

## BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Motion for extension of )	DOCKET NO. 900619-WS
time to provide water and sewer )	ORDER NO. 23427
service to certain lands in )	ISSUED: 9-4-90
Collier and Lee Counties and )	
amendment of Certificates Nos. )	
398-S and 462-W by North Naples )	
Utilities, Inc. )	
_____ )	

The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD  
 BETTY EASLEY  
 GERALD L. GUNTER  
 FRANK S. MESSERSMITH

ORDER GRANTING EXTENSION OF TIME TO PROVIDE SERVICE

BY THE COMMISSION:

On July 31, August 2, September 13, and September 19, 1989, North Naples Utilities, Inc. (North Naples) filed notices with this Commission pursuant to Section 367.061, Florida Statutes, (1987) stating its intent to apply for four separate amendments of its water and wastewater certificates. The Collier County Water-Sewer District (Collier County) filed a timely objection to each notice. Collier County objected to the notices because North Naples sought to extend its certificates into an area subject to the county's land development regulations.

Through negotiations, North Naples and Collier County came to a resolution of their differences. On May 21, 1990, the parties filed a Settlement Stipulation. The Stipulation provides that North Naples will comply with Collier County's land development regulations. By Order No. 23162, issued July 9, 1990, we approved the Settlement Stipulation.

On July 11, 1990, North Naples filed a Motion for Extension of Time to Provide Service. Pursuant to Section 367.061(4), Florida Statutes (1987), the utility requested an extension of time until

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August 18, 1991, to provide water and wastewater service to the areas outside of its certificated territory.

Prior to October 1, 1989, (the effective date of revisions to Chapter 367, Florida Statutes) Section 367.061, provided that a utility could extend service outside the territory described in its certificate by providing notice of its intent in the manner prescribed by Section 367.041(4), Florida Statutes. If at the end of 30 days a written objection to the notice was not filed, the utility could begin construction and provide service in the territory for which notice was given. The utility was required to file an application to amend its certificate within one year following its notice, unless for good cause shown, the Commission extended the time for application.

North Naples filed notices of its intent to amend its certificates pursuant to Section 367.061, Florida Statutes (1987), on July 31, August 2, September 13, and September 19, 1989. Thus, its July 11, 1990, request for an extension of time was timely filed.

In its request for an extension of time, North Naples explained that while Collier County's objections were pending, it could not obtain required County approval to begin construction in Collier County. Construction in the area within Lee County was also delayed because providing service there required construction across land within Collier County.

North Naples asked that, due to the delay caused by Collier County's objections to its notices, it be granted an extension of time until August 18, 1991. Generally, we have granted extensions of time following the resolution of an objection. The Settlement Stipulation resolving the objections here was filed on May 21, 1990. The Order approving the settlement was issued on July 9, 1990. In this case, we find it appropriate to grant North Naples an extension of time until August 18, 1991, to provide service in its extended territory and submit its applications for amendment of its certificates.

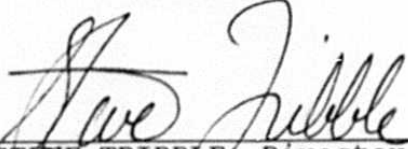
It is, therefore,

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ORDERED by the Florida Public Service Commission that the request of North Naples Utilities, Inc. for an extension of time until August 18, 1991, in which to provide service to the four noticed areas is hereby granted. It is further

ORDERED that this docket be closed.

By ORDER of the Florida Public Service Commission, this  
4th day of SEPTEMBER, 1990.

  
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STEVE TRIBBLE, Director  
Division of Records and Reporting

( S E A L )

ASD

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

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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.