

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Rescission by Nassau County of Resolution No. 2001-128, which rescinded Florida Public Service Commission jurisdiction over investor-owned water and wastewater systems in Nassau County.

Docket No. 020831-WS

ORIGINAL  
FILED IN 02-0831-WS  
02-AUG-06 PM 12:03  
COMMISSION CLERK

Request by Florida Public Utilities Company for Reactivation of Certificate

Florida Public Utilities Company (the Company), by and through its undersigned counsel, requests reactivation of its certificate authorizing water service in Nassau County and in support states the following:

- 1. The name and business addresses of the Company:

Florida Public Utilities Company  
401 South Dixie Highway  
West Palm Beach, FL 33401

Florida Public Utilities Company  
P.O. Box 418  
Fernandina Beach, FL 32035

- 2. The persons authorized to receive notices and communications in this respect:

Wayne L. Schiefelbein  
Of Counsel  
Rose, Sundstrom & Bentley, LLP  
2548 Blairstone Pines Drive  
Tallahassee, FL 32301  
(850) 877-6555  
(850) 656-4029 (fax)

Mario Lacaci  
Director, Northeast Florida  
Florida Public Utilities Company  
P.O. Box 418  
Fernandina Beach, FL 32035  
(904) 277-1957  
(904) 261-3666 (fax)

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OPC \_\_\_\_\_  
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SEC 1  
OTH \_\_\_\_\_  
Charles L. Stein  
Senior Vice President and Chief Operating Officer  
Florida Public Utilities Company  
401 South Dixie Highway  
West Palm Beach, FL 33401  
(561) 838-1760  
(561) 833-8562 (fax)

*Hong*  
*Done 8/7/02*

RECEIVED & FILED

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FPSC-BUREAU OF RECORDS

FPSC-COMMISSION CLERK

3. The Company's water operations are located on Amelia island in Nassau County, Florida. The Company supplies water to the City of Fernandina Beach and the unincorporated area adjacent to the Corporate Limits of the City of Fernandina Beach.
4. On September 17, 2001, pursuant to Section 367.171(1), Florida Statutes, the Board of County Commissioners of Nassau County (the Board) adopted Resolution No. 2001-128, rescinding the jurisdiction of the Florida Public Service Commission (the Commission) over investor-owned water and wastewater utilities in Nassau County, including the Company's water division, effective immediately. The Commission had theretofore exercised continuous jurisdiction over such utilities in Nassau County since 1964.
5. By Order No. PSC-02-0555-PAA-WS, issued on April 23, 2002, the Commission acknowledged Resolution No. 2001-128. The Commission further ordered that Certificate No. 001-W held by the Company "shall be cancelled and returned to this Commission within 30 days from when [the Company] is no longer a party to, or at the conclusion of, Docket No. 990817-WS, now pending before this Commission" and that "cancellation of Certificate No. 001-W shall not affect the authority of this Commission to collect, or the obligation of [the Company] to pay regulatory assessment fees accrued prior to September 17, 2001, the date jurisdiction transferred to the County." The Order was consummated by Order No. PSC-02-0691-CO-WS. The Company duly paid to the Commission regulatory assessment fees accrued prior to September 17, 2001.
6. At the July 9, 2002, agenda conference, the Commission voted to approve a Staff recommendation filed in said Docket No. 990817-WS, to approve a settlement agreement between the Company and Florida Water Services Corporation (FWSC), as filed on January 6, 2000, as amended by an amendment to the settlement agreement filed April 19, 2000, and to consider the Company's July 21, 1999, protest to FWSC's certificate amendment withdrawn.
7. On July 15, 2002, the Board adopted Resolution No. 2002-130 rescinding Resolution No. 2001-128, thereby expressly ceding any jurisdiction over the Company to the Commission, effective immediately. The new resolution was duly filed and the instant docket was opened on July 29, 2002. During the ten (10) months between resolutions, the Board took no official action to exercise jurisdiction over the Company. During said period, there have been no cases before the Board in which the Company has been a party.
8. Order No. PSC-02-1025-AS-WS, issued on July 29, 2002, memorialized the Commission's aforesaid July 9, 2002, vote.
9. It is the Company's understanding that under the aforesaid April 23, 2002, Order, the Company is required to return Certificate No. 001-W to the Commission for cancellation within 30 days of the issuance of the aforesaid July 29, 2002, Order. However, given the

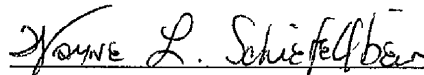
Board's intervening July 15, 2002, resolution, it appears that it is also now incumbent on the Company to register with the Commission and to file an application for a grandfather certificate within the time frames established by Section 367.171(2)(b), Florida Statutes.

10. On July 29, 2002, the undersigned counsel contacted Commission Staff to discuss this matter and inquired whether it might be possible under the circumstances to instead seek a Commission Order reactivating or reinstating its dormant Certificate No. 001-W. Commission Staff thereafter indicated that such request would be entertained.
11. During all times pertinent to this request, the Company's territory within which it was authorized to provide water service in Nassau County, the rates and charges for such service, and the operating regulations and procedures as contained within the Company's water tariff, have all remained unchanged from that currently on file with and as previously authorized by the Commission.
12. Reactivation or reinstatement of Certificate No. 001-W would allow the Company to avoid the expense of preparing and filing a grandfather certificate pursuant to Section 367.171( ), Florida Statutes, and Rule 25-30.035, Florida Administrative Code, as well as the filing fee under Rule 25-30.020, Florida Administrative Code.

WHEREFORE, Florida Public Utilities Company requests that the Commission

- a) accept this Request as the Company's compliance with the requirements to register with the Commission, pursuant to Section 367.171(2)(a), Florida Statutes;
- b) grant this Request to reactivate or reinstate Certificate No. 001-W authorizing the Company's continued provision of water service within the territory, under the rates and charges, and pursuant to its operating regulations and procedures, all as previously authorized by the Commission; and
- c) grant such other relief as may be just and reasonable.

Respectfully submitted,



Wayne L. Schiefelbein

Of Counsel

Rose, Sundstrom, & Bentley, LLP

2548 Blairstone Pines Drive

Tallahassee, FL 32301

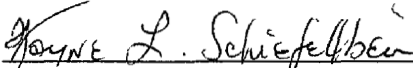
(850) 877-6555

(850) 656-4029 (fax)

Attorneys for Florida Public Utilities  
Company

**Certificate of Service**

I hereby certify that a true and correct copy of the foregoing Request for Reactivation of Certificate has been furnished by U.S. Mail to Michael S. Mullin, Esq., County Attorney, P.O. Box 1010, Fernandina Beach, FL 32035-1010, on this 6<sup>th</sup> day of August, 2002.

  
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Wayne L. Schiefelbein