

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for Approval) DOCKET NO. 931123-WS
of Sale of Silver Springs Shores) ORDER NO. PSC-94-0313-FOF-WS
Division Facilities to Marion) ISSUED: March 21, 1994
County and Cancellation of)
Certificates Nos. 370-W and)
320-S in Marion County by)
GENERAL DEVELOPMENT UTILITIES,)
INC.)
_____)

ORDER ACKNOWLEDGING SALE TO GOVERNMENTAL AGENCY
AND CLOSING DOCKET

BY THE COMMISSION:

On November 19, 1993, General Development Utilities, Inc. (GDU or Utility) filed an application with this Commission for acknowledgment of the sale of its Silver Springs Shores Division to Marion County. The sale occurred on December 9, 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 GDU's Silver Springs Shores Division, were transferred to Marion County upon consummation of the sale. In addition, GDU will pay regulatory assessment fees due on March 31, 1994.

By Order No. PSC-93-1113-FOF-WS, issued July 30, 1993, in Docket No. 920733-WS, this Commission increased rates and charges for two of GDU's divisions, one of which is Silver Springs Shores. That Order also required GDU to refund a portion of interim rates previously collected. However, the calculation of the refund was incorrect. The refund was recalculated and Order No. PSC-93-1546-FOF-WS was issued October 21, 1993, reflecting the correct amount to be refunded by GDU. On November 19, 1993, GDU filed a Notice of Appeal of both Orders. According to GDU's application, it will refund the portion of the interim rates required to be refunded by Order No. PSC-93-1546-FOF-WS, subject to any modification of the refund resulting from the outcome of the pending appeal.

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

On the basis of the foregoing, we find it appropriate to acknowledge the sale of GDU's Silver Springs Shores Division to Marion County. Certificates Nos. 370-W and 320-S shall remain active pending final disposition of the appeal in Docket No. 920733-WS. Upon final disposition of the appeal, the Certificates shall be cancelled administratively. It is, therefore,

ORDERED by the Florida Public Service Commission that the sale of the Silver Springs Shores Division of General Development Utilities, Inc., 2601 South Bayshore Drive, Miami, Florida 33133-5461, to Marion County, 601 Southeast 25th Avenue, Ocala, Florida 34471, is hereby acknowledged. It is further

ORDERED that Certificates Nos. 370-W and 320-S shall remain active pending final disposition of the appeal in Docket No. 920733-WS. Upon final disposition of the appeal, the certificates shall be cancelled administratively. It is further

ORDERED that Docket No. 931123-WS is hereby closed.

By ORDER of the Florida Public Service Commission, this 21st day of March, 1994.

STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

LAJ

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.

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.