

## BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Objection to notice of	)	DOCKET NO. 900136-WS
application for water and/or sewer	)	
certificates in Pasco County by M.C.H.	)	ORDER NO. 23201
UTILITIES CORPORATION	)	
	)	ISSUED: 7-16-90

The following commissioners participated in the disposition of this matter:

MICHAEL McK. WILSON, Chairman  
 BETTY EASLEY  
 GERALD L. GUNTER  
 FRANK S. MESSERSMITH

ORDER CLOSING DOCKET

BY THE COMMISSION:

During the 1989 legislative session, among other changes to Chapter 367, Florida Statutes, the Florida Legislature repealed Sections 367.041, .051, and .061, Florida Statutes, and adopted, in their stead, Section 367.045, Florida Statutes. These changes became effective on October 1, 1989.

On or about January 25, 1990, M.C.H. Utilities Corporation (MCH) served notice of its intent to apply for original certificates pursuant to Section 367.041, Florida Statutes. By letter dated February 13, 1990, the City of Zephyrhills objected to MCH's notice.

By letter dated March 16, 1990, the Staff of this Commission (Staff) informed MCH that Section 367.041, Florida Statutes, had been replaced by Section 367.045, Florida Statutes, and that, under Section 367.045, Florida Statutes, MCH was required to submit its application at the time MCH served notice. Staff also informed MCH of the objection to its notice and inquired whether, in light of these problems, it intended to go forward with its application.

On April 16, 1990, we received MCH's reply. MCH stated that it did intend to go forward with its application, that its application was 90 percent completed, and that it intended to file it no later than May 1, 1990. As of June 27, 1990, the date of the Agenda Conference at which we made our decision regarding this matter, MCH still had not filed its application.

DOCUMENT NUMBER-DATE

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Further, since MCH provided notice of its intent to apply for certificates pursuant to Section 367.041, Florida Statutes, its notice, as well as the objection thereto, are moot. Accordingly, we find it appropriate to close this docket.

It is, therefore,

ORDERED by the Florida Public Service Commission that Docket No. 900136-WS be and is hereby closed.

By ORDER of the Florida Public Service Commission,  
this 16th day of July, 1990.

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STEVE TRIBBLE, Director,  
Division of Records and Reporting

( S E A L )

RJP

by: Kay Ferguson  
Chief, Bureau of Records

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)

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