

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Notice of Sale of Assets) DOCKET NO. 930818-WS
of Martin Downs Utilities, Inc.) ORDER NO. PSC-93-1484-FOF-WS
to Martin County, Florida.) ISSUED: October 12, 1993
)
)

ORDER ACKNOWLEDGING SALE, CANCELLING CERTIFICATES
AND CLOSING DOCKET

BY THE COMMISSION:

On August 17, 1993, Martin Downs Utilities, Inc. (Martin Downs or Utility) filed an application with this Commission for acknowledgment of the transfer of its water and wastewater facilities to Martin County. The sale occurred on August 12, 1993.

The provisions of Section 367.071, Florida Statutes, require an application for approval of sale or transfer of water and/or wastewater utilities to governmental agencies, although such sales are approved as a matter of right. Subsection 367.022(2), Florida Statutes, exempts from regulation by the Commission systems owned, operated, managed or controlled by governmental agencies.

Rule 25-30.037(3)(e), Florida Administrative Code, requires a utility to submit a statement regarding disposition of customer deposits. All customer deposits held by Martin Downs were transferred to Martin County upon consummation of the sale. Commission requirements regarding regulatory assessment fees have been met, and there are no dockets pending involving this system.

On the basis of the foregoing, we find it appropriate to acknowledge the transfer of the water and wastewater facilities of Martin Downs to Martin County and cancel Certificates Nos. 343-W and 301-S. The Certificates have been returned to this Commission for cancellation. It is, therefore,

ORDERED by the Florida Public Service Commission that the sale of the facilities of Martin Downs Utilities, Inc., Post Office Box 620, Palm City, Florida 34990, to Martin County Board of County Commissioners, 2401 Southeast Monterey Road, Stuart, Florida 33496, is hereby acknowledged. It is further

ORDERED that Certificates Nos. 343-W and 301-S are hereby cancelled. It is further

RECORDED


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ORDERED that Docket No. 930818-WS is hereby closed.

By ORDER of the Florida Public Service Commission this 12th
day of October, 1993.



STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

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.