

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for) DOCKET NO. 930851-SU
Amendment of Certificate No.) ORDER NO. PSC-94-1352-FOF-SU
249-S in Volusia County by NORTH) ISSUED: November 7, 1994
PENINSULA UTILITIES CORPORATION.)
_____)

The following Commissioners participated in the disposition of this matter:

SUSAN F. CLARK
JULIA L. JOHNSON
DIANE K. KIESLING

ORDER ACKNOWLEDGING WITHDRAWAL OF APPLICATION FOR AMENDMENT OF CERTIFICATE NO. 249-S, DENYING VISCONTI'S MOTION TO INTERVENE AND UTILITY'S MOTION TO DISMISS AS MOOT, AND CLOSING DOCKET

BY THE COMMISSION:

North Peninsula Utilities Corporation (NPU or utility) provides wastewater service to approximately 640 residential customers in Volusia County, pursuant to Certificate No. 249-S. On August 27, 1993, the utility filed an application for amendment of its service territory, requesting a territory extension in order to serve potential new development in the proposed service area and to possibly serve certain existing property owners who currently use septic tanks.

In October, 1993, the Seabridge Civic Association, Inc. (SCA), Mr. & Mrs. Doris Tyde, as customers and members of SCA, and the County of Volusia (County) filed objections to the utility's application. Therefore, this matter was set for formal hearing, which was scheduled to be held on November 1, 1994, in Volusia County.

On May 31, 1994, the utility filed a request to modify its application, limiting its request to extend its service territory to only a small portion of the service territory which it had originally proposed to serve. The granting of this request would have added approximately twenty-five equivalent residential connections (ERCs) to the utility's existing territorial area, rather than the approximately 1,000 ERCs which would have been added if this Commission had approved the utility's application in its original form. However, no objections were withdrawn as a

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result of the utility's request to serve a lesser amount of new territory.

On September 19, 1994, Mr. Thomas F. Visconti, an NPU customer and member of SCA, filed a Petition for Leave to Intervene, as well as testimony and exhibits. On September 22, 1994, the utility filed a Motion to Dismiss the County as a party to the application, stating, among other things, that on September 15, 1994, the County voted to refuse to pursue its objection in light of the reduced territorial area which the utility had requested by way of the modification of its application.

On September 28, 1994, the utility filed a notice, formally withdrawing its modified application from consideration by this Commission. The utility is no longer interested in pursuing its request to serve additional territory. Moreover, the utility is not currently serving any connections outside of its certificated territory, nor does it propose to do so at this time. Therefore, we find it appropriate to acknowledge the utility's notice to withdraw its application for amendment of Certificate No. 249-S. Mr. Thomas F. Visconti's Petition for Leave to Intervene in this matter, and the utility's Motion to Dismiss the County as a party to the utility's application, are hereby denied as moot.

Because the utility has withdrawn its request for an extension of service territory, no further action is necessary and this docket is hereby closed.

Based on the foregoing, it is, therefore,

ORDERED by the Florida Public Service Commission that North Peninsula Utilities Corporation's Notice of Withdrawal of Application for Amendment of Certificate No. 249-S is hereby acknowledged. It is further

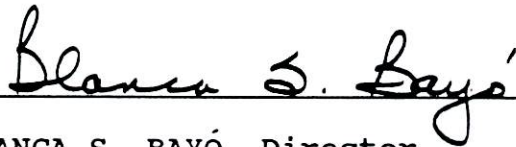
ORDERED that Mr. Thomas F. Visconti's Petition for Leave to Intervene is hereby denied, as moot. It is further

ORDERED that North Peninsula Utilities Corporation's Motion to Dismiss intervenor County of Volusia as a party to the application is hereby denied, as moot. It is further

ORDERED that this docket is hereby closed.

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By ORDER of the Florida Public Service Commission, this 7th
day of November, 1994.



BLANCA S. BAYÓ, 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.