

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request by BRIARWOOD APTS.)	DOCKET NO. 890801-WS
OF MIDDLEBURG, LTD. for exemption)	ORDER NO. 21527
from FPSC regulation for water and)	ISSUED: 7-11-89
sewer systems in Clay County.)	

ORDER INDICATING EXEMPT STATUS OF
BRIARWOOD APARTMENTS OF MIDDLEBURG, LTD.

BY THE COMMISSION:

Briarwood Apartments of Middleburg, Ltd. (Briarwood) is the owner and operator of Briarwood Apartments, an apartment complex in Clay County.

Briarwood, by letter and affidavit dated June 12, 1989, submitted an application to have the water and wastewater facilities serving the apartments exempted from regulation by the Commission. In the affidavit submitted, Briarwood stated that "Any compensation received for water service is non-specifically contained in tenants' monthly rents." That provision, although addressing water service, did not address wastewater treatment. Subsequently, Briarwood submitted a corrected affidavit stating that "Any compensation received for water and sewer service is non-specifically contained in tenants' monthly rents." The affidavit further stated that Briarwood does not collect specific charges from its tenants for water and sewer service, and both plants operated by the facility are located on the grounds of Briarwood Apartments and provide service solely to tenants of Briarwood Apartments.

Section 367.022(5), Florida Statutes, provides that "Landlords providing service to their tenants without specific compensation for the service" are not subject to our regulation. On the facts as represented, we find the subject entity to be exempt under Section 367.022(5), Florida Statutes.

It is, therefore,

ORDERED by the Florida Public Service Commission that, based on the facts as represented, the water and wastewater treatment facilities owned by Briarwood Apartments of Middleburg, Ltd., in Clay County, Florida, c/o Davis & Sons

DOCUMENT NUMBER-DATE

06798 JUL 11 1989

FPSC-RECORDS/REPORTING

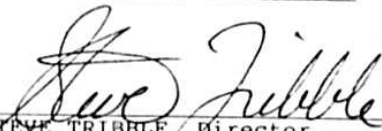
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Construction Company, 5700 S.W. 34th Street, Suite 1307, Gainesville, Florida 32608, are hereby exempt from Commission regulation under Section 367.022(5), Florida Statutes. It is further

ORDERED that should there be any change in circumstances or method of operation of the subject water and wastewater treatment facilities, Briarwood Apartments of Middleburg, Ltd. or its successor(s) in interest, shall inform this Commission within thirty (30) days of such change so that we may determine whether our decision herein is still appropriate. It is further

ORDERED that this docket shall be closed.

By ORDER of the Florida Public Service Commission,
this 11th day of JULY, 1989.



STEVE TRIBBLE, Director
Division of Records and Reporting

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