

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for transfer) DOCKET NO. 940016-SU
of Certificate No. 352-S from) ORDER NO. PSC-95-0221-FOF-SU
L.C.M. SEWER AUTHORITY, INC. in) ISSUED: February 17, 1995
Lee County to LANDIS)
ENTERPRISES, INC.)
_____)

The following Commissioners participated in the disposition of this matter:

SUSAN F. CLARK, Chairman
J. TERRY DEASON
JOE GARCIA
JULIA L. JOHNSON
DIANE K. KIESLING

ORDER CLOSING DOCKET

BY THE COMMISSION:

L.C.M. Sewer Authority (LCM or utility) is a Class C Utility providing wastewater service to approximately 175 residential and six multi-residential customers in Lee County. On November 20, 1992, the Circuit Court of the Twentieth Judicial Circuit in and for Lee County, Florida, issued an Order Granting Former Receiver's Motion to Withdraw as Receiver, and Appointing New Receiver, Water Spectrum, Inc. (WSI). The Commission acknowledged the appointment of WSI as receiver by Order No. PSC-93-0374-FOF-SU, issued March 9, 1993.

On January 6, 1994, WSI filed an application to transfer LCM's wastewater certificate to Landis Enterprises, Inc. Three objections to this application were timely filed. They were filed by: (1) Forest Creek Condominiums Association, on January 18, 1994; (2) WM. T. Hornaday, II, on January 28, 1994; and (3) Spanish Gardens Homeowners Association, Inc., on January 31, 1994. Forest Creek Condominiums Association and Spanish Gardens Homeowners Association, Inc. requested a formal hearing.

In addition to these objections, Bonita Springs Utility, (BSU) on January 26, 1994, filed a petition for a formal administrative hearing. Subsequently, on February 14, 1994, Landis Enterprises, Inc. filed a Motion to Dismiss BSU's petition. On February 22, 1994, BSU responded to Landis Enterprises, Inc.'s Motion to Dismiss.

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FPSC-RECORDS/REPORTING

ORDER NO. PSC-95-0221-FOF-SU
DOCKET NO. 940016-SU
PAGE 2

Subsequently, BSU filed a petition with the Court wherein it requested that the Court appoint BSU the final receiver of LCM. On September 22, 1994, the Court ordered that BSU "will be given immediate access to make all matters necessary to transfer the system." The same order gave WSI 90 days to liquidate its receivership. Our staff contacted BSU on December 27, 1994, and confirmed that BSU is now fully interconnected with LCM. On January 18, 1995, we received documentation from BSU officially confirming the interconnection.

Based on the foregoing, WSI's application for transfer from LCM to Landis Enterprises Inc. is moot, as are all of the objections and motions filed in response to this application. No further action is required. Therefore, this docket shall be closed.

Based on the foregoing, it is, therefore,

ORDERED by the Florida Public Service Commission that, because the application, motions, and objections are moot, no further action is required, and this docket shall be closed.

By ORDER of the Florida Public Service Commission, this 17th day of February, 1995.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

by: Kay Flynn
Chief, Bureau of Records

(S E A L)

MSN

ORDER NO. PSC-95-0221-FOF-SU
DOCKET NO. 940016-SU
PAGE 3

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 and/or wastewater 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 Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900 (a), Florida Rules of Appellate Procedure.