

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request by PINE RIDGE PALMS)	DOCKET NO. 890849-SU
ASSOCIATION, INC. for exemption)	ORDER NO. 22153
from FPSC regulation for a sewer)	ISSUED: 11-6-89
system in Lee County)	
_____)	

The following Commissioners participated in the disposition of this matter:

MICHAEL McK. WILSON, Chairman
 THOMAS M. BEARD
 BETTY EASLEY
 GERALD L. GUNTER
 JOHN T. HERNDON

ORDER INDICATING THE EXEMPT STATUS OF
PINE RIDGE PALMS ASSOCIATION, INC.

BY THE COMMISSION:

Pine Ridge Palms Park (Park) is a recreational vehicle owners' park in Lee County, Florida. The Park has been in existence since 1982. Pine Ridge Palms Association, Inc. (Pine Ridge) is a nonprofit association which was organized to operate, govern, administer and manage the property and affairs of the lot owners.

Currently, water service is provided to the Park by Florida Cities Water Company and wastewater service is provided by Capital Sunbelt/Fund '84, Ltd; however, Pine Ridge wishes to be designated as an exempt entity and tie its facilities into the County's wastewater system. Accordingly, by letter dated June 29, 1989, Pine Ridge requested that it be found exempt from this Commission's regulation pursuant to the nonprofit association exemption. Under Section 367.022(7), Florida Statutes, nonprofit corporations, associations or cooperatives which provide service solely to members who own and control them are exempt from our regulation. Attached to Pine Ridge's letter was an affidavit reciting the facts upon which its asserted status is based.

Upon request of the Staff of the Commission, Pine Ridge provided copies of its Articles and Amended Articles of Incorporation, its bylaws and revised bylaws and the Declaration of Covenants and Restrictions for the Park.

DOCUMENT NUMBER-DATE

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According to these documents, Pine Ridge is a nonprofit corporation which will provide wastewater service solely to members who own and control it. The documents further indicate that Pine Ridge will hook its wastewater collection system to Lee County's wastewater system and that Pine Ridge will be responsible for billing its members for wastewater service.

Based upon the facts as represented, we find that Pine Ridge is exempt from our regulation pursuant to Section 367.022(7), Florida Statutes, as a nonprofit association providing service solely to members who own and control it. However, should there be any change in circumstances or method of operation, Pine Ridge, or its successor(s) in interest, must inform this Commission within thirty days of such change, so that we may reevaluate its regulatory status.

It is, therefore,

ORDERED by the Florida Public Service Commission that, based upon the facts as represented, Pine Ridge Palms Association, Inc., 16300 Pine Ridge Road, Fort Myers, Florida, is exempt from this Commission's regulation pursuant to Section 367.022(7), Florida Statutes, as a nonprofit association providing service solely to members who own and control it. It is further

ORDERED that should there be any change in circumstances or method of operation, Pine Ridge Palms Association, Inc., or its successor(s) in interest, shall inform this Commission within thirty days of such change. It is further

ORDERED that Docket No. 890849-SU be and is hereby closed.

By ORDER of the Florida Public Service Commission
this 6th day of NOVEMBER, 1989.


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