

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for original certificates for proposed water and wastewater systems, in Hernando and Pasco Counties, and request for initial rates and charges, by Skyland Utilities, LLC.

DOCKET NO. 090478-WS  
ORDER NO. PSC-11-0116-FOF-WS  
ISSUED: February 14, 2011

The following Commissioners participated in the disposition of this matter:

ART GRAHAM, Chairman  
LISA POLAK EDGAR  
RONALD A. BRISÉ  
EDUARDO E. BALBIS  
JULIE I. BROWN

FINAL ORDER ACKNOWLEDGING WITHDRAWAL OF APPLICATION  
AND CLOSING DOCKET

BY THE COMMISSION:

On October 16, 2009, Skyland Utilities, LLC (Skyland or Utility), filed an application for original certificates to operate a water and wastewater utility in Hernando and Pasco Counties, and for approval of initial rates and charges (Application). While the privately owned water and wastewater utilities in Pasco County are subject to Chapter 367, Florida Statutes (F.S.), the privately owned utilities in Hernando are not. As such, Skyland relied on the provisions of Chapter 367.171(7), F.S., which gives the Commission exclusive jurisdiction over all utility systems whose service transverse county boundaries, whether the counties involved are jurisdictional or nonjurisdictional. On November 13, 2009, Hernando County, Hernando County Water and Sewer District, and Hernando County Utility Regulatory Authority (collectively Hernando), Pasco County (Pasco), and the City of Brooksville (Brooksville) each timely filed a protest to the Utility's Application. On June 16, 2010, the Office of Public Counsel intervened in this case.<sup>1</sup>

A full administrative hearing was held on July 7 – 8, and September 23, 2010. Our staff filed its post-hearing recommendation December 2, 2010. On January 10, 2011, Skyland filed its Withdrawal of Application and Request for Acknowledgement of Withdrawal (Withdrawal). None of the other parties to this proceeding opposed the requested Withdrawal.

<sup>1</sup> See Order No. PSC-10-0387-PCO-WS, issued June 16, 2010, in Docket No. 090478-WS, In re: Application for original certificates for proposed water and wastewater systems, in Hernando and Pasco Counties, and request for initial rates and charges, by Skyland Utilities, LLC.

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FPSC-COMMISSION CLERK

This Order addresses Skyland's Withdrawal and the ultimate disposition of Docket No. 090478-WS. We have jurisdiction over this matter pursuant to Sections 367.031, 367.045, 367.081, 367.101 and 367.171(7), F.S.

As stated above, in this case a formal hearing occurred on July 7 – 8, and September 23, 2010. Upon the completion of the formal hearing, the record in this proceeding was closed. Because none of the other parties to this proceeding have opposed the requested Withdrawal, we find that in this instance, the Applicant may withdraw its petition. Thus, we hereby acknowledge the Applicant's voluntary withdrawal of its application for original certificates to operate a water and wastewater utility in Hernando and Pasco Counties.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the voluntary withdrawal of application of Skyland Utilities, LLC for original certificates to operate a water and wastewater utility in Hernando and Pasco Counties, and for approval of initial rates and charges, is hereby acknowledged as set forth in the body of this Order. It is further

ORDERED that this docket shall be closed.

By ORDER of the Florida Public Service Commission this 14th day of February, 2011.



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ANN COLE  
Commission Clerk

( S E A L )

CMK

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), 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 Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, 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 and/or wastewater utility by filing a notice of appeal with the Office of Commission Clerk, 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.