BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request For)
Acknowledgement of Sale to Clay)
County and Cancellation of)
Certificates Nos. 163-W and 113-)
S in Clay County By Clay Utility)
Company.)

) DOCKET NO. 940051-WS) ORDER NO. PSC-94-0198-FOF-WS) ISSUED: February 17, 1994

ORDER ACKNOWLEDGING SALE, CANCELLING CERTIFICATES AND CLOSING DOCKET

BY THE COMMISSION:

On January 13, 1994, Clay Utility Company (Clay or Utility) filed an application with this Commission for acknowledgment of the transfer of its water and wastewater facilities to Clay County. The sale occurred on December 29, 1993.

The provisions of Section 367.071, Florida Statutes, require an application for approval of sale or transfer of water and/or wastewater 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.

Rule 25-30.037(3)(e), Florida Administrative Code, requires a utility to submit a statement regarding disposition of customer deposits. All customer deposits held by the utility were transferred to Clay County upon consummation of the sale. Commission requirements regarding regulatory assessment fees have been met.

The only Docket open involving Clay is Docket No. 940097-WS. Docket No. 940097-WS has been opened to address refunds associated with Clay's collection of gross-up funds in excess of the appropriate amount of taxes related to contributions-in-aid-of-construction (CIAC). Because the excess funds were collected prior to the sale to Clay County, Clay remains subject to our jurisdiction until all refunds have been made. Therefore, we see no reason to delay acknowledgement of the sale to Clay County.

On the basis of the foregoing, we find it appropriate to acknowledge the sale of Clay's water and wastewater facilities to

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Clay County and cancel Certificates Nos. 163-W and 113-S. Clay has return the certificates to this Commission for cancellation. It is, therefore,

ORDERED by the Florida Public Service Commission that the sale of water and wastewater facilities of Clay Utility Company, 83 Knight Boxx Road, Suite 103, Orange Park, Florida 32065, to Clay County, 477 Houston Street, Post Office Box 1366, Green Cove Springs, Florida 32043, is hereby acknowledged. It is further

ORDERED that Certificates Nos. 163-W and 113-S are hereby cancelled. It is further

ORDERED that Docket No. 940051-WS is hereby closed.

By ORDER of the Florida Public Service Commission, this 17th day of February, 1994.

STEVE TRIBBLE, Director Division of Records and Reporting

(SEAL)

ALC

by: Chief, Bureau of Records

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.

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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 Civil Procedure. The notice of appeal must be in the form specified in Rule 9.900 (a), Florida Rules of Appellate Procedure.