

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Resolution 96-104 by) DOCKET NO. 960272-WS
Board of Collier County) ORDER NO. PSC-96-0582-POF-WS
Commissioners rescinding Florida) ISSUED: May 3, 1996
Public Service Commission)
jurisdiction over private water)
and wastewater companies in)
Collier County.)

The following Commissioners participated in the disposition of this matter:

SUSAN F. CLARK, Chairman
J. TERRY DEASON
JOE GARCIA
JULIA L. JOHNSON
DIANE K. KIESLING

ORDER ACKNOWLEDGING RESCISSION OF COMMISSION JURISDICTION
AND ESTABLISHING PROCEDURE FOR CANCELLATION
OF CERTIFICATES IN COLLIER COUNTY

BY THE COMMISSION:

BACKGROUND

On April 16, 1985, the Collier County Board of County Commissioners adopted a resolution declaring Collier County subject to the provisions of Chapter 367, Florida Statutes. This resolution invoked Public Service Commission jurisdiction over all investor-owned water and wastewater systems. The Commission has actively regulated the utilities in Collier County since that time. On February 27, 1996, the Collier County Board of County Commissioners met and adopted Resolution No. 96-104 rescinding Florida Public Service Commission jurisdiction in Collier County effective immediately.

ACKNOWLEDGEMENT OF RESOLUTION

Section 367.171(1), Florida Statutes, provides that a county, after 10 continuous years under jurisdiction of the Commission, may by resolution or ordinance rescind said jurisdiction and thereby exclude itself from the provisions of Chapter 367, Florida Statutes. Collier County has met that requirement. We, therefore, acknowledge Collier County's Resolution No. 96-104, rescinding Florida Public Service Commission jurisdiction in Collier County as of February 27, 1996.

DOCUMENT NUMBER-DATE
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DISPOSITION OF CERTIFICATES

Section 367.171(5), Florida Statutes, states that:

When a utility becomes subject to regulation by a county, all cases in which the utility is a party then pending before the Commission, or in any court by appeal from any order of the Commission, shall remain within the jurisdiction of the Commission or court until disposed of in accordance with the law in effect on the day such case was filed by any party with the Commission or initiated by the Commission, whether or not the parties or the subject of any case relates to a utility in a county wherein this chapter no longer applies.

The following utilities had valid Public Service Commission certificates to provide water and wastewater service in Collier County:

<u>Utility</u>	<u>Certificate Number(s)</u>	
Eagle Creek Utility II, Inc.		406S
Florida Cities Water Company - Golden Gate Division	456W	390S
Goodland Isles, Inc.		418S
North Marco Utility Company, Inc.		384S
Orange Tree Utility Company	482W	419S
Rookery Bay Utility Company		383S
Southern States Utilities, Inc.	452W	386S

The following utility has cases pending before the Commission:

<u>Utility</u>	<u>Docket Number(s)</u>
Southern States Utilities, Inc.	930880-WS
Southern States Utilities, Inc.	930945-WS
Southern States Utilities, Inc.	950495-WS

Certificate No. 406S, held by Eagle Creek Utility II, Inc.;
Certificates Nos. 456W and 390S, held by Florida Cities Water
Company; Certificate No. 418S, held by Goodland Isles, Inc.;

Certificate No. 384S, held by North Marco Utility Company, Inc.; Certificates Nos. 482W and 419S, held by Orange Tree Utility Company; and Certificate No. 383S, held by Rookery Bay Utility Company are cancelled and shall be returned to the Commission within 30 days of this Order.

Certificates Nos. 452W and 386S, which are held by Southern States Utilities, Inc., shall be returned to the Commission within 30 days of the conclusion of Docket No. 930945-WS for cancellation if a decision is rendered that the Commission does not have jurisdiction over all of SSU's facilities. If a decision is rendered that maintains Commission jurisdiction, then the certificates held by SSU will not be cancelled as the Commission will continue to regulate this facility.

The cancellation of the certificates pursuant to this order does not affect the authority of the Commission to collect, or the obligation of the utilities to pay, regulatory assessment fees accrued prior to the February 27, 1996, transfer of jurisdiction to Collier County.

This docket shall remain open until all dockets currently pending before the Commission have been closed.

Based on the foregoing, it is

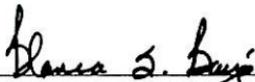
ORDERED by the Florida Public Service Commission that the Collier County Resolution No. 96-104, rescinding Commission jurisdiction in Collier County as of February 27, 1996, is hereby acknowledged. It is further

ORDERED that Certificate No. 406S, held by Eagle Creek Utility II, Inc.; Certificates Nos. 456W and 390S, held by Florida Cities Water Company; Certificate No. 418S, held by Goodland Isles, Inc.; Certificate No. 384S, held by North Marco Utility Company, Inc.; Certificates Nos. 482W and 419S, held by Orange Tree Utility Company; and Certificate No. 383S, held by Rookery Bay Utility Company are cancelled and shall be returned to the Commission within 30 days of this Order. It is further

ORDERED that Certificates Nos. 452W and 386S, which are held by Southern States Utilities, Inc., shall be returned to the Commission for cancellation within 30 days of the conclusion of Docket No. 930945-WS if a decision is rendered that the Commission does not have jurisdiction over all of Southern States Utilities, Inc.'s facilities. It is further

ORDERED that this docket shall remain open until all dockets currently pending before the Commission have been closed.

By ORDER of the Florida Public Service Commission, this 3rd day of May, 1996.



BLANCA S. BAYÓ, 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, 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.