

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for Exemption)
from Florida Public Service) DOCKET NO. 921010-WS
Commission Regulation for) ORDER NO. PSC-92-1314-FOF-WS
Provision of Water and) ISSUED: 11/13/92
Wastewater Services in Alachua)
County by GATES ENERGY)
PRODUCTS, INC.)

ORDER INDICATING THE EXEMPT STATUS OF
GATES ENERGY PRODUCTS, INC.

BY THE COMMISSION:

On June 30, 1992, the Board of County Commissioners of Alachua County passed a resolution granting the Florida Public Service Commission (Commission) jurisdiction to regulate the water and wastewater utilities of Alachua 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 October 5, 1992, Gates Energy Products, Inc. (Gates) filed an application for exemption from regulation pursuant to Section 367.022(3), Florida Statutes.

Gates is a battery manufacturer with a Class D water treatment plant and a wastewater treatment plant. It is located in Alachua County, at U.S. Highway 441 North, Hague, Florida. Gates provides water and wastewater service solely for use in the daily manufacturing operation of the plant.

As a matter of practice, upon request and sufficient proof, Commission will issue an order indicating the nonjurisdictional exempt status of water or wastewater facilities, if they qualify under the appropriate section of Chapter 367 Florida Statutes. Section 367.022(3), Florida Statutes, provides that manufacturers providing service solely in connection with their operations are exempt from Commission regulation.

The application was filed in accordance with Section 367.022(3), Florida Statutes, and Rules 25-30.060(1)(2) &(3)(c), Florida Administrative Code. Gates' application shows that: that the company provides water and wastewater service solely in connection with its manufacturing operations; that the company provides both water and wastewater service; and that the battery plant located at U.S. Highway 441 North, Hague Florida, is the extent of the service area. Further, the applicant acknowledged Section 837.06, Florida Statutes, regarding false statements.

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Based upon the facts as represented, we find that the company is exempt from our regulation under the terms of Section 367.022(3), Florida Statutes. However, should there be any change in circumstances or method of operation, the owner of the Company, 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.

Based upon the foregoing, it is, therefore,

ORDERED by the Florida Public Service Commission that, based upon the facts as represented, Gates Energy Products, Inc, P.O. Box 147114-M9, Gainesville, Florida, 32614-7114, with Charles S. Fender, as contact person, is hereby exempt from Commission regulation pursuant to the terms of Section 367.022(3), Florida Statutes. It is further

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

ORDERED that this docket be closed.

By ORDER of the Florida Public Service Commission this 13th day of November, 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 Civil Procedure. The notice of appeal must be in the form specified in Rule 9.900 (a), Florida Rules of Appellate Procedure.

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