

FLORIDA PUBLIC SERVICE COMMISSION
Capital Circle Office Center • 2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

M E M O R A N D U M

April 24, 1997

TO: DIRECTOR, DIVISION OF RECORDS AND REPORTING (BAYO)

FROM: DIVISION OF WATER & WASTEWATER (WALKER, MESSER) *WLM*
DIVISION OF LEGAL SERVICES (BRUBAKER) *SB*

RE: DOCKET NO. 970411-WS - RESOLUTION 97-21 BY DESOTO COUNTY
COMMISSIONERS RESCINDING FLORIDA PUBLIC SERVICE
COMMISSION JURISDICTION OVER PRIVATE WATER AND WASTEWATER
COMPANIES IN DESOTO COUNTY

AGENDA: MAY 6, 1997 - REGULAR AGENDA - INTERESTED PERSONS MAY
PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: I:\PSC\WAW\WP\970411.RCM

CASE BACKGROUND

On August 14, 1984, the Desoto County Board of County Commissioners adopted a resolution declaring Desoto County subject to the provisions of Chapter 367, Florida Statutes. This resolution invoked Public Service Commission jurisdiction over all investor-owned water and wastewater systems. The Commission has actively regulated the utilities in Desoto County since that time. On March 5, 1997, the Desoto County Board of County Commissioners met and adopted Resolution No. 97-21 rescinding Florida Public Service Commission jurisdiction in Desoto County effective immediately.

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ISSUE 1: Should the Commission acknowledge the resolution adopted by Desoto County's Board of County Commissioners to rescind Commission jurisdiction?

RECOMMENDATION: Yes. The Commission should acknowledge the resolution that rescinds the Commission's jurisdiction in Desoto County. (WALKER, BRUBAKER)

STAFF ANALYSIS: On August 14, 1984, the Board of County Commissioners in Desoto County adopted a resolution declaring Desoto County subject to the provisions of Chapter 367, Florida Statutes. This resolution invoked Public Service Commission jurisdiction over all investor-owned water and wastewater utilities in Desoto County. On March 5, 1997, the Board of County Commissioners of Desoto County, in accordance with Section 367.171(1), Florida Statutes, adopted Resolution No. 97-21 thereby rescinding Public Service Commission jurisdiction in Desoto County effective immediately.

Section 367.171(1), Florida Statutes, provides that a county, after 10 continuous years under jurisdiction of the Commission, may by resolution or ordinance rescind said jurisdiction. Desoto County has met that requirement. Staff, therefore, recommends that the Commission acknowledge Desoto County's Resolution No. 97-21, which rescinds Commission jurisdiction in Desoto County as of March 5, 1997.

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ISSUE 2: Should the Commission cancel the certificates of the regulated utilities in Desoto County?

RECOMMENDATION: Certificates previously issued to water and wastewater utilities in Desoto County that do not have cases pending before the Commission should be returned to this Commission within 30 days of the Commission's order for cancellation. Certificates held by utilities in Desoto County that have pending cases before the Commission should be returned for cancellation at the conclusion of their respective cases. (WALKER, BRUBAKER)

STAFF ANALYSIS: Section 367.171(5), Florida Statutes, states that:

When a utility becomes subject to regulation by a county, all cases in which the utility is a party then pending before the Commission, or in any court by appeal from any order of the Commission, shall remain within the jurisdiction of the Commission or court until disposed of in accordance with the law in effect on the day such case was filed by any party with the Commission or initiated by the Commission, whether or not the parties or the subject of any case relates to a utility in a county wherein this chapter no longer applies.

The following utilities had valid Public Service Commission certificates to provide water and wastewater service in Desoto County:

<u>Utility</u>	<u>Certificate Number(s)</u>
Kingsway Properties, Inc.	394S
Lake Suzy Utilities, Inc.	480W 416S

The following utility has cases pending before the Commission:

<u>Utility</u>	<u>Docket Number</u>
Lake Suzy Utilities, Inc.	960799-WS

Staff recommends that Certificate No. 394S, held by Kingsway Properties, Inc., be canceled and returned to the Commission within 30 days of the Commission's order.

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Staff also recommends that Certificates Nos. 480W and 416S, held by Lake Suzy Utilities, Inc., be canceled and returned to the Commission within 30 days of the conclusion of Docket No. 960799-WS.

The cancellation of the certificates pursuant to the order should not affect the authority of the Commission to collect, or the obligation of the utilities to pay, regulatory assessment fees accrued prior to the March 5, 1997, transfer of jurisdiction to Desoto County.

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ISSUE 3: Should this docket be closed?

RECOMMENDATION: No. This docket should not be closed. (WALKER, BRUBAKER)

STAFF ANALYSIS: Staff recommends that this docket remain open until all dockets currently pending before the Commission have been closed.