

## BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Notice of KINGS POINT	)	DOCKET NO. 891132-WU
UTILITIES, INC. of abandonment of	)	ORDER NO. 23205
wastewater utility systems in	)	ISSUED: 7-16-90
Osceola County	)	
	)	

The following Commissioners participated in the disposition of this matter:

MICHAEL MCK. WILSON, Chairman  
 BETTY EASLEY  
 GERALD L. GUNTER  
 FRANK S. MESSERSMITH

ORDER ACKNOWLEDGING WITHDRAWAL OF NOTICE OF ABANDONMENT

BY THE COMMISSION:

Kings Point Utilities, Inc. (Kings Point) is a Class C utility which provides water and wastewater service to approximately 155 single family homes in Osceola County. According to its 1987 annual report, the latest on file with this Commission, Kings Point collected gross revenues of \$43,969 and experienced a net loss of \$7,220 during 1987.

On September 13, 1988, Kings Point filed a notice of its intent to abandon its wastewater system pursuant to Section 367.165, Florida Statutes. According to Kings Point, its notice of abandonment was precipitated by certain differences with the Department of Environmental Regulation (DER) over an acceptable means of disposing of the effluent from its wastewater plant.

During the pendency of this case, Kings Point revised the effective date of its notice of abandonment a number of times due to its continued negotiations with DER. Finally, by letter dated April 23, 1990, Kings Point withdrew its notice.

We also note that, during the pendency of this case, Kings Point filed an application for a transfer of majority organizational control, which was processed under Docket No. 891323-WS. By Order No. 23120, issued June 26, 1990, we approved its application, subject to certain conditions, which include the requirement that Kings Point file an application for a permit to upgrade its wastewater treatment plant and construct a spray irrigation system with DER within 90 days of the date of that order. We also left Docket No. 891323-WS open in order to monitor Kings Point's compliance with the conditions of Order No. 23120.

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Based upon the discussion above, we find it appropriate to acknowledge Kings Point's withdrawal of its notice of abandonment and close this docket.

It is, therefore,

ORDERED by the Florida Public Service Commission that Docket No. 891132-SU be and is hereby closed.

By ORDER of the Florida Public Service Commission this 16th day of July, 1990.

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STEVE TRIBBLE, Director  
Division of Records and Reporting

( S E A L )

RJP

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

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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.