

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Resolution of Board of) DOCKET NO. 960674-WS
Commissioners of Polk County) ORDER NO. PSC-96-0896-FOF-WS
declaring Polk County subject to) ISSUED: July 11, 1996
provisions of Chapter 367, F.S.)
_____)

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 RESOLUTION
OF THE BOARD OF COUNTY COMMISSIONERS
DECLARING POLK COUNTY SUBJECT TO THE
PROVISIONS OF CHAPTER 367, FLORIDA STATUTES

BY THE COMMISSION:

On May 14, 1996, the Board of County Commissioners of Polk County adopted a resolution pursuant to Section 367.171, Florida Statutes, declaring that water and wastewater utilities in Polk County are subject to the provisions of the Water and Wastewater Regulatory Law, Chapter 367, Florida Statutes. The Florida Public Service Commission received Polk County's resolution on May 24, 1996. The effect of the resolution is to invoke the Commission's jurisdiction over water and wastewater utilities in Polk County as of May 14, 1996.

We, therefore, find that the provisions of Chapter 367, Florida Statutes, became applicable in Polk County, effective May 14, 1996. All utilities as defined by Chapter 367, Florida Statutes, shall comply with the provisions of this Order.

Pursuant to Section 367.171(2)(a), Florida Statutes, each utility was required to register with this Commission within thirty (30) days of the date this Commission received jurisdiction, or by June 13, 1996. All utilities must obtain either a certificate of authorization or be exempt from regulation pursuant to Section 367.031, Florida Statutes.

Each utility desiring to obtain a grandfather certificate for the area served by such utility as of May 14, 1996, shall make application to this Commission pursuant to Section 367.171(2)(b),

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ORDER NO. PSC-96-0896-FOF-WS
DOCKET NO. 960674-WS
PAGE 2

Florida Statutes, within ninety (90) days of the date this Commission received jurisdiction, or by August 12, 1996.

Each utility shall continue to collect the rates and charges for water and wastewater service which were being collected on May 14, 1996. Such rates and charges shall remain in effect until changed by this Commission.

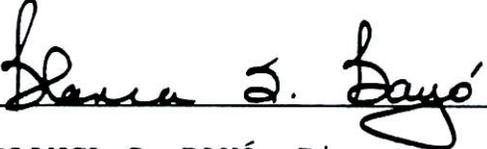
Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the resolution of the Board of County Commissioners of Polk County, declaring that Polk County be subject to the provisions of Chapter 367, Florida Statutes, effective May 14, 1996, is hereby acknowledged. It is further

ORDERED that all water and wastewater utilities in Polk County are hereby directed to comply with Commission procedures as set forth in the body of this Order and Chapter 367, Florida Statutes. It is further

ORDERED that this docket shall be closed.

By ORDER of the Florida Public Service Commission, this 11th day of July, 1996.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

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ORDER NO. PSC-96-0896-FOF-WS
DOCKET NO. 960674-WS
PAGE 3

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