

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request for approval of) DOCKET NO. 941161-SU
transfer of wastewater) ORDER NO. PSC-94-1622-FOF-SU
facilities of GUMBO LIMBO) ISSUED: December 30, 1994
ENTERPRISES, INC. to CITY OF)
SANIBEL and cancellation of)
Certificate No. 293-S in Lee)
County.)
_____)

ORDER ACKNOWLEDGING TRANSFER OF GUMBO LIMBO ENTERPRISES, INC.,
TO THE CITY OF SANIBEL

BY THE COMMISSION:

Gumbo Limbo Enterprises, Inc. (Gumbo Limbo or utility) is a Class C wastewater utility which provides service in Lee County. On October 31, 1994, Gumbo Limbo filed an application with this Commission for acknowledgment of the transfer of the utility's collection system assets to the City of Sanibel (Sanibel or City). The sale was finalized on October 24, 1994. The City intends to begin providing wastewater service to the utility's customers after December 31, 1994.

The provisions of Section 367.071, Florida Statutes, require an application for approval of transfers of water and/or wastewater facilities to governmental agencies, although such transfers are approved as a matter of right. The application for transfer was filed in accordance with Section 367.071(4), Florida Statutes and Rule 25-30.037, Florida Administrative Code. In addition, Sanibel has obtained from the utility the most recent available income and expense statement, balance sheet, statement of rate base for regulatory purposes and contributions-in-aid-of-construction.

According to the application, there are no customer deposits and accrued interest held by the utility. In addition, Gumbo Limbo has paid the regulatory assessment fees for January 1, 1994, to July 31, 1994. The amount owed for August 1, 1994, through the date that Gumbo Limbo ceases providing service shall be paid by Gumbo Limbo by March 31, 1995.

The utility currently has one open docket pending before the Commission. In Docket No. 920302-SU, Gumbo Limbo applied for a staff-assisted rate case. By Order No. PSC-92-1362-FOF-SU, issued November 24, 1992, we approved a monthly surcharge in order to fund several necessary improvements to the utility's plant and collection system. We ordered the surcharge to be collected and placed in an escrow account, and stated that when the improvements

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were completed, the Commission may authorize the release of the funds from the account. As part of the agreement between Gumbo Limbo and the City, Gumbo Limbo will decommission the utility plant and ponds, using funds from the escrow account.

In consideration of the foregoing, we find it appropriate to acknowledge the transfer of Gumbo Limbo to the City of Sanibel. This docket shall remain open to allow the utility to decommission the utility plant and pay the remaining assessment fees for 1994. Upon completion of these events, the utility shall notify the Commission so that the cancellation of the utility's certificate and disposition of the remaining surcharge funds may be addressed in a separate order.

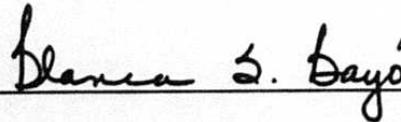
Based upon the foregoing, it is therefore

ORDERED by the Florida Public Service Commission that the transfer of Gumbo Limbo Enterprises, Inc. to the City of Sanibel is hereby acknowledged. It is further

ORDERED that Gumbo Limbo Enterprises, Inc. shall pay the regulatory assessment fees owed for August 1, 1994, through the date of sale by March 31, 1995. It is further

ORDERED that Gumbo Limbo Enterprises, Inc. shall advise the Commission of its payment of the regulatory assessment fees and the completion of the decommissioning of the utility plant, so that the Commission may address the cancellation of the utility's wastewater certificate.

By ORDER of the Florida Public Service Commission, this 30th day of December, 1994.



BLANCA S. BAYÓ, 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.