

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for approval)	DOCKET NO. 921129-WS
of transfer of Port Malabar)	ORDER NO. PSC-92-1442-FOF-WS
Division facilities of General)	ISSUED: 12/14/92
Development Utilities, Inc. to)	
City of Palm Bay, and)	
cancellation of Certificates)	
Nos. 25-W and 22-S in Brevard)	
County.)	

ORDER ACKNOWLEDGING SALE, CANCELLING CERTIFICATES
AND CLOSING DOCKET

BY THE COMMISSION:

On November 2, 1992, General Development Utilities, Inc. (GDU) filed an application with this Commission for acknowledgement of the transfer of its Port Malabar Division water and wastewater facilities to the City of Palm Bay, in Brevard County, Florida. The sale is to be finalized on December 16, 1992, at which time the City will transfer the facilities to Palm Bay Utility Corporation (Palm Bay) which has applied for an exemption in Docket No. 921067-WS.

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. Section 367.022(2), Florida Statutes, exempts from regulation by the Commission systems owned, operated, managed or controlled by governmental agencies.

We find the application to be in compliance with the provisions of Section 367.071(4)(a), Florida Statutes, and Rules 25-30.032(1) and 25-30.037(3), Florida Administrative Code. Rule 25-30.037(3)(e), Florida Administrative Code, requires a utility to submit a statement regarding disposition of customer deposits. In its application, GDU states that at the time of closing a check covering all outstanding customer deposits held on account, including interest, will be provided to the City of Palm Bay. GDU also states that it will pay all regulatory assessment fees due on March 31, 1993. Refund of interim rates collected from customers in the pending rate case will be handled in the disposition of Docket No. 911030-WS.

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On the basis of the foregoing, we find it appropriate to acknowledge the transfer of the Port Malabar Division water and wastewater facilities of GDU to the City of Palm Bay and cancel Certificates Nos. 25-W and 22-S, effective December 16, 1992. It is, therefore,

ORDERED by the Florida Public Service Commission that the sale of the Port Malabar Division water and wastewater facilities of General Development Utilities, Inc. to the City of Palm Bay is hereby acknowledged. It is further

ORDERED that Certificates Nos. 25-W and 22-S are hereby cancelled effective December 16, 1992. General Development Corporation is directed to return the certificates to this Commission for cancellation within twenty days of the date of this Order. It is further

ORDERED that this docket is closed.

By Order of the Florida Public Service Commission this 14th day of December, 1992.



STEVE TRIBBLE, Director
Division of Records and Reporting

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