

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Objection to notice)
by WEST MARION UTILITIES,)
INC., of intent to apply)
for a water certificate)
in Marion County)
_____)

DOCKET NO. 891038-WU
ORDER NO. PSC-92-0329-FOF-WU
ISSUED: 05/11/92

The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD, Chairman
SUSAN F. CLARK
J. TERRY DEASON
BETTY EASLEY
LUIS J. LAUREDO

ORDER CLOSING DOCKET

BY THE COMMISSION:

On August 2, 1989, West Marion Utilities, Inc., (West Marion or applicant) filed a notice of intent to apply for an original water certificate pursuant to Chapter 367, Florida Statutes, as it existed prior to sunset review in 1989. On August 10, 1989, the City of Dunnellon (Dunnellon) filed a timely objection to West Marion's notice. In November of 1989, this Commission referred the case to the Division of Administrative Hearings (DOAH) for further disposition.

On the request of the parties, the DOAH hearing officer twice ordered that the proceeding be abated, apparently for the purpose of giving Dunnellon time to create a special assessment district. The DOAH hearing officer's last Order of Abatement, issued May 21, 1991, instructed the parties to advise the hearing officer of their progress within six months. When the parties failed to advise the hearing officer by the designated time, the hearing officer dismissed the case and closed the DOAH file by an order dated January 24, 1992.

Prior to the hearing officer's dismissing the case, we wrote counsel for West Marion and Dunnellon. We received no reply from counsel for West Marion. Counsel for Dunnellon, however, informed us that Dunnellon had created a special assessment district, that

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the dispute with West Marion was resolved, and that counsel for West Marion had retired.

In consideration of the above, we hereby dismiss on our own motion the notice of intent to apply for a certificate filed by West Marion and close this docket.

It is, therefore,

ORDERED by the Florida Public Service Commission that the notice of intent to apply for a certificate filed by West Marion Utilities, Inc., is hereby dismissed on the Commission's own motion and that this docket is hereby closed.

By ORDER of the Florida Public Service Commission, this 11th day of May, 1992.



STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

MJF

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

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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 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.