

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Joint Application for Transfer)	DOCKET NO. 890127-WS
of Certificates Nos. 388-W and 332-S)	ORDER NO. 21936
from Tamiami Utility Company in Lee)	ISSUED: 9-22-89
County to Tamiami Village Utility, Inc.)	
_____)	

The following Commissioners participated in the disposition of this matter:

MICHAEL McK. WILSON, CHAIRMAN
 BETTY EASLEY
 THOMAS M. BEARD
 GERALD L. GUNTER
 JOHN T. HERNDON

ORDER REVIVING AND DECLARING PAA ORDER
TO BE FINAL AGENCY ACTION

BY THE COMMISSION:

On January 23, 1989, Tamiami Utility Company (Tamiami Utility) and Tamiami Village Utility, Inc. (Tamiami Village) filed a joint application for the transfer of the former's certificates and facilities to Tamiami Village. The Commission approved the application through proposed agency action Order No. 21421, issued June 20, 1989.

On July 6, 1989, Tamiami Village Utility, Inc., through its attorney, filed a timely protest to the Commission's June 20th Order, alleging that the Commission had understated the value of the land included in the utility's rate base. Specifically, Tamiami Village contended that an allocation for the land underlying the sewage treatment plant should have been included in the utility's rate base at its appraised value of \$90,060. However, the Commission only permitted the actual purchase price, \$15,000, in the utility's rate base, thereby causing the utility's rate base to be some \$75,000 less than it should have been, according to Tamiami Village.

Subsequently, by way of letter dated and received on August 7, 1989, counsel for Tamiami Village advised us that the Tamiami Village was withdrawing its protest.

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Accordingly, we find that Order No. 21421, issued on June 20, 1989, is hereby revived and declared to be a Final Order of this Commission.

Notwithstanding the above, we do hereby acknowledge that by our action herein, Tamiami Village Utility, Inc. is not precluded from raising the issue of land value as it relates to rate base in any subsequent proceeding before this Commission.

It is, therefore,

ORDERED by the Florida Public Service Commission that our proposed agency action Order No. 21421, issued June 20, 1989, is hereby revived and declared to be a Final Order of this Commission, effective September 19, 1989. It is further

ORDERED that this docket is hereby closed.

By ORDER of the Florida Public Service Commission
this 22nd day of SEPTEMBER, 1989.


STEVE TRIBBLE Director
Division of Records and Reporting

(S E A L)

RJF

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), 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

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decision by filing a motion for reconsideration with the Director, Division of Records and Reporting 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 or sewer 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.