

Commissioners:
JULIA L. JOHNSON, CHAIRMAN
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SUSAN F. CLARK
JOE GARCIA
E. LEON JACOBS, JR.



DIVISION OF WATER & WASTEWATER
CHARLES H. HILL
DIRECTOR
(850) 413-6900

Public Service Commission

July 24, 1998

Mr. B. Kenneth Gatlin
Gatlin, Schiefelbein & Cowdery, P.A.
3301 Thomasville Road, Ste. 300
Tallahassee, Florida 32312

Re: Docket No. 980767-WS, Joint application for transfer of facilities of Gulf Utility Company to Gulf Environmental Services, Inc. in Lee County and cancellation of Certificates Nos. 072-W and 064-S.

Dear Mr. Gatlin:

Your joint application for transfer of Gulf Utility Company to Gulf Environmental Services, Inc., was received by the Commission on June 18, 1998. It has been assigned the above referenced docket number and name.

The application states that you are filing for transfer pursuant to Section 367.071(4)(a), Florida Statutes, and Rule 25-30.037(4), Florida Administrative Code. In support of this type of filing, the application referenced Order No. 19486, issued June 13, 1988, in Docket No. 880583-WS, In re: Petition by Osceola Service Company, City of Kissimmee and Florida Community Services Corp. for declaratory statement regarding FPSC jurisdiction. Rule 25-22.021, Florida Administrative Code, provides that a declaratory statement concerns the applicability of statutes, rules or orders as it may apply to the petitioner in his or her particular circumstances only, and thus should not be construed as having a general applicability beyond the circumstances alleged in the petition for declaratory statement.

After reviewing the information contained in your application it appears that, while Gulf Environmental Services may be an entity exempt from Commission regulation pursuant to Section 367.022, Florida Statutes, it is not a governmental authority as defined by Section 367.021(7), Florida Statutes. Therefore, the utility will need to refile its application in accordance with Section 367.071(1), Florida Statutes, and Rule 25-30.037(2), Florida Administrative Code. For your convenience, please find enclosed a copy of an application package for transfer pursuant to Rule 25-30.037(2), Florida Administrative Code.

- ACK _____
- AFA _____
- APP _____
- CAF _____
- CMU _____
- CTR _____
- EAG _____
- LEG _____
- LIN _____
- OPC _____
- RCH _____
- SEC
- WAS _____

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Internet E-mail: contact@psc.state.fl.us

DOCUMENT NUMBER DATE

08323 AUG-5 98

FPSC-RECORDS/REPORTING

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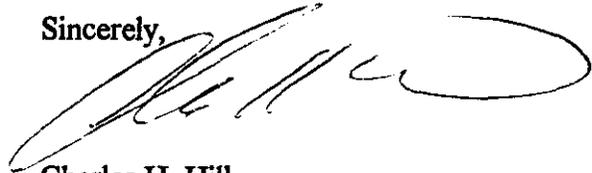
Included in the package are the following:

1. Application for transfer of certificate pursuant to Section 367.071, Florida Statutes.
2. Chapter 367, Florida Statutes, contains the Commission's jurisdiction over private water and wastewater utilities in Florida. A copy of Section 367.071, which addresses applications for transfer of certificates is enclosed for your information.
3. Chapter 25-30, Florida Administrative Code, details the rules promulgated to carry out the jurisdiction of the Commission over private water and wastewater utilities. Copies of Rules 25-30.020, .025, .030, .032 and .037 regarding an application for transfer of certificate are enclosed for your information.
4. Sample publication/legal notice format and a list of utilities and governmental/regulatory agencies that must be notified in accordance with Commission Rule 25-30.030, Florida Administrative Code. **Please note the expiration date on the list.** If you have not performed the noticing by this date, you must request an updated list by contacting the undersigned.
5. Model water and wastewater tariffs will not be necessary.

The original and five copies of the application and supporting documentation must be filed with the Director, Division of Records and Reporting; Florida Public Service Commission; 2540 Shumard Oak Boulevard; Tallahassee, Florida 32399-0850.

If you have any questions concerning this material, please feel free to contact Ms. Patricia Brady at (850) 413-6686 or staff's attorney, Jennifer Brubaker, at (850) 413-6199.

Sincerely,



Charles H. Hill
Director

CHH:plb
Enclosures

cc: Gulf Environmental Services, Inc. (c/o Rose, Sundstrom & Bentley, LLP)
Division of Water and Wastewater (Williams, Brady)
Division of Legal Services (Brubaker)
Division of Records and Reporting

LIST OF WATER AND WASTEWATER UTILITIES IN LEE COUNTY

(VALID FOR 60 DAYS)
07/22/1998-09/19/1998

UTILITY NAME

MANAGER

STATE OFFICIALS

STATE OF FLORIDA PUBLIC COUNSEL
C/O THE HOUSE OF REPRESENTATIVES
THE CAPITOL
TALLAHASSEE, FL 32399-1300

DIVISION OF RECORDS AND REPORTING
FLORIDA PUBLIC SERVICE COMMISSION
2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FL 32399-0850

LIST OF WATER AND WASTEWATER UTILITIES IN LEE COUNTY

(VALID FOR 60 DAYS)
07/22/1998-09/19/1998

UTILITY NAME

MANAGER

LEE COUNTY (continued)

SPRING CREEK VILLAGE, LTD. (WS234)
24681 SPRING CREEK VILLAGE
BONITA SPRINGS, FL 33134

DENNIS M. WALTCHACK
(941) 992-3800/936-8888

TAMIAMI VILLAGE WATER COMPANY, INC. (WU740)
9280-5 COLLEGE PARKWAY
FT. MYERS, FL 33919-4848

JOHN J. USTICA
(941) 482-0717

USEPPA ISLAND UTILITY, INC. (WS249)
P. O. BOX 640
BOKEELIA, FL 33922-0640

VINCENT FORMOSA
(941) 283-1061

UTILITIES, INC. OF EAGLE RIDGE (SU749)
200 WEATHERSFIELD AVENUE
ALTAMONTE SPRINGS, FL 32714-4099

CARL J. WENZ
(708) 498-6440

LIST OF WATER AND WASTEWATER UTILITIES IN LEE COUNTY

(VALID FOR 60 DAYS)
07/22/1998-09/19/1998

UTILITY NAME

MANAGER

GOVERNMENTAL AGENCIES

CHAIRMAN, BOARD OF COUNTY COMMISSIONERS, LEE COUNTY
P. O. BOX 398
FT. MYERS, FL 33902-0398

CLERK OF CIRCUIT COURT, LEE COUNTY
P. O. BOX 2469
FORT MYERS, FL 33902-2469

DEP SOUTH DISTRICT
2295 VICTORIA AVE., SUITE 364
FORT MYERS, FL 33901

MAYOR, CITY OF CAPE CORAL
P. O. BOX 150027
CAPE CORAL, FL 33915-0027

MAYOR, CITY OF FT. MYERS
P. O. BOX 2217
FORT MYERS, FL 33902-2217

MAYOR, CITY OF SANIBEL
800 DUNLOP ROAD
SANIBEL, FL 33957-4096

S.W. FLORIDA REGIONAL PLANNING COUNCIL
P.O. BOX 3455
NORTH FT. MYERS, FL 33918-3455

SO. FLORIDA WATER MANAGEMENT DISTRICT
P.O. BOX 24680
WEST PALM BEACH, FL 33416-4680

LIST OF WATER AND WASTEWATER UTILITIES IN LEE COUNTY

(VALID FOR 60 DAYS)
07/22/1998-09/19/1998

<u>UTILITY NAME</u>	<u>MANAGER</u>
<u>LEE COUNTY</u>	
BAYSHORE UTILITIES, INC. (WU013) 2259 CLUBHOUSE ROAD NORTH FT. MYERS, FL 33917-2523	WAYNE CARSON WAMPLER (941) 482-4024
BONITA 75 CORPORATION (SU683) 28090 QUAIL'S NEST LANE BONITA SPRINGS, FL 33923-6999	PLANT (941) 947-3366
BONITA COUNTRY CLUB UTILITIES, INC. (SU285) 10200 MADDOX LANE BONITA SPRINGS, FL 34135-7639	MICHAEL J. MICELI (941) 992-2800
BUCCANEER WATER SERVICE (WU730) 2 NORTH RIVERSIDE PLAZA, SUITE 1515 CHICAGO, IL 60606	DONALD BARTON (813) 995-3337
CHATEAU COMMUNITIES, INC. (SU315) 14205 EAST COLONIAL DRIVE ORLANDO, FL 32826-5111	W. LEON PILGRIM (407) 823-7266
DEL VERA LIMITED PARTNERSHIP (SUG12) 2250 AVENIDA DEL VERA NORTH FT. MYERS, FL 33917-6700	ROBERT G. PETERS (941) 543-6200 EXT 528
ENVIRONMENTAL PROTECTION SYSTEMS OF PINE ISLAND, INC. (SU287) 3039 YORK ROAD ST. JAMES CITY, FL 33956-2303	KEVIN J. CHERRY (941) 283-1144
FLORIDA CITIES WATER COMPANY - LEE COUNTY DIVISION (WS076) 4837 SWIFT ROAD, SUITE 100 SARASOTA, FL 34231-5157	ROGER YTTERBERG (941) 936-3931
FLORIDA WATER SERVICES CORPORATION (WS565) P. O. BOX 609520 ORLANDO, FL 32960-9520	BRIAN P. ARMSTRONG (407) 880-0058
FOREST PARK PROPERTY OWNER'S ASSOCIATION (SU645) 5200 FOREST PARK DRIVE NORTH FT. MYERS, FL 33917-5404	JOSEPH B. SYMONS
FOREST UTILITIES, INC. (SU293) 6385 PRESIDENTIAL COURT, SUITE 104 FT. MYERS, FL 33919-3576	DAVID SWOR (941) 481-0111

LIST OF WATER AND WASTEWATER UTILITIES IN LEE COUNTY

(VALID FOR 60 DAYS)
07/22/1998-09/19/1998

UTILITY NAME

MANAGER

LEE COUNTY (continued)

FOUNTAIN LAKES SEWER CORPORATION (SU572)
523 SOUTH EIGHTH STREET
MINNEAPOLIS, MN 55404-1078

JERRY A. SHERMAN
(612) 305-2927

GULF UTILITY COMPANY (WS096)
P. O. BOX 350
ESTERO, FL 33928-0350

CAROLYN B. ANDREWS
(941) 498-1000

HACIENDA TREATMENT PLANT, INC. (SU431)
% BONITA SPRINGS UTILITIES, INC.
P. O. BOX 2368
BONITA SPRINGS, FL 34133-2368

FRED PARTIN
(941) 992-0711

HUNTER'S RIDGE UTILITY CO. OF LEE COUNTY (SU674)
12500 HUNTERS RIDGE DRIVE
BONITA SPRINGS, FL 34135-3401

DON HUPRICH
(941) 992-4900

MHC SYSTEMS, INC. (WS743)
2 NORTH RIVERSIDE PLAZA
CHICAGO, IL 60606

UTILITY
(941) 474-1122

MOBILE MANOR, INC. (WU167)
150 LANTERN LANE
NORTH FORT MYERS, FL 33917-6515

CAROL JULIUS
(941) 543-1414

NORTH FORT MYERS UTILITY, INC. (SU317)
P. O. BOX 2547
FORT MYERS, FL 33902-2547

JACK SCHENKMAN
(941) 543-4000 OR -1808

PINE ISLAND COVE HOMEOWNERS ASSOCIATION, INC. (SU724)
7290 LADYFISH DRIVE
ST. JAMES CITY, FL 33956-2723

WALTER STACKS
(941) 283-3100

SANIBEL BAYOU UTILITY CORPORATION (SU331)
15560 MCGREGOR BLVD., #8
FT. MYERS, FL 33908-2547

FIELD SUPERVISORS
(941) 936-6609

SOUTH SEAS UTILITY COMPANY (SU408)
8270-105 COLLETE PARKWAY
FT. MYERS, FL 33919-5107

JOE K. BLACKETER
(941) 454-8500