

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Resolution of the Board) DOCKET NO. 930296-WS
of County Commissioners of) ORDER NO. PSC-93-0783-FOF-WS
Gadsden County declaring Gadsden) ISSUED: May 24, 1993
County subject to the provisions)
of Chapter 367, Florida)
Statutes.)
_____)

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON, Chairman
THOMAS M. BEARD
SUSAN F. CLARK
JULIA L. JOHNSON
LUIS J. LAUREDO

ORDER ACKNOWLEDGING RESOLUTION
OF THE BOARD OF COUNTY COMMISSIONERS
DECLARING GADSDEN COUNTY SUBJECT TO THE
PROVISIONS OF CHAPTER 367, FLORIDA STATUTES

BY THE COMMISSION:

On March 16, 1993, the Board of County Commissioners of Gadsden County adopted a resolution pursuant to Section 367.171, Florida Statutes, declaring that as of March 16, 1993, water and wastewater utilities in that County are subject to the provisions of the Water and Wastewater Regulatory Law, Chapter 367, Florida Statutes. The Gadsden County resolution was received by the Florida Public Service Commission (Commission) on March 22, 1993. The effect of the resolution is to invoke the Commission's jurisdiction over water and wastewater utilities in Gadsden County, as of March 16, 1993.

We, therefore, find that the provisions of Chapter 367, Florida Statutes, became applicable in Gadsden County, effective March 16, 1993. All utilities as defined by Chapter 367, Florida Statutes, shall comply with the following provisions of this Order.

Pursuant to Section 367.171(2)(a), Florida Statutes, each utility was to register with this Commission within thirty (30) days of the date this Commission received jurisdiction, or by April 15, 1993. All utilities must obtain either a grandfather certificate or an exemption from regulation pursuant to Section 367.031, Florida Statutes.

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FLORIDA PUBLIC SERVICE COMMISSION

Each utility desiring to obtain a grandfather certificate for the area served by such utility as of March 16, 1993, shall make application to this Commission, pursuant to Section 367.171(2)(b), Florida Statutes, within 90 days of the date this Commission received jurisdiction, or by June 14, 1993.

Each utility shall continue to collect the rates and charges for water and wastewater service which were being collected on March 16, 1993. Such rates and charges shall remain in effect until changed by this Commission.

Now, in consideration of the foregoing, it is

ORDERED by the Florida Public Service Commission that the resolution of the Board of County Commissioners of Gadsden County, declaring that County to be subject to the provisions of Chapter 367, Florida Statutes, effective March 16, 1993, be and the same is hereby acknowledged. It is further

ORDERED that all water and wastewater utilities in Gadsden County are hereby directed to comply with Commission procedures as set forth in the body of this Order and Chapter 367, Florida Statutes. It is further

ORDERED that this docket remain open until all utilities have complied with the provisions as set forth in this Order.

By ORDER of the Florida Public Service Commission this 24th day of May, 1993.



STEVE TRIBBLE, Director
Division of Records and Reporting

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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.