

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Application of
RESORT VILLAGE UTILITY, INC. for
Initial Wastewater Certificate

Docket No. 931111-SU

FILED
APR 26 1993
FREE COPY

MOTION TO DISMISS

Comes Now, Applicant, RESORT VILLAGE UTILITY, INC., and moves that this Commission dismiss the objections to the application for certificate of authorization filed herein, cancel the hearing set in this matter and authorize Commission Staff to review and administratively approve the application. As grounds therefore, Resort Village Utility states:

1. Resort Village Utility has filed an application for a certificate of authorization to provide wastewater service in Franklin County, Florida. The property encompassed within the proposed certificated area is entirely owned by an affiliate of Resort Village Utility.

2. Five timely objections to that application were filed: Document No. 12268-93 by Lusia Dende-Gallio, Document No. 12315-93 by Cindy Stock, Document No. 12314-93 by Harry Buzzett, Document No. 12522-93 by Thomas H. Adams and Document No. 13374-93 by D.E. Findley.

3. None of the objections requested a hearing in this matter. None of the objections allege, nor could they allege, that the person filing the objection is or will be a consumer of the utility. None of the objections allege that the objector is in any way substantially affected by the requested certification.

4. The objections uniformly center on environmental issues, alleging that discharge from the proposed wastewater treatment plant may be environmentally harmful to Apalachicola Bay. The objections of Gallio, Adams and Stock also allege that there may be water availability problems within the proposed certificated area. None of the objections allege injury to an interest which is of the type or nature designed to be protected by the certification procedure.

DOCUMENT NUMBER-DATE

03926 APR 26 1993

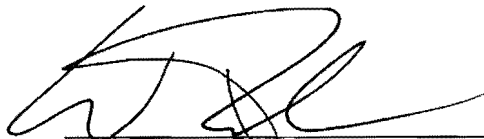
FPSC-RECORDS/REPORTING

5. Pursuant to Section 367.045(4), Florida Statutes (1993), the Commission is required to hold a hearing on an application for a certificate of authorization if a "consumer who would be substantially affected by the requested certification" files a written objection seeking a Section 120.57 hearing. No such objection has been filed in this docket.

6. Resort Village Utility currently has pending an application with the Department of Environmental Protection for the construction of a wastewater treatment facility within the proposed certificated area. The certificate of authorization sought in this proceeding is one of the last items required by the Department of Environmental Protection prior to issuance of that permit. Any delay in this docket will result in substantial financial hardship to Resort Village Utility.

WHEREFORE, Resort Village Utility requests that this Commission dismiss the objections filed herein, cancel the hearing set herein and authorize Commission Staff to review and administratively approve the application.

Respectfully submitted,



WILLIAM J. PEEBLES
Moore, Williams, Bryant, Peebles
& Gautier, P.A.
306 East College Avenue
Post Office Box 1169
Tallahassee, FL 32302-1169
(904) 222-5510

Attorneys for Applicant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original and 15 copies of the foregoing Motion to Dismiss has been filed with **Ms. Blanca S. Bayo, Director**, Records and Reporting, Florida Public Service Commission, 101 East Gaines Street, Room 111, Tallahassee, Florida, 32301, with a copy furnished by regular U.S. Mail this 20th day of April, 1994, to the following:

Jose' B. Lorenzo
Staff Attorney
Florida Public Service Commission
Legal Department
101 East Gaines Street
Tallahassee, FL 32301

Lusia Dende-Gallio, AICP
HCR Box 4100
St. George Island, FL 32328

Ms. Cindy Stock
8276 Queen Ann Drive
Tallahassee, FL 32311

Harry A. Buzzett
Colonel, USA, Retired
Box 176
St. George Island, FL 32328

Mr. Thomas H. Adams
Post Office Box 791
Eastpoint, FL 32328

Mr. D.E. Findley
Post Office Box 945
Eastpoint, FL 32328



Attorney