

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application For Transfer ) DOCKET NO. 930570-WS  
of Certificates Nos. 414-W and ) ORDER NO. PSC-93-1068-FOF-WS  
347-S and Water and Wastewater ) ISSUED: July 22, 1993  
Facilities of Lake Placid )  
Utilities in Highlands County to )  
Lake Placid Utilities, Inc. )  
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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 GRANTING MOTION FOR EXTENSION OF TIME  
TO NOTICE CUSTOMERS

BY THE COMMISSION:

Background

On June 8, 1993, this Commission received an application seeking approval of the transfer of Certificates Nos. 414-W and 347-S and water and wastewater facilities from Lake Placid Utilities (Lake Placid or utility) to Lake Placid Utilities, Inc. (LPUI). LPUI is a wholly-owned subsidiary of Utilities, Inc.

On June 10, 1993, LPUI filed a Motion for Extension of Time for Mailing Notice to Customers Under Rule 25-30.030(6), Florida Administrative Code. In its Motion, LPUI stated that the purchase and sale of the utility assets is subject to the approval of the Bankruptcy Court in the Southern District of Florida. The sale is also subject to receipt of any higher or better offers. LPUI requested that it be allowed to delay notice to the utility's customers until the Court makes a decision on the sale.

By letter dated June 11, 1993, the attorney for LPUI provided further clarification of the information in its Motion. According to the letter, the books and records, including the list of customers, will not be turned over to LPUI by the Bankruptcy Trustee until the closing of the sale after the Bankruptcy Hearing,

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which is scheduled for July 6, 1993. Even though it could possibly obtain the list, LPUI requested the extension to avoid confusion to the customers if the sale to LPUI is not approved by the Bankruptcy Court.

As stated previously, the books and records, which include the customer list, will be released to LPUI after a decision is made by the Court. If the Court approves the sale, LPUI believes that all matters will be resolved and it will be able to provide notice to the customers on or before July 26, 1993.

According to information provided with the application, LPUI has already noticed the entities within a 4-mile radius of the utility. Also, the first notice of the transfer was scheduled to appear in the newspaper on June 13, 1993.

Rule 25-30.030(6), Florida Administrative Code, requires an applicant to provide notice no sooner than 21 days before filing the application and no later than 7 days after the filing. It does not appear that anyone will be harmed by allowing LPUI additional time in which to provide notice to the customers of the utility being transferred. The customers will still have 30 days in which to object to the application. The time period for other entities to object will also be extended since Rule 25-30.031(1), Florida Administrative Code, states, in part, that an objection is timely if it is filed within 30 days of the last notice.

Therefore, we find that LPUI's request for an extension of time to notice the customers of the utility should be granted. LPUI shall provide notice of the transfer to the customers of the utility on or before July 26, 1993. If LPUI fails to provide notice to the customers on or before July 26, 1993, Docket No. 930570-WS shall be closed and LPUI shall refile the application.

It is, therefore,

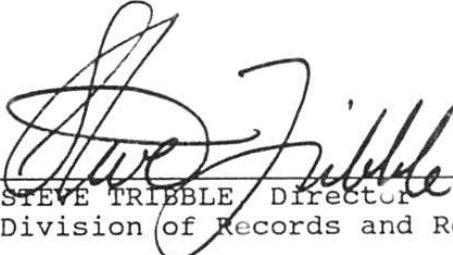
ORDERED by the Florida Public Service Commission that the Motion for Extension of Time For Mailing Notice to Customers Under Rule 25-30.03(6), Florida Administrative Code, filed by Lake Placid Utilities, Inc., c/o Utilities, Inc., 200 Weathersfield Avenue, Altamonte Springs, Florida 32714, is hereby granted. Lake Placid Utilities, Inc. shall provide notice of the transfer to the customers of the Utility on or before July 26, 1993. It is further

ORDER NO. PSC-93-1068-FOF-WS  
DOCKET NO. 930570-WS  
PAGE 3

ORDERED that if Lake Placid Utilities, Inc. fails to provide notice to the customers as set forth herein, Docket No. 930570-WS shall be closed and Lake Placid Utilities, Inc. shall refile its application. It is further

ORDERED that if notice is given as set forth herein, this Docket shall remain open to process the transfer application.

By ORDER of the Florida Public Service Commission this 22nd day of July, 1993.

  
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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.

ORDER NO. PSC-93-1068-FOF-WS  
DOCKET NO. 930570-WS  
PAGE 4

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.038(2), Florida Administrative Code, if issued by a Prehearing Officer; (2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or (3) 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 wastewater utility. A motion for reconsideration shall be filed with the Director, Division of Records and Reporting, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.