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November 9, 1999

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RECORDS AND REPORTING

Blanca Bayo, Director
Division of Records & Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

In re: Application for transfer of Certificate No. 281-S in Lee County from Bonita Country Club Utilities, Inc. to RealNor Hallandale, Inc. - Docket No. 990975-SU.

Dear Ms. Bayo:

Enclosed please find the original and fifteen copies of a Motion for Clarification in the above captioned docket.

Sincerely,



David B. Erwin
Attorney for RealNor Hallandale, Inc.

AFA	1
APP	_____
CAF	_____
CMU	_____
CTR	_____
EAG	_____
LEG	1
MAS	3
OPC	_____
PAI	_____
SEC	1
WAW	_____
OTH	_____

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FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for transfer of Certificate)
No. 281-S in Lee County from Bonita)
Country Club Utilities, Inc. to RealNor)
Hallandale, Inc.)

DOCKET NO. 990975-SU

Filed: November 9, 1999

MOTION FOR CLARIFICATION

RealNor Hallandale, Inc. (RealNor) moves that the Commission clarify Order No. PSC-99-2107-PCO-SU, issued October 25, 1999, by stating clearly that the Commission does not have jurisdiction to resolve the allegation of Michael J. Miceli, as president of Bonita Country Club Utilities, Inc. (BCCU) that "RealNor is not entitled to the entire utility as requested in RealNor's application." The Commission acknowledges that a hearing pertaining to the Certificate of Title is scheduled in the Twentieth Judicial Circuit, in and for Lee County (Circuit Court Case No. 98-6169-CA-WCM), but the Commission does not indicate that the Court is the only forum in which the adjudication of ownership of the utility can be accomplished.

The Commission has stated in Order No. PSC-93-0810-FOF-WS that it is not vested with jurisdiction to determine legal ownership of a utility's property, and RealNor believes that it would be appropriate to have a current expression and reaffirmation of the Commission's view of its limited jurisdiction with specific reference to this case.

In consideration of the above, RealNor moves that the Commission clarify its Order No. PSC-99-2107-PCO-SU, as requested. There is a need to expedite this motion, since a court hearing is scheduled for November 23, 1999, and clarification of the order would aid the court in addressing any suggestion that the Commission and not the court must resolve ownership of utility facilities.

Respectfully Submitted,



David B. Erwin
Attorney for RealNor Hallandale, Inc.

**CERTIFICATE OF SERVICE
DOCKET NO. 990975-SU**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via U. S. Mail this
9th day of November, 1999 to the following:

Michael J. Miceli
10200 Maddox Lane
Bonita Springs, FL 34135

Wayde P. Seidensticker, Jr.
Seidensticker & San Filippo, LLP
1100 Fifth Avenue South, Suite 405
Naples, FL 34102

Tyler Van Leuven
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850



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