

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for transfer) DOCKET NO. 910901-WS
of Certificates Nos. 272-S and) ORDER NO. PSC-92-0222-FOF-WS
215-S from HARBOR UTILITIES, INC.) ISSUED: 4/17/92
to BONITA SPRINGS WATER SYSTEM,)
INC. and transfer of certain)
assets to the Municipal Service)
Benefit Unit formed by Lee County)
_____)

The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD, Chairman
SUSAN F. CLARK
J. TERRY DEASON
BETTY EASLEY
LUIS J. LAUREDO

ORDER ACKNOWLEDGING NOTICE OF WITHDRAWAL
AND CLOSING DOCKET

BY THE COMMISSION:

On August 29, 1991, Harbor Utilities, Inc. (Harbor or utility) filed an application to transfer its water and wastewater certificates to Bonita Springs Water System, Inc. (Bonita), an entity exempt from Commission regulation. As part of the proposed transfer, the utility requested that Harbor's assets be transferred to a Municipal Service Benefit Unit (MSBU) formed by Lee County and that Harbor's certificated territory and customers be transferred to Bonita for service.

On March 10, 1992, Harbor filed a Notice of Voluntary Withdrawal pursuant to Rule 1.420, Florida Rules of Civil Procedure. In the Notice, Harbor also requests that it be able to refile the transfer application without prejudice. In accordance with Section 367.071, Florida Statutes, no utility shall sell, assign or transfer a utility without the approval of this Commission. Thus, we hereby acknowledge Harbor's Notice of Voluntary Withdrawal, without prejudice, and encourage the utility to refile an application for a transfer of certificate at the appropriate time.

Based on the foregoing, it is therefore,

ORDERED by the Florida Public Service Commission that Harbor Utilities, Inc.'s Notice of Voluntary Withdrawal Without Prejudice,

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filed pursuant to Rule 1.420, Florida Rules of Civil Procedure, is hereby acknowledged. It is further

ORDERED that Docket No. 910901-WS be closed.

By ORDER of the Florida Public Service Commission this 17th day of April, 1992.

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