission Clerk
and Administrative Services

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), 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 the Commission Clerk and Administrative Services, 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 the Commission Clerk and Administrative Services 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.