

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request For) DOCKET NO. 940063-WS
Acknowledgement of Sale of) ORDER NO. PSC-94-0201-FOF-WS
Assets of Mid-Clay Service Corp.) ISSUED: February 18, 1994
to Clay County and Cancellation)
of Certificates Nos. 492-W and)
426-S in Clay County.)
_____)
-)

ORDER ACKNOWLEDGING SALE, CANCELLING CERTIFICATES
AND CLOSING DOCKET

BY THE COMMISSION:

On January 18, 1994, Mid-Clay Services Corp. (Mid-Clay or Utility) filed an application with this Commission for acknowledgment of the transfer of its water and wastewater facilities to Clay County Water and Sewer Authority (Clay County). The sale occurred on December 29, 1993.

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

Rule 25-30.037(3)(e), Florida Administrative Code, requires a utility to submit a statement regarding disposition of customer deposits. All customer deposits held by Mid-Clay were transferred to Clay County upon consummation of the sale. Commission requirements regarding regulatory assessment fees have been met.

The only Docket open involving Mid-Clay is Docket No. 940096-WS. Docket No. 940096-WS has been opened to address refunds associated with Mid-Clay's collection of gross-up funds in excess of the appropriate amount of taxes related to contributions-in-aid-of-construction (CIAC). Because the excess funds were collected prior to the sale to Clay County, Mid-Clay remains subject to our jurisdiction until all refunds have been made. Therefore, we see no reason to delay acknowledgement of the sale to Clay County.

On the basis of the foregoing, we find it appropriate to acknowledge the sale of Mid-Clay's water and wastewater facilities

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to Clay County and cancel Certificates Nos. 492-W and 426-S. Mid-Clay has returned the Certificates to this Commission for cancellation. It is, therefore,

ORDERED by the Florida Public Service Commission that the sale of water and wastewater facilities of Mid-Clay Service Corp., 767 Blanding Boulevard, Suite 106, Orange Park, Florida 32065, to Clay County Water and Sewer Authority, 782 Foxridge Center Drive, Orange Park, Florida 32065, is hereby acknowledged. It is further

ORDERED that Certificates Nos. 492-W and 426-S are hereby cancelled. It is further

ORDERED that Docket No. 940063-WS is hereby closed.

By ORDER of the Florida Public Service Commission, this 18th day of February, 1994.

STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

ALC

by: Kay Flynn
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.

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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.