

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for acknowledge-) DOCKET NO. 920147-SU
ment of sale of facilities to) ORDER NO. PSC-92-0574-FOF-SU
Collier County by Naples Sewer) ISSUED: 06/26/92
Company and Cancellation of)
Certificate No. 397-S in Collier))
County.)
_____)

ORDER ACKNOWLEDGING SALE, CANCELLING CERTIFICATE
AND CLOSING DOCKET

BY THE COMMISSION:

On February 14, 1992, Naples Sewer Company (Naples or Utility) filed an application with this Commission for acknowledgment of the transfer of its wastewater facilities to Collier County. The sale occurred on March 23, 1992.

The provisions of Section 367.071, Florida Statutes, require an application for approval of sale or transfer of water and/or wastewater utilities to governmental agencies, although such sales are 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 agencies.

Section 367.037(3)(e), Florida Administrative Code, requires a utility to submit a statement regarding disposition of customer deposits. Based on information filed by the Utility, there were no customer deposits at the time of closing. In addition, there are no dockets pending involving this utility. Although Naples has paid regulatory assessment fees for 1991, it still owes regulatory assessment fees for the period from January 1, 1992, through March 23, 1992.

On the basis of the foregoing, we find it appropriate to acknowledge the transfer of facilities from Naples to Collier County and cancel Certificate No. 397-S. The Utility has returned the Certificate for cancellation. However, Naples shall remain responsible for all outstanding regulatory assessment fees.

It is, therefore,

ORDERED by the Florida Public Service Commission that the sale of facilities by Naples Sewer Company, 1361 Airport Road North, Naples, Florida 33942-3315, to Collier County, 2800 North Horseshoe Drive, Naples, Florida 33942, is hereby acknowledged. It is further

ORDERED that Certificate No. 397-S is hereby cancelled. It is further

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ORDERED that Docket No. 920147-SU is hereby closed.

By ORDER of the Florida Public Service Commission, this 26th
day of June, 1992.

STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

ALC

by: Kary J. Lyons
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) 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.