

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for) DOCKET NO. 910508-SU
transfer of Certificate No.) ORDER NO. PSC-92-0422-FOF-SU
380-S from Naples Mobile) ISSUED: 05/28/92
Estates, Inc. to Yad Vkidush)
Hashem/House of Martyrs, Inc.)
in Collier County, Florida.)
_____)

The following Commissioners participated in the disposition of this matter:

SUSAN F. CLARK
J. TERRY DEASON
BETTY EASLEY
LUIS J. LAUREDO

ORDER APPROVING TRANSFER TO GOVERNMENTAL AUTHORITY,
CANCELLING CERTIFICATE AND CLOSING DOCKET

BY THE COMMISSION:

Background

Naples Mobile Estates, Inc. (Naples Mobile Estates) is a small utility which provides service to two customers, a 171 unit mobile home park and a small commercial plaza. Both facilities are served as bulk customers and are charged flat rates.

On April 17, 1990, Naples Mobile Estates, Inc. (Naples Mobile Estates) filed an application with this Commission for approval of the transfer of the utility to Yad Vkidush Hashem/House of Martyrs, Inc. (YVH). The transfer occurred on April 11, 1990. Naples Mobile Estates delayed filing the application because it expected the County to connect the two customers to its system in 1990, thereby eliminating the on-site wastewater treatment plant. We have been unable to process the application, as filed, due to the failure of Naples Mobile Estates to correct deficiencies.

When YVH purchased the wastewater plant along with the shopping plaza, no value was placed on the wastewater system because of the anticipated connection to the County. YVH operated the utility satisfactorily during the period between the transfer and the connection to the County, which occurred on April 2, 1992. At that time, both customers were connected to Collier County

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Wastewater System and Naples Mobile Estates' wastewater treatment plant was taken out of service. Accordingly, although the transfer of the system from Naples Mobile Estates to YVH occurred prior to our approval we will not initiate show cause proceedings.

During the time we were processing the application for transfer from Naples Mobile Estates to YVH, we were aware that the County's sewer line was in place in front of the properties. Interconnection with the County was not completed until capacity fees were paid by the shopping plaza and the individual mobile home owners in the mobile home park.

Collier County will serve the mobile home park and the shopping plaza as bulk customers. No lines or other facilities were sold or transferred to the County. The wastewater collection system and the lift station within the mobile home park are owned by the homeowners association.

As a result of the connection to the County, we find processing the application for transfer of the system from Naples Mobile Estates to YVH to be unnecessary. Therefore, the instant docket has been changed to reflect a transfer to a governmental authority, even though no facilities have been transferred.

In accordance with the provisions of Section 367.071, Florida Statutes, the sale or transfer of water and/or wastewater utilities to governmental authorities is approved as a matter of right. Subsection 367.022(2), Florida Statutes, exempts from regulation by the Commission systems owned, operated, managed or controlled by governmental authorities.

Regulatory assessment fees have been paid and there are no customer deposits. Further, Collier County received the financial information regarding Naples Mobile Estates. Therefore, we find it appropriate to acknowledge the transfer and cancel Certificate No. 380-S. Certificate No. 380-S has been returned to the Commission for cancellation.

It is, therefore,

ORDERED by the Florida Public Service Commission that the transfer of customers from Naples Mobile Estates, Inc., Post Office Box 1805, Bonita Springs, Florida 33923, to Collier County, County

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Government Center, 2800 North Horseshoe Drive, Naples, Florida 33942, is hereby acknowledged. It is further

ORDERED that Certificate No. 380-S is hereby cancelled. It is further

ORDERED that Docket No. 910508-SU is hereby closed.

By ORDER of the Florida Public Service Commission, this 28th day of May, 1992.

STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

ALC

by: Kay Dejean
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.

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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 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.