



Public Service Commission

-M-E-M-O-R-A-N-D-U-M-

DATE: July 5, 2000

TO: Division of Records and Reporting (Grant)

FROM: Division of Water and Wastewater (Rehwinkel) *CRW*
 Division of Legal Services (Crosby)

RE: Docket No. 960272-WS - Resolution 96-104 by Board of Collier County Commissioners rescinding Florida Public Service Commission jurisdiction over private water and wastewater companies in Collier County

Please cancel the water and wastewater certificates granted to Florida Water Services in Collier County, Water Certificate 452-W and Wastewater Certificate 386-S. Based on the attached e-mail, the certificate cancellation date should be January 11, 1997. By memorandum dated June 19, 2000 (also attached), pursuant to Order No. PSC-96-0582-FOF-WS, issued May 3, 1996, this docket has been closed and any outstanding certificates should be cancelled. The above certificates are the only outstanding certificates in Collier County. Thank you.

RECEIVED-FPSC
 00 JUL -5 PM 12: 39
 RECORDS AND REPORTING

- APP _____
- CAF _____
- CMP _____
- COM _____
- CTR _____
- ECR _____
- LEG _____
- OPC _____
- PAI _____
- RGO _____
- SEC _____
- SER _____
- OTH _____

cc: Division of Water and Wastewater (Daniel, Messer, Redemann)
 Division of Legal Services (Gervasi)

DOCUMENT NUMBER-DATE
 08153 JUL-58
 FPSC-RECORDS/REPORTING

Cissy Rehwinkel

From: Patti Daniel
Sent: Wednesday, July 05, 2000 11:55 AM
To: Ralph Jaeger
Cc: Connie McCaskill; Cissy Rehwinkel
Subject: RE: 960272-WS - Collier County and 950495-WS

→ further conversation with Patti re: rescinded a commission date 7-11-97

Our jurisdiction ended on 2/27/96, so that is the date I think we should use for RAFs. I don't know what the effective date for cancellation of the certificates should be.

-----Original Message-----

From: Ralph Jaeger
Sent: Wednesday, July 05, 2000 11:22 AM
To: Nonnye Grant; Tim Devlin; Marshall Willis; Troy Rendell; Tricia Merchant
Cc: Patti Daniel; Rosanne Gervasi; Noreen Davis
Subject: RE: 960272-WS - Collier County and 950495-WS

I believe Patti can answer that question -- the County rescinded Commission jurisdiction on February 27, 1996 -- the Commission acknowledged this rescission by Order No. PSC-96-0582-FOF-WS, issued May 3, 1996, but said certificates would be surrendered for cancellation within 30 days of the conclusion of Docket No. 930945-WS about whether the Commission had continuing jurisdiction. The Appeals Court issued its opinion on December 12, 1996, saying we did not have jurisdiction -- therefore, the certificates should have been canceled within 30 days of that date (however, Mandate was not issued until February 11, 1997 and the docket was not ultimately closed until 2/20/97). The memo closing docket said that with the decision of the First District there were no further actions to be taken. Therefore, I would show certificates canceled as of no later than January 11, 1997 (and possibly Dec. 12, 1996), but RAF responsibility ending as of Feb. 27, 1996 -- does anyone have a different interpretation -- and should the cancellation date be the opinion date, mandate date, memo closing docket date, 30 days after any of those dates or some other date?

-----Original Message-----

From: Nonnye Grant
Sent: Wednesday, July 05, 2000 10:29 AM
To: Ralph Jaeger
Subject: RE: 960272-WS - Collier County and 950495-WS

Appreciate this information, but I need to know what the exact date for cancellation to use, the date of the order or the date of the Opinion.

-----Original Message-----

From: Ralph Jaeger
Sent: Wednesday, July 05, 2000 9:46 AM
To: Nonnye Grant; Connie McCaskill; Troy Rendell; Tricia Merchant; Marshall Willis; Tim Devlin; Rosanne Gervasi; Noreen Davis
Cc: Alice Crosby; Cissy Rehwinkel
Subject: RE: 960272-WS - Collier County and 950495-WS

I have conferred with staff and reviewed the applicable orders -- pursuant to Order No. PSC-96-0582-FOF-WS, issued May 3, 1996, Certificates Nos. 452-W and 386-S were to be canceled if a decision was rendered that the Commission did not have jurisdiction over Florida Water's Marco Island operation. By Opinion dated 12/12/96, the First District Determined that the Commission did not have jurisdiction. Also, I have been advised that there are no pending cases involving Marco Island or RAFs due from Marco Island. Therefore, the above-noted certificates may now be canceled.

-----Original Message-----

From: Nonnye Grant
Sent: Wednesday, July 05, 2000 8:56 AM
To: Ralph Jaeger
Subject: RE: 960272-WS - Collier County and 950495-WS

Appreciate you checking into this. Will be awaiting a response from you around noon. Once I hear then I can do what I need to do in MCD. Thanks for your help. Nonnye

-----Original Message-----

From: Ralph Jaeger
Sent: Wednesday, July 05, 2000 8:25 AM
To: Marshall Willis; Connie McCaskill; Tim Devlin; Rosanne Gervasi; Noreen Davis
Cc: Alice Crosby; Cissy Rehwinkel; Nonnye Grant
Subject: FW: 960272-WS - Collier County and 950495-WS

I need to know before noon if anyone has any objection to canceling Florida Water's Certificate in Collier County -- otherwise, I will tell Nonnye to go ahead.

-----Original Message-----

From: Nonnye Grant
Sent: Wednesday, July 05, 2000 7:37 AM
To: Alice Crosby
Cc: Cissy Rehwinkel; Ralph Jaeger
Subject: RE: 960272-WS - Collier County and 950495-WS

Good morning! I need to have this information no later than noon today (Wednesday 5th) as I must run the fiscal year print out of the directory before I do any updates for July. Appreciate you getting this down to me as soon as you can, as Friday when Cissy called, said that she would have it to me on Monday. This is the only utility that is still active in MCD in Collier County. If it is suppose to be that's OK, but if it isn't I need to get in "inactive", please furnish that date also. Thanks, Nonnye

-----Original Message-----

From: Alice Crosby
Sent: Monday, July 03, 2000 1:36 PM
To: Ralph Jaeger
Cc: Cissy Rehwinkel; Nonnye Grant
Subject: RE: 960272-WS - Collier County and 950495-WS

OK. Thanks.

-----Original Message-----

From: Ralph Jaeger
Sent: Monday, July 03, 2000 12:52 PM
To: Alice Crosby
Subject: RE: 960272-WS - Collier County and 950495-WS

I would like to talk to Rosanne and Noreen first about this -- I do not think the Commission is trying to assert jurisdiction through some "functional relatedness" test, but it is a policy type decision and I would like to discuss with them first. Also, there may be some RAF or annual report problem (don't think so) and I wanted to talk to Connie McCaskill -- none of those people appear to be here today.

-----Original Message-----

From: Alice Crosby
Sent: Friday, June 30, 2000 12:17 PM
To: Ralph Jaeger
Subject: 960272-WS - Collier County and 950495-WS

Because the dockets have been closed, Florida Water's certificates need to be cancelled if the Commission has no jurisdiction over them. The way the order acknowledging Collier County taking back jurisdiction reads, the certificates would be cancelled when 950495 was closed if it was determined that this Commission had no jurisdiction. I want to make sure before canceling the certificates. Should the certificates be cancelled?



Public Service Commission

-M-E-M-O-R-A-N-D-U-M-

DATE: June 19, 2000

TO: Blanca Bayo, Director, Division of Records and Reporting

FROM: Cissy Rehwinkel, ^{ORC} Division of Regulatory Oversight *bsm pp jmt*

RE: Docket No. 960272-WS Resolution 96-104 by Board of Collier County Commissioners rescinding Florida Public Service Commission jurisdiction over private water and wastewater companies in Collier County

Pursuant to Order No. PSC-96-0582-FOF-WS, issued May 3, 1996, the above-referenced docket may be closed once all pending dockets before the Commission have been closed. Docket No. 950495-WS was the last pending docket before the Commission relating to systems in Collier County. Docket No. 950495-WS was pending appeal to the First DCA on various issues. However, in that docket, the final order on remand approving a modified offer of settlement, Order No. PSC-991794-FOF-WS, was issued on September 14, 1999, closing Docket No. 950495-WS. Therefore all pending dockets before the Commission relating to systems in Collier County have been closed and staff is requesting that this docket be closed administratively.

cc: Division of Regulatory Oversight (Messer, Daniel, Lowe)