

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for acknowledge-) DOCKET NO. 920521-SU
ment of sale of facilities of) ORDER NO. PSC-92-0589-POF-SU
Green Acres Estates to City of) ISSUED: 06/30/92
Daytona Beach and cancellation)
of Certificate No. 272-S in)
Volusia County, Florida.)
_____)

ORDER ACKNOWLEDGING SALE OF FACILITIES TO CITY OF
DAYTONA BEACH, CANCELLING CERTIFICATE AND CLOSING DOCKET

BY THE COMMISSION:

On May 22, 1992, Green Acres Estates (Green Acres or Utility) filed a request with this Commission for acknowledgment of the transfer of its wastewater facilities to the City of Daytona Beach. The transfer occurred on January 23, 1992.

The provisions of Section 367.071, Florida Statutes, require an application for acknowledgement of sales of water and/or sewer 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.

In addition, Section 367.037(3)(e), Florida Administrative Code, requires a utility to submit a statement regarding disposition of customer deposits. According to the City of Daytona, no customer deposits were transferred. Upon review of the Utility's tariff, it was determined that although the tariff allowed for the collection of customer deposits, the Utility never collected customer deposits.

There is a docket pending involving this Utility. Docket No. 920560-SU is a show cause proceeding, which was opened because of the Utility's failure to file its annual reports for 1989, 1990 and 1991. Green Acres also owes regulatory assessment fees for 1990, 1991 and 1992. Acknowledgement of the transfer and cancellation of the Certificate will not affect Docket No. 920560-SU. In addition, Green Acres shall remain responsible for all outstanding regulatory assessment fees.

On the basis of the foregoing, we find it appropriate to acknowledge the transfer of facilities from Green Acres Estates to the City of Daytona Beach and cancel Certificate No. 272-S. Green Acres is directed to return Certificate No. 272-S to this

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Commission within 30 days of the date of this Order for cancellation.

It is, therefore,

ORDERED by the Florida Public Service Commission that the transfer of facilities from Green Acres Estates, 2411 South Palmetto Avenue, South Daytona, Florida 32119-3011, to the City of Daytona Beach, 950 Bellevue Avenue, Daytona, Florida 32114, is hereby acknowledged. It is further

ORDERED that Certificate No. 272-S is hereby cancelled. Green Acres shall return the Certificate to this Commission within 30 days of the date of this Order for cancellation. It is further

ORDERED that Docket No. 920521-SU is hereby closed.

By ORDER of the Florida Public Service Commission, this 30th day of June, 1992.

STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

ALC

by: Kay DeLeon
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.