

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for ) DOCKET NO. 921311-WS  
Certificates to Provide Water ) ORDER NO. PSC-93-0748-FOF-WS  
and Wastewater Service in St. ) ISSUED: 5/18/93  
Lucie County by RESERVE UTILITY )  
CORPORATION. )  
\_\_\_\_\_ )

ORDER GRANTING WITHDRAWAL OF APPLICATION FOR  
CERTIFICATES AND APPROVING SALE OF UTILITY TO  
A GOVERNMENTAL AUTHORITY AND CLOSING DOCKET

By Order No. PSC-92-0704-FOF-WS, dated July 22, 1992, this Commission acknowledged the resolution adopted, on May 19, 1992, by the Board of County Commissioners of St. Lucie County, declaring that, as of October 1, 1992, the water and wastewater utilities in that County shall become subject to the provision of Chapter 367, Florida Statutes. Pursuant to Section 367.031, Florida Statutes, a utility subject to the jurisdiction of this Commission must obtain a certificate of authorization to provide water or wastewater service.

On December 24, 1992, Reserve Utility Corporation (Reserve or utility) filed an application for certificates under grandfather rights pursuant to Section 367.171(2) (a) and (b), Florida Statutes. Subsequently, on February 22, 1993, Reserve requested permission to withdraw its initial application and filed an application for approval of the sale of its water and wastewater systems to the Reserve Community Development District, which is a special district created by St. Lucie county ordinance No. 92-09, dated February 11, 1992. This application meets the definition of a sale to a governmental authority, which we approve as a matter of right pursuant to Section 367.071(4), Florida Statutes.

The application was filed in accordance with Section 367.071(4), Florida Statutes, and Rule 25-30.037(3), Florida Administrative Code. According to the application the development district acquired the utility on February 10, 1993. The buyer obtained the utility's most recent available income and expense statement, balance sheet, and statement of rate base and contributions in aid of construction as required by Section 367.071(4), Florida Statutes. In addition, Reserve paid the regulatory assessment fees owed for 1992 and 1993.

Based on the facts as represented, we approve the withdrawal of the application for certificates and we approve the sale of Reserve to the development district pursuant to Section 367.071(4), Florida Statutes.

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It is, therefore,

ORDERED by the Florida Public Service Commission that, based upon the facts as represented, we approve Reserve's withdrawal of its application for certificates to provide water and wastewater service in St. Lucie County. It is further

ORDERED by the Florida Public Service Commission that the sale of Reserve to the Reserve Community Development District is approved pursuant to Section 367.071(4), Florida Statutes. It is further

ORDERED that this docket is hereby closed.

By ORDER of the Florida Public Service Commission, this 18th day of May, 1993.

  
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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.

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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.