

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Joint application for transfer)	DOCKET NO. 880450-WS
of Certificates Nos. 388-W and 332-S)	
from TAMIAMI UTILITY CO. to SOUTHERN)	ORDER NO. 21096
STATES UTILITIES, INC. in Lee County)	
)	ISSUED: 4-21-89

The following Commissioners participated in the disposition of this matter:

MICHAEL McK. WILSON, Chairman
 THOMAS M. BEARD
 BETTY EASLEY
 GERALD L. GUNTER
 JOHN T. HERNDON

ORDER ACKNOWLEDGING WITHDRAWAL OF APPLICATION
FOR TRANSFER AND REFUNDING FILING FEE

BY THE COMMISSION:

On March 14, 1988, Southern States Utilities, Inc. (SSUI) and Tamiami Utility Company (Tamiami) filed a joint application for the transfer of Certificates Nos. 388-W and 332-S. By letter dated March 9, 1988, Tamiami Village Lot Owners Association, Inc. (Association), objected to the transfer. By Order No. 19543, issued June 21, 1988, we dismissed the objection due to our lack of jurisdiction over the subject matter of the objection, the Association's claim of a right of first refusal.

On July 5, 1988, the Association filed a motion for reconsideration of Order No. 19543. The Association argued that it had an absolute right to an administrative hearing on the merits of its objection and that the Commission has jurisdiction over objections to transfers. By Order No. 19828, issued August 19, 1988, we denied the Association's motion for reconsideration because this Commission cannot, as a matter of law, hold an administrative hearing in which the sole issue is outside of our jurisdiction.

As a result of negotiations between Tamiami and the Association, it is currently expected that Certificates Nos. 388-W and 332-S will be transferred, subject to our approval, to Tamiami Village Utility, Inc., a corporation set up by the Association. Accordingly, Tamiami and Tamiami Village Utility, Inc. have filed a joint application for approval of the transfer, which is being processed under Docket No. 890127-WS.

On February 27, 1989, SSUI and Tamiami filed a notice of their withdrawal of their joint transfer application. By this Order, we hereby acknowledge the withdrawal of the joint application in this case. In addition, we find it appropriate to return the \$1,800 filing fee to SSUI.

It is, therefore,

ORDERED by the Florida Public Service Commission that the \$1,800 fee for filing the joint application for transfer of Certificates Nos. 388-W and 332-S from Tamiami Utility Company to Southern States Utilities, Inc. shall be returned to Southern States Utilities, Inc. It is further

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ORDERED that Docket No. 880450-WS be and is hereby closed.

By ORDER of the Florida Public Service Commission,
this 21st day of APRIL, 1989.


STEVE TRIBBLE, Director,
Division of Records and Reporting

(S E A L)

RJP

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