

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for) DOCKET NO. 920058-SU
acknowledgement of transfer of)
territory in Orange County to)
CITY OF OCOEE, and cancellation) ORDER NO. PSC-92-0044-FOF-SU
of WEST ORANGE UTILITIES')
(M&M UTILITIES) Certificate No.)
288-S, held in receivership by) ISSUED: 3/11/92
SOUTHERN STATES UTILITIES, INC.)
_____)

ORDER ACKNOWLEDGING TRANSFER OF WEST
ORANGE UTILITIES, INC., (M&M UTILITIES) TO
THE CITY OF OCOEE AND CANCELLATION OF WEST ORANGE UTILITIES'
CERTIFICATE NO. 288-S, AND CLOSING DOCKET

BY THE COMMISSION:

On January 17, 1992, Southern States Utilities, Inc., (SSU or Utility) filed an application with this Commission for acknowledgment of the transfer of territory in Orange County, certificated as West Orange Utilities (M&M Utilities), to the City of Ocoee. The territory consists of a Class C wastewater facility which has been held in court-appointed receivership by SSU since March 1, 1989.

The provisions of Section 367.071, Florida Statutes, require an application for approval of transfers of water and/or sewer utilities to governmental agencies, although such transfers are approved as a matter of right. Section 367.022(2), Florida Statutes, exempts from regulation by the Commission systems owned, operated, managed or controlled by governmental agencies.

According to the application, the system was transferred to the City of Ocoee, on December 13, 1990, pursuant to a court order approving a stipulation between Ocoee and SSU requiring the destruction of M&M Utilities' system and the connection of M&M's customers to the City of Ocoee's system. According to SSU, the customers were connected to Ocoee's system as of November 11, 1991. There were customer deposits of \$50.00 each at the time the transfer occurred. According to the application, SSU applied the customer deposits, with accrued interest, to outstanding balances representing four months of service. There were no customer deposit funds to be transferred to Ocoee, except for an amount totalling \$136.86, which, by computer error, was paid back to the six customers who made the said deposits instead of being paid to Ocoee. Commission requirements regarding regulatory assessment

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fees have been met. There are no pending dockets regarding West Orange Utilities.

On the basis of the foregoing, we find it appropriate to acknowledge the transfer of West Orange Utilities, held in receivership by SSU, to the City of Ocoee. In addition, we find it appropriate to cancel Certificate No. 288-S.

Based upon the foregoing, it is, therefore,

ORDERED by the Florida Public Service Commission that the transfer of West Orange Utilities, held in receivership by Southern States Utilities, Inc., to the City of Ocoee, is hereby acknowledged. It is further

ORDERED that Certificate No. 288-S is hereby canceled. It is further

ORDERED that Docket No. 920058-SU is hereby closed.

By ORDER of the Florida Public Service Commission, this 11th
day of March, 1992.



STEVE TRIBBLE, Director
Division of Records and Reporting

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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.