

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Waiver of 1988, 1989, and 1990)	DOCKET NO. 911165-WS
annual report requirements for KINGS)	
POINT UTILITIES, INC. in Osceola)	ORDER NO. 25665
County due to appointment of CITY OF)	
KISSIMMEE as Receiver)	ISSUED: 1/31/92
)	

The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD, Chairman
 SUSAN F. CLARK
 J. TERRY DEASON
 BETTY EASLEY

ORDER WAIVING 1988, 1989, AND
1990 ANNUAL REPORT REQUIREMENTS FOR
KINGS POINT UTILITIES, INC.

BY THE COMMISSION:

Kings Point Utilities, Inc. (Kings Point) is a Class C utility which provides water and wastewater services to approximately 155 single family homes in Osceola County. By Order No. 13565, issued August 3, 1984, this Commission granted Certificates Nos. 437-W and 368-S to Kings Point. On August 24, 1987, by Order No. 18027, we approved the transfer of the certificates to Charles E. and Martha D. Barkley.

On September 21, 1988, the Barkleys, along with Sidney and Marcia Bronson, transferred majority organizational control of Kings Point to Walter D. Medlin. This Commission learned of the transfer on September 13, 1989. Upon Commission staff's direction, on November 22, 1989, Kings Point filed an application for transfer of majority organizational control from the Barkleys and Bronsons to Mr. Medlin. Order No. 23120, issued June 26, 1990, approved the transfer on a provisional basis conditioned upon Kings Point meeting the Department of Environmental Regulation's (DER's) requirements, and this Commission's directives. Kings Point failed to follow the required conditions set forth in Order No. 23120. As a result, Order No. 24414, issued April 22, 1991, cancelled Certificates Nos. 437-W and 368-S for failure to comply with DER requirements, Commission directives, and a subsequent Circuit Court order.

In addition, after repeated requests by Commission staff, Kings Point failed to file its annual reports for 1988, 1989, and 1990 pursuant to Rule 25-30.110(3), Florida Administrative Code.

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ORDER NO. 25665
 DOCKET NO. 911165-WS
 PAGE 2

According to Rule 25-30.110(3), Florida Administrative Code, water and wastewater utilities subject to the Commission's jurisdiction as of December 31st of each year are required to file an annual report on or before March 31st of the following year. Pursuant to Rule 25-30.110(6), Florida Administrative Code, any utility that fails to file a timely and complete annual report is subject to penalties, absent a showing of good cause for noncompliance.

On April 1, 1991, the City of Kissimmee (City) was appointed the receiver for Kings Point. The receivership was initiated by DER and the City after repeated efforts by DER, this Commission, and the Circuit Court to force Kings Point to bring the systems into compliance with DER standards. By Order No. 25213, issued October 14, 1991, this Commission found the receiver to be exempt from our regulation under Section 367.022(2), Florida Statutes. Section 367.022(2), Florida Statutes, provides an exemption from this Commission's regulation for systems owned, operated, managed, or controlled by governmental authorities.


Technically, Kings Point is in violation of Rule 25-30.110(6), Florida Administrative Code for failure to submit its 1988, 1989, and 1990 Annual Reports. However, due to the exemption granted to the City by Order No. 25213 for Kings Point, the 1988, 1989, and 1990 Annual Reports are no longer needed for this Commission's purposes. Upon consideration of the facts as presented, we hereby waive the requirement that Kings Point submit its 1988, 1989, and 1990 Annual Reports to this Commission. Moreover, there is no further action to be taken in this Docket.

It is, therefore

ORDERED that the 1988, 1989, and 1990 Annual Report requirements for Kings Point Utilities, Inc. are hereby waived. It is further

ORDERED that this docket be closed.

By ORDER of the Florida Public Service Commission, this 31st
 day of JANUARY, 1992.


 STEVE TRIBBLE, Director
 Division of Records and Reporting

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 NRF

ORDER NO. 25665
DOCKET NO. 911165-WS
PAGE 3

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.