

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request For ) DOCKET NO. 930940-SU  
Acknowledgement of ) ORDER NO. PSC-93-1547-FOF-SU  
Interconnection to Collier ) ISSUED: October 21, 1993  
County and Cancellation of East )  
Naples Sewer Treatment )  
Corporation's Certificate No. )  
385-S. )  
\_\_\_\_\_ )

ORDER ACKNOWLEDGING INTERCONNECTION OF THE CUSTOMERS OF  
EAST NAPLES SEWER TREATMENT CORPORATION TO COLLIER  
COUNTY, CANCELLING CERTIFICATE AND CLOSING DOCKET

BY THE COMMISSION:

East Naples Sewer Treatment Corporation (East Naples or Utility) is a utility which provides wastewater service to four unmetered apartment buildings, which were recently converted to condominiums, in Collier County, Florida. Water service is provided to the condominiums by the City of Naples.

On June 21, 1993, it came to the attention of the Commission Staff that mail to East Naples was being returned to the Commission. Upon investigation, it was determined that the Utility no longer exists; the condominiums are receiving wastewater service from Collier County.

According to MaryJo Thurston, representative of Collier County, the County mandated that those receiving service from septic tanks or small package plants must connect to the County's regional wastewater treatment plant. By letter dated September 3, 1993, Collier County advised the Commission that the customers of East Naples have been connected to the County's wastewater system since December 23, 1992.

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. We have been unable to contact the last known owner/operator of the Utility in order to obtain an application for acknowledgement of the transfer to Collier County. However, all of the information necessary for the acknowledgement has been provided by the County.

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Rule 25-30.037(3)(e), Florida Administrative Code, requires a utility to submit a statement regarding disposition of customer deposits. Since East Naples did not collect customer deposits, there were no customer deposits at the time of closing. In addition, East Naples paid the regulatory assessment fees for 1989; however, regulatory assessment fees have not been paid for 1990, 1991 and 1992. There are no dockets pending involving this system.

On the basis of the foregoing, we find it appropriate to acknowledge the connection of East Naples to Collier County and cancel Certificate No. 385-S. However, East Naples shall remain responsible for all outstanding regulatory assessment fees.

It is, therefore,

ORDERED by the Florida Public Service Commission that the interconnection of the customers of East Naples Sewer Treatment Corporation, Post Office Box 3304, Sea Bright, New Jersey 07760, to Collier County Utilities, 3050 North Horseshoe Drive, Naples, Florida 33942, is hereby acknowledged. It is further

ORDERED that Certificate No. 385-S is hereby cancelled. East Naples Sewer Treatment Corporation is directed to return the Certificate to this Commission for cancellation within 20 days of the date of this Order. It is further

ORDERED that East Naples Sewer Treatment Corporation shall remain responsible for all outstanding regulatory assessment fees. It is further

ORDERED that Docket No. 930940-SU is hereby closed.

By ORDER of the Florida Public Service Commission this 21st day of October, 1993.

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