BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for deletion of territory and cancellation of Certificates Nos. 462-W and 398-S in Lee County by NORTH NAPLES UTILITIES, INC.)	ORDER NO. PSC-94-1120-FOF-WS
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The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON, Chairman SUSAN F. CLARK JOE GARCIA JULIA L. JOHNSON DIANE K. KIESLING

ORDER CANCELLING CERTIFICATES AND CLOSING DOCKET

BY THE COMMISSION:

Background

On April 19, 1994, North Naples Utilities, Inc. (North Naples or Utility) filed an application with this Commission requesting deletion of territory in Lee County and cancellation of Certificates Nos. 462-W and 398-S. Previously, North Naples was authorized to serve territory which crossed the Lee and Collier County line. However, by Orders Nos. PSC-93-1748-FOF-WU and PSC-93-0933-FOF-SU, issued in Dockets Nos. 930835-WU and 930176-SU, respectively, we acknowledged the sale of North Naples' utility assets to Collier County. Also, all territory in Collier County was deleted from the Utility's service area.

Although the Utility has no customers in Lee County, in accordance with Order No. PSC-93-1748-FOF-WU, Certificates Nos. 462-W and 398-S remained active pending receipt of an application from North Naples to delete the territory it is authorized to serve in Lee County and to cancel the Certificates. As stated previously, North Naples filed the application on April 19, 1994.

Application

The application is in compliance with Section 367.045, Florida Statutes, and other pertinent statutes and administrative rules. In particular, the application contains a filing fee in the amount of \$400, pursuant to Rule 25-30.020, Florida Administrative Code.

DOCUMENT NUMBER-DATE

09436 SEP 13 #

FPSC-RECORDS/REPORTING

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North Naples provided adequate service territory and system maps and a territory description, in accordance with Rule 25-30.036(1)(e), (f), and (i), Florida Administrative Code. The territory to be deleted is described as follows:

The South 1/2 of Section 5, Township 48 South, Range 26 East, Lee County, Florida

The Utility provided proof of its compliance with the noticing provisions of Rule 25-30.030, Florida Administrative Code. No objections to the application have been received and the time for filing such has expired.

From a review of the information provided, it appears that the territory described above can be served by Bonita Springs Utilities, which has water facilities within 200 feet of the territory. In addition, Bonita Springs Utilities is currently installing wastewater service adjacent to the area. North Naples has no customers in the territory to be deleted; nor do they have facilities to serve future customers. Therefore, we find that it is in the public interest to cancel Certificates Nos. 462-W and 398-S, held by North Naples. North Naples has returned the Certificates to the Commission for cancellation.

It is, therefore,

ORDERED by the Florida Public Service Commission that Certificates Nos. 462-W and 398-S, held by North Naples Utilities, Inc., 4500 Executive Drive, Naples, Florida 33999, are hereby cancelled. It is further

ORDERED that Docket No. 940381-WS is hereby closed.

By ORDER of the Florida Public Service Commission, this 13th day of September, 1994.

BLANCA S. BAYO, Director

Division of Records and Reporting

(SEAL)

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