

## BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for transfer of	)	DOCKET NO. 960044-WS
Certificates Nos. 126-W and 90-S from	)	
Magnolia Valley Services to Magnolia	)	ORDER NO. 23160
Valley Utility Services, Inc. in Pasco	)	
County.	)	ISSUED: 7-9-90
	)	

The following Commissioners participated in the disposition of this matter:

MICHAEL McK. WILSON, Chairman  
 THOMAS M. BEARD  
 BETTY EASLEY  
 GERALD L. GUNTER

NOTICE OF PROPOSED AGENCY ACTIONORDER DENYING TRANSFER

BY THE COMMISSION:

Notice is hereby given by the Florida Public Service Commission that the action discussed herein is preliminary in nature and will become final unless a person whose interests are substantially affected files a petition for formal proceeding pursuant to Rule 25-22.029, Florida Administrative Code.

On January 19, 1990, Magnolia Valley Services, Inc. filed an application with this Commission for the transfer of Certificates Nos. 126-W and 90-S to Magnolia Valley Utility Services, Inc. The application, as filed, was deficient.

Although some information has been provided in an effort to comply with Section 367.071, Florida Statutes, Magnolia Valley Services, Inc. has not provided a personal financial statement from the guarantor. Further, at the time of our decision in this matter we had not received an affidavit that the notice has been provided to all interested governmental and regulatory agencies and all utilities within a four-mile radius of the territory to be served.

On May 23, 1990, Counsel for Magnolia Valley Utility Services, Inc. advised the Commission Staff that the contract for sale of the system was rescinded as of March 29, 1990. Therefore, since the contract for sale of the system has been rescinded and since Magnolia Valley Services, Inc. has failed

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to provide all of the information required by Section 367.071, Florida Statutes, we find it appropriate to deny the transfer.

It is, therefore,

ORDERED by the Florida Public Service Commission that the transfer of Certificates Nos. 126-W and 90-S from Magnolia Valley Services, Inc., 5803 Braden Run, Bradenton, Florida 34202, to Magnolia Valley Utility Services, Inc., 7223 Massachusetts Avenue, New Port Richey, Florida 34653, is hereby denied. It is further

ORDERED that the provisions of this Order, issued as proposed agency action, shall become final, unless an appropriate petition in the form provided by Rule 25-22.036, Florida Administrative Code, is received by the Director, Division of Records and Reporting at his office at 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the date set forth in the Notice of Further Proceedings below. It is further

ORDERED that, in the event no protest is timely filed, this docket shall be closed.

By ORDER of the Florida Public Service Commission, this 9th day of July, 1990.

  
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STEVE TRIBBLE, Director  
Division of Records and Reporting

( S E A L )

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(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

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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.

The action proposed herein is preliminary in nature and will not become effective or final, except as provided by Rule 25-22.029, Florida Administrative Code. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, as provided by Rule 25-22.029(4), Florida Administrative Code, in the form provided by Rule 25-22.036(7)(a) and (f), Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting at his office at 101 East Gaines Street, Tallahassee, Florida 323 9-0870, by the close of business on July 30, 1990.

In the absence of such a petition, this order shall become effective on the day subsequent to the above date as provided by Rule 25-22.029(6), Florida Administrative Code, and as reflected in a subsequent order.

Any objection or protest filed in this docket before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.

If this order becomes final and effective on the date described above, any party adversely affected may request judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or by 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 of the effective date 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.