

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for Acknowledgement of)	DOCKET NO. 891384-SU
Transfer of Sewer Facilities of The)	
Christian and Missionary Alliance)	ORDER NO. 22717
Foundation, Inc. d/b/a Shell Point)	
Village to Lee County Utilities and)	ISSUED: 3-21-90
Cancellation of Certificate No. 117-S)	
in Lee County.)	

ORDER ACKNOWLEDGING SALE, CANCELLING CERTIFICATE AND CLOSING DOCKET

BY THE COMMISSION:

On December 27, 1989, an application was filed by The Christian and Missionary Alliance Foundation, Inc. d/b/a Shell Point Village (Shell Point or Utility) for the transfer of Shell Point to Lee County. Shell Point has heretofore operated its sewer system under the jurisdiction of the Florida Public Service Commission, providing service to certain territory in Lee County, Florida.

On February 1, 1990, Shell Point interconnected to Lee County. There were no customer deposits at the time of transfer. Commission requirements regarding regulatory assessment fees have been met, and there are no dockets pending involving this system.

The provisions of Section 367.071, Florida Statutes, require an application for approval of sales of water and/or sewer 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.

On the basis of the foregoing, we have determined that Certificate No. 117-S should be cancelled. It is, therefore,

ORDERED by the Florida Public Service Commission that the transfer of Shell Point Village, 15000 Shell Point Boulevard, Ft. Myers, Florida 33908, to Lee County, 2172 McGregor Boulevard, Post Office Box 2737, Ft. Myers, Florida 33902, is hereby acknowledged. It is further

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ORDERED that Certificate No. 117-2 is hereby cancelled. The Utility is directed to return the Certificate No. 117-S to this Commission for cancellation within 20 days from the date of this Order. It is further

ORDERED that Docket No. 891384-SU is hereby closed.

By ORDER of the Florida Public Service Commission,
this 21st day of MARCH, 1990.

STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

ALC

by: Kay Flynn
Chief, Bureau of Records

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

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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.