

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request For Approval of) DOCKET NO. 930835-WU
Sale of Water Facilities of) ORDER NO. PSC-93-1748-FOF-WU
North Naples Utilities, Inc. to) ISSUED: December 6, 1993
Collier County Utilities)
Division in Collier County and)
Amendment of Certificate No.)
462-W in Lee County.)
_____)

ORDER ACKNOWLEDGING TRANSFER, AMENDING CERTIFICATE
AND CLOSING DOCKET

BY THE COMMISSION:

On August 23, 1993, North Naples Utilities, Inc. (North Naples or Utility) filed an application with this Commission for acknowledgment of the transfer of its water facilities to Collier County Utilities Division (Collier County). The transfer occurred on July 23, 1993.

North Naples also has territory in Lee County which is served by the facilities purchased by Collier County. The right to serve the Lee County portion is being given to Bonita Springs Utilities, Inc., which is an exempt nonprofit cooperative. The Certificate shall remain active pending receipt of an application by North Naples to delete the territory in Lee County.

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. Since North Naples did not collect customer deposits, there were none at the time of closing. Commission requirements regarding regulatory assessment fees have been met, and there are no dockets pending involving this system.

On the basis of the foregoing, we find it appropriate to acknowledge the transfer of North Naples water facilities to Collier County and to amend Certificate No. 462-W to reflect only

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the territory described on Attachment A of this Order, which by reference is incorporated herein. In its application, North Naples indicated that it has been unable to locate Certificate No. 462-W. Therefore, the Certificate shall be reissued reflecting the amendment.

As stated previously, Certificate No. 462-W shall remain active pending the receipt of an application by North Naples to delete the territory in Lee County. North Naples is directed to file the application within 30 days of the date of this Order.

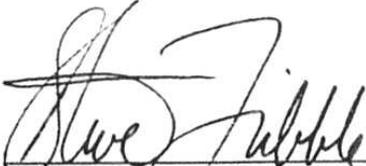
It is, therefore,

ORDERED by the Florida Public Service Commission that the sale of the water facilities of North Naples Utilities, Inc., 4500 Executive Drive, Naples, Florida 33999, to Collier County Utilities Division, 3050 North Horseshoe Drive, Naples, Florida 33942, is hereby acknowledged. It is further

ORDERED that Certificate No. 462-W shall remain active pending receipt of an application from North Naples Utilities, Inc. to delete service territory in Lee County. North Naples Utilities, Inc. shall file the application for deletion of the territory in Lee County within 30 days of the date of this Order. It is further

ORDERED that Docket No. 930835-WU is hereby closed.

By ORDER of the Florida Public Service Commission this 6th day of December, 1993.



STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

ALC

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.

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ATTACHMENT A

NORTH NAPLES UTILITIES, INC.

Territory Description

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