

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for transfer of Emerald Lake Utilities, Inc. to the City of St. Cloud and cancellation of Certificate No. 221-W in Osceola County.

DOCKET NO. 760620-WU  
ORDER NO. PSC-98-0733-FOF-WU  
ISSUED: May 27, 1998

The following Commissioners participated in the disposition of this matter:

JULIA L. JOHNSON, Chairman  
J. TERRY DEASON  
SUSAN F. CLARK  
JOE GARCIA  
E. LEON JACOBS, JR.

ORDER MODIFYING ORDER NO. PSC-97-1259-FOF-WU TO REFLECT THAT NO REGULATORY ASSESSMENT FEES ARE OUTSTANDING FOR 1997

BY THE COMMISSION:

On October 14, 1997, Order No. PSC-97-1259-FOF-WU was issued acknowledging the transfer of Emerald Lake Utilities, Inc., to the City of St. Cloud, cancelling the certificate, and finding that regulatory assessment fees for January 1, 1997 through September 1, 1997 were outstanding. Pursuant to Section 367.022, Florida Statutes, the City of St. Cloud is exempt from our regulation.

Order No. PSC-97-1259-FOF-WU states that the transfer of Emerald Lake to the City of St. Cloud occurred on September 1, 1997. That date was based upon information received from the original application for transfer. Pursuant to Section 367.145, Florida Statutes, the utility owes regulatory assessment fees up to the date the City took over as owner of the utility.

On April 2, 1998, our staff received a letter from the Finance Director of the City of St. Cloud, stating that the transfer date of September 1, 1997, was incorrect. According to the City of St. Cloud, the transfer actually occurred in November 1996, and therefore, no regulatory assessment fees are due for 1997. As of November 1996, the interconnection pipe was in place, the well was disconnected, the City of St. Cloud began operating the Emerald

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ORDER NO. PSC-98-0733-FOF-WU  
DOCKET NO. 760620-WU  
PAGE 2

Lake Water System and billing the customers using the City's tariff for water, and receiving the revenue into the City's Water Utility System.

Therefore, based upon this information, we find it appropriate to modify Order No. PSC-97-1259-FOF-WU to reflect that no regulatory assessment fees are due for 1997. The effective transfer and cancellation date is November 1996. Order No. PSC-97-1259-FOF-WU is affirmed in all other aspects. There are no other dockets pending involving this utility. Emerald Lake has filed its annual reports, and paid regulatory assessment fees through 1996.

With the transfer of facilities to the City of St. Cloud, no further action is required. Therefore, this docket shall be closed.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Order No. PSC-97-1259-FOF-WU is modified to reflect that no regulatory assessment fees are outstanding for 1997. It is further

ORDERED that Order No. PSC-97-1259-FOF-WU is affirmed in all other aspects. It is further

ORDERED that this docket be closed.

By ORDER of the Florida Public Service Commission this 27th day of May, 1998.

BLANCA S. BAYÓ, Director  
Division of Records and Reporting

By: Kay Flynn  
Kay Flynn, Chief  
Bureau of Records

( S E A L )

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), 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, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, 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 and/or wastewater 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.