

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for exemption) DOCKET NO. 920267-SU
from Florida Public Service) ORDER NO. PSC-92-0456-FOF-SU
Commission regulation for) ISSUED: 05/06/92
provision of wastewater)
service in Escambia County by)
AZALEA TRACE, INC.)
_____)

ORDER INDICATING THE EXEMPT STATUS OF
AZALEA TRACE, INCORPORATED

BY THE COMMISSION:

On December 3, 1991, the Board of County Commissioners of Escambia County passed a resolution granting the Florida Public Service Commission (Commission) jurisdiction to regulate the water and wastewater utilities of Escambia County. When the resolution was passed granting jurisdiction to the Commission, all privately owned water and wastewater systems in said county were required to make an application for either a grandfather certificate or an exemption from regulation, pursuant to Section 367.031, Florida Statutes.

Therefore, in response, on March 23, 1992, Azalea Trace, Inc. (Azalea Trace) filed an application for an exemption from Commission regulation pursuant to Section 367.022(5), Florida Statutes. Azalea Trace is a lifetime retirement community consisting of three apartment buildings and a 90 bed health care facility.

As a matter of practice, upon request and sufficient proof, the Commission will issue an order indicating the nonjurisdictional or exempt status of water or wastewater facilities if they qualify under the appropriate section of Chapter 367, Florida Statutes. Azalea Trace requested recognition of its exempt status under Section 367.022(5), Florida Statutes, which provides that landlords providing service to their tenants without specific compensation for the service shall not be subject to regulation by the Commission.

In addition, Rule 25-30.060(e) states:

For an exemption pursuant to Section 367.022(5), Florida Statutes, a statement from the landlord that it provides service solely

DOCUMENT NUMBER-DATE

05830 JUN-5 1992

FPSC-RECORDS/REPORTING

to tenants; that charges for service are non-specifically contained in rental charges; stating whether it provides water service, wastewater service or both; and specifying the service area. A copy of the landlord's most recent version of a standard lease or rental agreement, stating that there is no separate charge for water service, wastewater service, or both, shall be submitted with the application;....

The application shows that: Azalea Trace provides wastewater service solely to its tenants; Azalea Trace does not collect any specific charge for wastewater service from its tenants, as those charges are nonspecifically included in the tenants' monthly rents, as established in the standard lease provided; and the wastewater facility is located on-site. Azalea Trace is provided water service by the Escambia County Utility Authority.

Based upon the facts as represented, we find that Azalea Trace is exempt from our regulation under the terms of Section 367.022(5), Florida Statutes. However, should there be any change in circumstances or method of operation, the owner of Azalea Trace, or any successor in interest, must inform the Commission within thirty days of such change, so that we may determine whether exempt status is still appropriate.

It is, therefore,

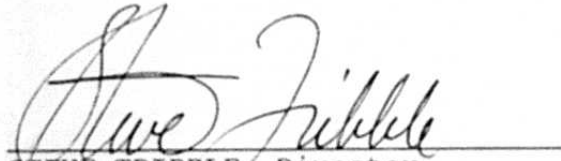
ORDERED by the Florida Public Service Commission that, based upon the facts as represented, Azalea Trace, located at 10100 Hillview Road, Pensacola, Florida, with Dr. Edward Ranelli as contact person, and a mailing address of 1000 West Moreno Street, Pensacola, Florida 32522, is hereby exempt from Commission regulation pursuant to the terms of Section 367.022(5), Florida Statutes. It is further

ORDERED that should there be any change in circumstances or method of operation of Azalea Trace, Inc.'s wastewater facility, the owner of Azalea Trace, or any successor in interest, shall inform the Commission within thirty days of such change. It is further

ORDER NO. PSC-92-0456-FOF-SU
DOCKET NO. 920267-SU
PAGE 3

ORDERED that this docket is closed.

By ORDER of the Florida Public Service Commission, this 5th
day of June, 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 Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900 (a), Florida Rules of Appellate Procedure.