

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for acknowledgment of) DOCKET NO. 891162-WS
resolution rescinding Florida Public) ORDER NO. 22330
Service Commission jurisdiction over) ISSUED: 12-20-89
private water and sewer utilities in)
St. Johns County.)
_____)

The following Commissioners participated in the disposition of this matter:

MICHAEL McK. WILSON, CHAIRMAN
THOMAS M. BEARD
BETTY EASLEY
GERALD L. GUNTER
JOHN T. HERNDON

ORDER ACKNOWLEDGING RECISION OF COMMISSION
JURISDICTION AND ESTABLISHING PROCEDURE FOR
CANCELLATION OF CERTIFICATES IN ST. JOHNS COUNTY

BY THE COMMISSION:

Case Background

On July 25, 1985, the Board of County Commissioners of St. Johns County adopted a resolution declaring that St. Johns County is subject to the provisions of Chapter 367, Florida Statutes, thereby establishing jurisdiction of this Commission over private water and wastewater utilities in St. Johns County. On September 26, 1989, the Board of County Commissioners of St. Johns County adopted Resolution Number 89-214 whereby Commission jurisdiction in St. Johns County was rescinded effective immediately.

Acknowledgement of Resolution

Section 367.171, Florida Statutes, provides that a county may, after four continuous years under Commission jurisdiction, rescind and terminate such jurisdiction subject to certain specified exceptions. Accordingly, we hereby acknowledge the adoption of the aforementioned Resolution Number 89-214 by the Board of County Commissioners of St. Johns County. We further acknowledge that our jurisdiction over the privately owned

DOCUMENT NUMBER-DATE

12104 DEC 20 1989

FROM RECORDS / DEPARTING

water and sewer utilities whose systems are located exclusively within said county is rescinded effective September 26, 1989, subject to certain exceptions hereinafter discussed, or as otherwise provided by law.

Disposition of Certificates

The following utilities presently hold valid Public Service Commission certificates to provide water and wastewater service in St. Johns County:

<u>Utility</u>	<u>Certificate Number</u>	
Camachee Cove Yacht Harbor, Inc.	464-W	
Fruit Cove Properties (Topo Inc. & H&J Investments, Inc.)	474-W	410-S
* General Development Utilities, Inc.	461-W	396-S
Intercoastal Utilities, Inc.	463-W	399-S
Island Landing Utilities Company	497-W	432-S
Moultrie Service District		412-S
* North Beach Utilities, Inc.	473-W	409-S
* Palm Valley Water Utility (Falker Investments, Inc.)	468-W	
* Ponce De Leon Utility Company of St. Johns County, Inc.	460-W	414-S
Ponte Vedra Utilities, Inc.	467-W	403-S
Ravenswood Forest Utilities	503-W	437-S
St. Augustine Shores Utilities	459-W	393-S
* St. Joe Utilities Company	508-W	443-S
* St. Johns North Utility Corp.	475-W	411-S
* St. Johns Service Company	478-W	413-S
* Sunray Utilities, Inc.	504-W	438-S
Wildwood Water Co., Inc.	477-W	

[* Denotes utilities with pending cases before the Commission.]

Section 367.171(5), Florida Statutes reads as follows:

When a utility becomes subject to regulation by a county, all cases in which the utility is a party then pending before the Commission, or in any court by appeal from any order of the Commission, shall remain within the jurisdiction of the Commission or court until disposed of in accordance with the law in effect on the day such case was filed by any

ORDER NO. 22330
DOCKET NO. 891162-WS
PAGE 3

party with the Commission or initiated by the Commission, whether or not the parties or the subject of any such case relates to a utility in a county wherein this chapter no longer applies.

In accordance with the above-cited statute, we find that each of the above-noted utilities with cases pending before this Commission shall remain subject to Commission jurisdiction until such pending cases are concluded. Each of these utilities shall, within thirty (30) days of the conclusion of its pending case(s), return its certificate(s) to this Commission for cancellation. We further find that each of the above utilities which do not have pending cases before this Commission, shall return its certificate(s) to this Commission for cancellation within thirty (30) days of the issuance of this Order.

In addition to the above, we note that Four Mile Utility Company has a pending original certificate application in Docket No. 890019-WS. If we determine that certificates should be granted to this utility, we will grant and cancel such certificates within the same Order.

In conclusion, we believe that our decision herein does not affect our authority to assess, nor the obligation of the utilities to pay, regulatory assessment fees accrued prior to September 26, 1989 in St. Johns County.

In consideration of the above, it is, therefore,

ORDERED by the Florida Public Service Commission that the St. Johns County Resolution Number 89-214, rescinding Commission jurisdiction in St. Johns County as of September 26, 1989 is hereby acknowledged. It is further

ORDERED that pursuant to Section 367.171(5), Florida Statutes, all regulated utilities within St. Johns County with cases pending before this Commission as of September 26, 1989 shall remain within the jurisdiction of this Commission, and such cases shall be disposed of in accordance with the law in effect on the day each such case was filed with this Commission. It is further

ORDER NO. 22330
DOCKET NO. 891162-WS
PAGE 4

ORDERED that each regulated utility within St. Johns County with case(s) pending before this Commission as of September 26, 1989, shall within thirty (30) days of the conclusion of its respective case(s), return their respective certificate(s) to this Commission for cancellation. It is further

ORDERED that each regulated utility within St. Johns County set forth in the body of this Order that has no case pending before this Commission shall return its certificate(s) to this Commission for cancellation within thirty (30) days of the issuance of this Order. It is further

ORDERED that this docket is hereby closed.

By ORDER of the Florida Public Service Commission
this 20th day of DECEMBER, 1989.



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)

ORDER NO. 22330
DOCKET NO. 891162-WS
PAGE 5

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