

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for exemption ) DOCKET NO. 920157-WU  
from Florida Public Service ) ORDER NO. PSC-92-0861-FOF-WU  
Commission regulation for ) ISSUED: 08/25/92  
provision of water service in )  
Escambia County by MOLINO )  
UTILITIES, INC. )  
\_\_\_\_\_)

ORDER INDICATING THE EXEMPT STATUS OF MOLINO UTILITIES, INC.

Molino Utilities, Inc. (Molino or utility) is a nonprofit corporation in Escambia County, which serves 1,532 water customers, including residential customers and farms, from its three wells. The mailing address of Molino is Post Office Box 126, Molino, Florida 32577. The contact person is Mr. Jeff Foster, President.

On February 19, 1992, Molino filed its request for exemption from Commission regulation pursuant to section 367.022(7), Florida Statutes, as a nonprofit corporation. This section provides an exemption from Commission regulation for "nonprofit corporations, associations, or cooperatives providing service solely to members who own and control such corporations, associations or cooperatives."

Before an exemption of this nature may be granted, the applicant requesting exemption must file with the Commission a statement specifying the following: that the corporation is nonprofit, providing service solely to the members who own and control it; whether it provides water service, wastewater service, or both; who will do the billing; and the service territory. Additionally, the applicant must submit its Articles of Incorporation as filed with the Secretary of State and its Bylaws. These documents must show clearly the requirements of membership, the members' voting rights, and the circumstances under which control passes to the nondeveloper members.

In its application, Molino stated that: it is nonprofit; it provides only water service; it provides service solely to members who own and control it; Molino does the billing; and the service area is limited to Molino, Barrineau Park, and Barth. The application included the Articles of Incorporation, Bylaws, and proof of ownership of the utility facilities. On June 2, 1992, Molino filed an Amendment to its Articles of Incorporation to provide that only members of the corporation can receive water service. In addition, the utility acknowledged section 837.06, Florida Statutes, regarding false statements.

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2000 RECORDS (RECORDS)

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Based on the facts as represented, we find that Molino is exempt from our regulation pursuant to section 367.022(7), Florida Statutes, as a nonprofit corporation providing service solely to members who own and control it. In the event of any change in circumstances or method of operation that might affect its exempt status, Molino, or its successor(s) in interest, shall notify this Commission within 30 days of the change so we may reevaluate its exempt status.

Molino shall record this order with the Clerk of the Court for Escambia County.

It is, therefore,

ORDERED by the Florida Public Service Commission that Molino Utilities, Inc. is exempt from Commission regulation under section 367.022(7), Florida Statutes, as a nonprofit corporation 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, Molino Utilities, Inc., or its successor(s) in interest, shall notify this Commission within 30 days of the change so we may reevaluate its exempt status. It is further

ORDERED that Molino Utilities, Inc. shall record this order with the Clerk of the Court for Escambia County. It is further

ORDERED that this docket is hereby closed.

By ORDER of the Florida Public Service Commission this 25th day of August, 1992.

  
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STEVE TRIBBLE, Director  
Division of Records and Reporting

( S E A L )

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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.