

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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|---------------------------------|---|----------------------|
| In re: Request for cancellation |) | DOCKET NO. 900625-WS |
| of Certificates 500-W and 434-S |) | ORDER NO. 23645 |
| in Marion County by Crossroads |) | ISSUED: 10-22-90 |
| Utility Company, Inc. |) | |
| |) | |

The following Commissioners participated in the disposition of this matter:

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

ORDER CANCELLING CERTIFICATES

BY THE COMMISSION:

Pursuant to Order No. 19654, issued July 11, 1988, Crossroads Utility Company, Inc. (Crossroads or utility) was granted water and wastewater certificates. The utility was to be developer-owned, providing service to a 125 acre residential and commercial area. The developer has decided not to proceed with development. The land has been sold to another party and the utility was dissolved as a corporation on November 4, 1988. Since the water and wastewater utilities will not be constructed, on June 25, 1990, Mr. Dale Twardowski, former Crossroads president, has requested that Crossroad's certificates be cancelled.

Crossroads never paid regulatory assessment fees. Presently, Crossroads owes back regulatory assessment fees and a fine for failure to comply with the tax savings rule. The Division of Administration is referring these matters to the Comptroller's office for collection. That action will resolve the amounts owed independently of this docket.

On July 16, 1990, Crossroads filed its Annual Reports for 1988 and 1989. These reports certified that the utility was never operated or constructed.

Upon consideration of the foregoing, we will cancel Certificates Nos. 500-W and 434-S as requested. Mr. Twardowski has advised staff that he is unable to locate the certificates for return to the Commission. We will not initiate proceedings to impose fines on Crossroads for the late filing of its 1988 and 1989 Annual Reports since no utility system was ever constructed and the

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utility corporation was dissolved approximately four months after issuance of our certificates. It appears that the president of Crossroads thought that since there was never a functioning utility system, he was not required to file annual reports. Thus, it seems that there was no willful violation of the Commission's rule on annual reports.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Certificates Nos. 500-W and 434-S, issued to Crossroads Utility Company, Inc., are hereby cancelled. It is further

ORDERED that this docket is hereby closed.

By ORDER of the Florida Public Service Commission this 22nd
day of OCTOBER, 1990.



STEVIE 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.