

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Notice of abandonment )  
of facilities serving territory) DOCKET NO. 920112-SU  
under Certificate No. 352-S in ) ORDER NO. PSC-92-0751-FOF-SU  
Lee County by L.C.M. SEWER ) ISSUED: 8/5/92  
AUTHORITY )  
\_\_\_\_\_ )

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 STACO, INC. AS RECEIVER  
FOR L.C.M. SEWER AUTHORITY

BY THE COMMISSION:

BACKGROUND

On February 10, 1992, this Commission received a Notice of Abandonment from Mr. Curtis Tomlinson, pursuant to Section 367.165, Florida Statutes, giving 60 days notice of his intention to abandon the L.C.M. Sewer Authority (LCM or utility) in Lee County. At the time of this notice, Mr. Tomlinson, LCM's president, was operating the utility without a Department of Environmental Regulation (DER) operating permit and was facing civil action for failure to comply with an outstanding consent order from DER.

On April 30, 1992, the Circuit Court of the Twentieth Judicial Circuit issued a final order appointing Staco, Inc. as receiver for the LCM System. Staco, Inc. (Staco) is a corporation consisting of several operating divisions, including a division which operates a wastewater utility. Staco has appointed Joyce Staiger, an officer of its corporation, to act as contact person in this proceeding. At Staco, she has successfully operated Bonita Springs Country Club's wastewater system and she is in the process of evaluating needed improvements to LCM's plant and will work with DER to upgrade the utility.

Subsection (3) of Section 367.165(3), Florida Statutes, provides that the notification to the Commission required under subsection (1) is sufficient cause for revocation, suspension, or

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amendment of the certificate of the utility as of the date of abandonment. The receiver shall be considered to hold a temporary authorization from the Commission and the approved rates of the abandoned utility shall be deemed to be interim rates of the receiver until modified by the Commission. Therefore, LCM's existing tariff will remain in effect. LCM's present rates and charges were approved in Docket No. 890846-SU, the utility's last staff assisted rate case. Since all provisions of Section 367.165, Florida Statutes, have been met, we hereby acknowledge the appointment of Staco, Inc. as the receiver for L.C.M. Sewer Authority, Inc.

Based on the foregoing, it is, therefore,

ORDERED by the Florida Public Service Commission that Staco, Inc. is hereby acknowledged as the receiver for L.C.M. It is further

ORDERED that this Docket shall be closed.

By ORDER of the Florida Public Service Commission, this 5th day of August, 1992.

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STEVE TRIBBLE, Director  
Division of Records and Reporting

by: Kary Flynn  
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Chief, Bureau of Records

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