

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for Exemption) DOCKET NO. 921003-WS
From Florida Public Service) ORDER NO. PSC-92-1354-FOF-WS
Commission Regulation for) ISSUED: 11/23/92
Provision of Water and)
Wastewater Service in St.)
Lucie County by Norseman's)
Harbour Property Owners)
Association, Inc.)
_____)

ORDER INDICATING THE EXEMPT STATUS OF
NORSEMAN'S HARBOUR PROPERTY OWNERS ASSOCIATION, INC.

BY THE COMMISSION:

On October 5, 1992, Norseman's Harbour Property Owners Association, Inc. (Norseman's) filed an application for an exemption from Commission regulation pursuant to Section 367.022(6), Florida Statutes.

Norseman's is a twelve unit townhouse development which receives its water service by a well and its wastewater service by a septic tank. Norseman's, which has been in operation for approximately seven years, has the capacity to serve 56 people.

Norseman in its application states: that the system has the capacity to serve 100 or fewer people; the utility will provide both water and wastewater service; and the service area will be limited to the twelve townhouses. The facility is located at 3013 Lookout Blvd. South, Port St. Lucie, Florida, 34984. The Department of Environmental Regulation (DER) submitted documentation with the utility's application, which indicates the water system has a maximum flow capacity of 3,000 gallons per day. In addition, St. Lucie County Health Department reports indicate the septic system has a 5,800 gallon septic tank and is capable of serving 12 occupied units.

According to Section 367.022(6), Florida Statutes, "[s]ystems with the capacity or proposed capacity to serve 100 or fewer persons" are exempt from Commission regulation. In addition, Rule 25-30.055(1), Florida Administrative Code, provides that:

A water or wastewater system is exempt from Commission regulation under Section 367.022(6), Florida Statutes: if its current or proposed water or sewage treatment facilities and distribution or collection system have and will have a capacity, excluding fire flow capacity, of no greater than 10,000 gallons per day (gpd) or if the entire

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system is designed to serve no greater than 40 equivalent residential connections (ERCs). For purposes of this rule, an ERC equals 250 gallons per day.

Based on the facts as represented, we find that Norseman's system is exempt from Commission regulation pursuant to Section 367.022(6), Florida Statutes. We further find that Norseman's, or its successor in interest, should inform this Commission of any change in circumstances or method of operation within thirty days of such change so that we may review the matter to 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, Norseman's Harbour Property Owners Association, Inc.'s water and wastewater system located at 3013 Lookout Blvd. South, Port St. Lucie, Florida, 34984, with Carl R. Hellrig, as contact person, is hereby exempt from Commission regulation pursuant to the terms of Section 367.022(6), Florida Statutes. It is further

ORDERED that should there be any change in the circumstances or method of operation of the company's water and wastewater system, the company or any successor in interest shall inform the Commission with thirty (30) days of such change. It is further

ORDERED that this docket be closed.

By ORDER of the Florida Public Service Commission, this 23rd 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

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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.