

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for acknowledgement of) DOCKET NO. 910675-SU
 sale of Sanibel Sewer System Partners,) ORDER NO. 24825
 Ltd. to the City of Sanibel and cancella-) ISSUED: 7/17/91
 tion of Certificate No. 187-S in Lee Co.)

ORDER ACKNOWLEDGING SALE OF SANIBEL SEWER SYSTEM
 PARTNERS, LTD. TO THE CITY OF SANIBEL AND CLOSING DOCKET

BY THE COMMISSION:

On June 18, 1991, Sanibel Sewer System Partners, Ltd. (Sanibel and Utility) filed an application with this Commission for acknowledgment of the transfer of its sewer facilities to the City of Sanibel in Lee County. The Utility returned Certificate No. 187-S to the Commission with its application.

According to Sanibel's tariff, customer deposits, required to establish credit, are refundable after the customer has established a satisfactory payment record. Although Sanibel is authorized to collect customer deposits, the 1990 Annual Report indicates that no customer deposits have been collected. Therefore, there are no customer deposits to be transferred to the City upon consummation of the sale. The Utility has paid regulatory assessment fees for 1990. However, it has not paid regulatory assessment fees for the period between January 1, 1991 and closing.

The provisions of Section 367.071, Florida Statutes, require an application for approval of sales of water and/or sewer utilities to governmental agencies, although such sales are approved as a matter of right. Subsection 367.022(2), Florida Statutes, exempts from regulation by the Commission systems owned, operated, managed or controlled by governmental agencies.

On the basis of the foregoing, we find it appropriate to acknowledge the transfer of Sanibel Sewer System Partners, Ltd. to the City of Sanibel effective July 16, 1991. However, since the Utility has not paid 1991 regulatory assessment fees, we will not cancel Certificate No. 187-S. The certificate shall remain active until the Utility pays the appropriate regulatory assessment fees for 1991. It is, therefore,

ORDERED by the Florida Public Service Commission that the sale of Sanibel Sewer System Partners, Ltd., 13391 McGregor Boulevard, S. W., Fort Myers, Florida 33919-5996, to the City of Sanibel, City Hall, 800 Dunlop Road, Sanibel, Florida 33957, is hereby acknowledged and effective July 16, 1991. It is further

ORDERED that Certificate No. 187-S shall remain active until Sanibel Sewer System Partners, Ltd. pays the appropriate regulatory assessment fees for 1991. Upon payment of the regulatory

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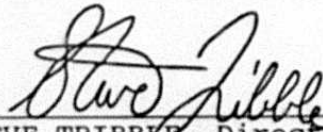
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assessment fees, Certificate No. 187-S shall be cancelled. It is further

ORDERED that Docket No. 910675-SU is hereby closed.

By ORDER of the Florida Public Service Commission, this 17th
day of JULY, 1991.



STEVE TRIBBLE, Director
Division of Records and Reporting

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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 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.