

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Acknowledgement of Late filing) DOCKET NO. 910500-WU
of 1988 annual report by Carolyn Heights)
Water Co. and cancellation of Certificate) ORDER NO. 24547
No. 372-W in Columbia County subsequent)
to purchase by governmental agency) ISSUED: 5/20/91
_____)

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON
BETTY EASLEY
GERALD L. GUNTER
MICHAEL MCK. WILSON

ORDER CANCELING CERTIFICATE
AND CLOSING DOCKET

BY THE COMMISSION:

In November, 1988, the owners of Carolyn Heights Water Co. (utility) sold the water system to the City of Lake City. We became aware of the sale in July, 1989. In February, 1991, we received a copy of the Agreement for Purchase and Sale of the utility. The sale to Lake City was acknowledged in Order No. 24215, issued March 11, 1991. The utility's certificate was not canceled at that time, however, because the utility had filed its 1988 annual report late, therefore the possibility of assessing a fine had to be addressed.

The former utility owners apparently believed they did not have to file the 1988 annual report with this Commission because they had sold the utility in November, 1988 to a governmental authority. When notified that the report was due and had not been filed, the former utility owners filed the report. They also filed a report for 1989. We will not assess a fine under these circumstances.

On the basis of the foregoing, we have determined that Certificate No. 372-W should be canceled. The former utility owners should return Certificate No. 372-W to the Commission within twenty days of the date of this order for cancellation.

It is therefore

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ORDERED by the Florida Public Service Commission that the former owners of Carolyn Heights Water Co. shall return Certificate No. 372-W to the Commission within twenty days of the date of this order for cancellation. It is further

ORDERED that this docket is closed.

By ORDER of the Florida Public Service Commission, this 20th day of MAY, 1991.

STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

MJL

by: Kay Hixson
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

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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.