

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Resolution 97-21 by Board
of DeSoto County Commissioners
rescinding Florida Public
Service Commission jurisdiction
over private water and
wastewater companies in DeSoto
County.

DOCKET NO. 970411-WS
ORDER NO. PSC-97-0603-FOF-WS
ISSUED: May 27, 1997

The following Commissioners participated in the disposition of
this matter:

JULIA L. JOHNSON, Chairman
SUSAN F. CLARK
J. TERRY DEASON
JOE GARCIA
DIANE K. KIESLING

ORDER ACKNOWLEDGING RECISSION OF COMMISSION JURISDICTION
AND ESTABLISHING PROCEDURE FOR CANCELLATION
OF CERTIFICATES IN DESOTO COUNTY

BY THE COMMISSION:

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.

ACKNOWLEDGEMENT OF RESOLUTION

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

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County has met that requirement. We, therefore, acknowledge DeSoto County's Resolution No. 97-21, rescinding Commission jurisdiction in DeSoto County as of March 5, 1997.

DISPOSITION OF CERTIFICATES

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

Certificate No. 394S, held by Kingsway Properties, Inc., is cancelled and shall be returned to the Commission within 30 days of this Order.

Certificates Nos. 480W and 416S, which are held by Lake Suzy Utilities, Inc., shall be returned to the Commission for cancellation within 30 days of the conclusion of the above-referenced case currently pending before this Commission.

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The cancellation of certificates pursuant to this Order shall 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.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that DeSoto County's Resolution No. 97-21, rescinding Commission jurisdiction in DeSoto County as of March 5, 1997, is hereby acknowledged. It is further

ORDERED that Certificate No. 394S, held by Kingsway Properties, Inc., be cancelled and returned to the Commission within 30 days of the issuance of this Order. It is further


ORDERED that, pursuant to Section 367.171(5), Florida Statutes, cases pending before this Commission for Commission-regulated utilities in DeSoto County as of March 5, 1997, shall remain within the jurisdiction of this Commission, and such cases shall be disposed of in accordance with the law in effect on the day each such case was filed with this Commission. It is further

ORDERED that each regulated utility within DeSoto County with cases pending before this Commission as of March 5, 1997 shall, within 30 days of the conclusion of their respective cases, return their respective certificates to this Commission for cancellation. It is further

ORDERED that this docket shall remain open until all dockets currently pending before the Commission have been closed.

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By ORDER of the Florida Public Service Commission, this 27th
day of May, 1997.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

JSB

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), 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, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, 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 and/or wastewater 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 Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.