

BEFORE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for amendment of )	DOCKET NO. 900889-WU
Certificates Nos. 444-W and 462-S in )	
Charlotte County by GENERAL )	ORDER NO. 25066
DEVELOPMENT UTILITIES, INC. )	
_____ )	ISSUED: 9/16/91

The following Commissioners participated in the disposition of this matter:

- THOMAS M. BEARD, Chairman
- SUSAN F. CLARK
- J. TERRY DEASON
- BETTY EASLEY
- MICHAEL MCK. WILSON

FINAL ORDER CLOSING DOCKET

BY THE COMMISSION:

This docket was initiated by the filing of an application by General Development Utilities, Inc. (GDU) to amend its certificate in Charlotte County. Objections to this application were filed by El Jobean Water Association, Inc. (El Jobean) and Harbor Lakes Water System, Inc. (Harbor Lakes). By Order No. 24383, issued April 18, 1991, the objection filed by El Jobean was dismissed.

On March 14, 1991, GDU and Harbor Lakes filed a stipulation in which Harbor Lakes agreed not to oppose a portion of the amendment of GDU's certificates. In Order No. 24383, referenced above, the Commission approved the stipulation. The objection to the balance of the territory which GDU sought to add to its certificated territory remained pending.

On May 29, 1991, the Commission referred the pending portion of this docket to Division of Administrative Hearings (DOAH). On June 24, 1991, there was a taking of certain GDU facilities by Charlotte County. On June 26, 1991, GDU applied for approval of a transfer of a portion of its water system and all of its wastewater system in Charlotte County. The transfer to Charlotte County is pending in Docket No. 910723-WS. Thereafter, on July 17, 1991, GDU filed a Motion to Dismiss in the DOAH case. The Hearing Officer found the issues therein to be moot, relinquished jurisdiction, and closed the DOAH case on July 22, 1991.

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We find it appropriate to close this docket because GDU is no longer providing service to the area in dispute in this docket and therefore, the issues raised by Harbor Lakes are moot.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that this docket be closed.

By ORDER of the Florida Public Service Commission, this 16th day of SEPTEMBER, 1991.

  
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STEVE TRIBBLE, Director  
Division of Records and Reporting

( S E A L )

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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

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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.