

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request for) DOCKET NO. 930176-SU
acknowledgement of sale of) ORDER NO. PSC-93-0933-FOF-SU
facilities to Collier County) ISSUED: 6/22/93
Utilities and amendment of)
Certificate No. 398-S in Lee)
County by North Naples)
Utilities, Inc.)
_____)

ORDER ACKNOWLEDGING SALE OF
NORTH NAPLES UTILITIES, INC.'S WASTEWATER FACILITIES
TO COLLIER COUNTY UTILITIES, AMENDMENT OF
CERTIFICATE NO. 398-S, AND CLOSING DOCKET

BY THE COMMISSION:

On February 22, 1993, North Naples Utilities, Inc. (North Naples or utility) filed an application with this Commission for acknowledgment of the sale of its wastewater facilities located in Collier County (County) to the County. The system was sold on September 18, 1992. North Naples is retaining its water and wastewater facilities in Lee County along with its water facilities in Collier County.

The provisions of Section 367.071, Florida Statutes, require an application for approval of transfers of water and/or wastewater 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.

The application was filed in accordance with Section 367.071(4), Florida Statutes, and Rule 25-30.037, Florida Administrative Code. In addition, the County has obtained the most recent income and expense statement, balance sheet, statement of rate base for regulatory purposes, and CIAC information on the system from this Commission. According to the utility's tariffs, there are no customer deposits. The regulatory assessment fees for 1993, totalling \$18,003.99, have been paid. The utility filed a description of the territory which it is retaining, a copy of a map of the retained territory, and sample tariff sheets reflecting the appropriate territory.

Therefore, based on the above, we find it appropriate to acknowledge the transfer of that portion of North Naples' wastewater facilities in Collier County to Collier County. In

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addition, we find it appropriate to amend Certificate No. 398-S to reflect the territory retained by North Naples in both Lee and Collier Counties, as shown in Attachment A appended to this Order.

Based upon the foregoing, it is, therefore,

ORDERED by the Florida Public Service Commission that the transfer of North Naples Utilities, Inc.'s wastewater facilities located in Collier County to Collier County Utilities is hereby acknowledged. It is further

ORDERED that Certificate No. 398-S shall be amended to reflect the legal description of the remaining territory served by North Naples Utilities, Inc. It is further

ORDERED that North Naples Utilities, Inc. shall return Certificate No. 398-S to this Commission within 30 days of the issuance of this Order so that the appropriate entry may be reflected on the certificate. It is further

ORDERED that this docket is closed.

By ORDER of the Florida Public Service Commission, this 22nd day of June, 1993.



STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

LK

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

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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.

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ATTACHMENT A

NORTH NAPLES UTILITIES, INC.

TERRITORY DESCRIPTION

The South 1/2 of Section 5, Township 48 South, Range 26 East, Lee
County, Florida