

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for) DOCKET NO. 920103-SU
Certificate to Provide) ORDER NO. PSC-93-0619-FOF-SU
Wastewater Service in Escambia) ISSUED: April 21, 1993
County Under Grandfather Rights)
by WINDWARD OWNERS ASSOCIATION,)
INC.)
_____)

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON, Chairman
THOMAS M. BEARD
SUSAN F. CLARK
JULIA L. JOHNSON
LUIS J. LAUREDO

ORDER ACKNOWLEDGING SALE OF WINDWARD OWNERS ASSOCIATION, INC.
TO ESCAMBIA COUNTY UTILITIES AUTHORITY

BY THE COMMISSION:

On February 4, 1992, Windward Owners Association, Inc. (Windward) filed an application with this Commission for a certificate to provide wastewater service pursuant to Section 367.171, Florida Statutes, in Escambia County. Windward is a Class C utility in Escambia County providing wastewater service to 158 residential customers and two general service customers.

On December 3, 1991, Escambia County Board of Commissioners transferred jurisdiction over privately-owned water and wastewater utilities in Escambia County to the Public Service Commission. During our review of Windward's application, we discovered Windward was negotiating with the Escambia County Utilities Authority (ECUA) regarding ECUA's interest in purchasing Windward and connecting its customers to ECUA. On March 2, 1993, we received a copy of an Agreement for Purchase and Sale of Windward to ECUA. The agreement indicated that Windward had interconnected to the ECUA system on February 12, 1993, and that Windward's wastewater treatment plant had been taken out of service on that date.

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

APPLICATION

On February 4, 1992, Windward filed an application for a grandfather certificate for its wastewater system. When we learned that Windward was negotiating with ECUA, we did not pursue the deficiencies in its application to allow Windward time to complete its negotiations with ECUA. The contract between Windward and ECUA was signed on October 2, 1992, and the interconnection occurred on February 12, 1993.

On the basis of the foregoing, we have determined that it is appropriate to acknowledge the sale of Windward to ECUA.

REGULATORY ASSESSMENT FEES

According to Rule 25-30.120(2), Florida Administrative Code, any utility subject to this Commission's jurisdiction on or before December 31 of that year, or for any part of that year, shall be required to pay the regulatory assessment fees, regardless of whether it has applied for or been issued a certificate.

Although Windward does not have a certificate, we find it appropriate to require Windward to pay regulatory assessment fees for 1992. Further, Windward shall pay these fees from January 1, 1993, through February 12, 1993, when the interconnection occurred.

Since no further action is required in this docket, we hereby close this docket.

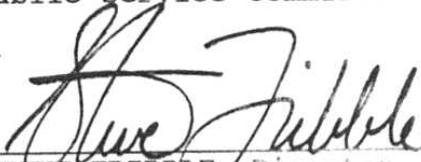
Based on the foregoing, it is, therefore,

ORDERED by the Florida Public Service Commission that the sale of Windward Owners Association Inc., 16777 Perdido Key Drive, Pensacola, Florida 32507, to Escambia County Utilities Authority, is hereby acknowledged. It is further

ORDERED that Windward Owners Association Inc. shall make payment of its regulatory assessment fees for 1992, and those fees from January 1, 1993, through February 12, 1993. It is further

ORDERED that this docket is closed.

By ORDER of the Florida Public Service Commission this 21st
day of April, 1993.



STEVE 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 Civil Procedure. The notice of appeal must be in the form specified in Rule 9.900 (a), Florida Rules of Appellate Procedure.