

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application of Gulf Utility)	DOCKET NO. 891157-WS
Company for amendment of Certificates)	ORDER NO. 22522
Nos. 72-W and 64-S in Lee County.)	ISSUED: 2-12-90
_____)	

ORDER CLOSING DOCKET

BY THE COMMISSION:

In September, 1989, Gulf Utility Company (Gulf) noticed its intent to file an application with this Commission for amendment of Certificates Nos. 72-W and 64-S to include additional territory in Lee County. On September 28, 1989, Lee County filed a formal objection to Gulf's proposed amendment. In its objection, Lee County stated that it is in the process of developing a sewer plant to serve customers in the territory which Gulf proposes to serve.

As a result of negotiations between Gulf and Lee County, Gulf amended the description of the territory it proposed to add to its service area. On November 13, 1989, Lee County withdrew its objection. In its withdrawal Lee County stated it had no objection to Gulf serving the territory shown in the amended territory description.

Gulf renoticed its intent to amend its certificate to include the territory shown in the amended territory description. The notice was sent to certificated utilities and governmental agencies in Lee County on November 7, 1989. In addition, it renoticed in the News-Press in Lee County on November 10, 17, and 24, 1989. No objections to the proposed amendment have been received and the time for filing such has expired.

Therefore, we find it appropriate to close this Docket since it was opened to resolve the objection. Gulf has filed an application for amendment which is premature. Pursuant to Section 367.061, Florida Statutes, the application should be filed when the construction is completed and the utility is ready to provide service. After Gulf complies with Section 367.061, Florida Statutes, it can request that its application be revived and processed.

It is, therefore,

DOCUMENT NUMBER-DATE

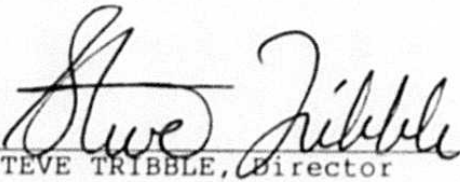
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ORDERED by the Florida Public Service Commission that
Docket No. 891157-SU is hereby closed.

By ORDER of the Florida Public Service Commission,
this 12th day of FEBRUARY, 1990.



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