

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for exemption) DOCKET NO. 920878-WS
from Florida Public Service) ORDER NO. PSC-92-1436-FOF-WS
Commission regulation for) ISSUED: 12/14/92
provision of water and)
wastewater service in)
Pinellas County by FOURTH)
STREET STATION I ASSOCIATES,)
LTD.)

ORDER INDICATING THE EXEMPT STATUS OF
FOURTH STREET STATION I ASSOCIATES, LTD.

BY THE COMMISSION:

Fourth Street Station I (FSSI) is a 384-unit apartment complex in Pinellas County, which provides water and wastewater services to its tenants. FSSI is located at 11401 9th Street North, St. Petersburg, Florida 33716-2310. The mailing address is 90 South Newton Street Road, Suite 2, Newton Square, Pennsylvania 19073-4035. The system owner is Fourth Street Station I Associates, Ltd. and Ms. Suzanne Brownless, attorney for the applicant, is the contact person.

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. On August 31, 1992, FSSI requested recognition of its exempt status for its water and wastewater systems under section 367.022(8), Florida Statutes, which provides an exemption for resellers.

The application was filed in accordance with Section 367.022(8), Florida Statutes, and Rules 25-30.060(2) and (3)(h), Florida Administrative Code. Included with the application was an affidavit from the applicant that: service is provided at a charge that does not exceed the actual purchase price; FSSI is aware of the requirements of Rule 25-30.111, Florida Administrative Code; FSSI provides both water and wastewater service; and the service area will be limited to the apartment complex.

In addition to the above, the applicant also provided a copy of a Service Agreement. Under the Service Agreement, Conservation Billing Service (CBS) agreed to install and maintain meters on each individual apartment unit within the complex. CBS will bill the apartment tenants on a monthly basis and collect the amounts due. Until it recovers the cost of its equipment, CBS shall pay FSSI an amount equal to 20% of the gross amount billed, less the CBS

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service charge of \$2.50/month/unit. After the equipment cost is recovered, CBS will pay FSSI 100% of the gross billings, less the CBS service charge of \$2.50 month/unit. There is no contract for service between CBS and individual tenants. The tenants are obligated to pay for water and wastewater service separately by virtue of the lease agreement with the landlord. The lease agreement identifies CBS as the landlord's billing agent. The water meter service will be phased in on a new lease and lease renewal basis only.

CBS will install a water meter in each apartment and read the meters on a monthly basis and bill the resident according to usage at the current rate charged to FSSI by the City of St. Petersburg, Pinellas County. These rates include a \$3.00 customer billing charge, a base facility charge of \$83.86 and \$81.11 for water and wastewater, respectively, and a gallonage charge of \$1.36/1,000 gallons used for water and \$1.72/1,000 gallons used for wastewater. The customer billing charge and the base facility charges for water and wastewater will be divided by the 384 units for a pro-rata charge. The applicant therefore will be reselling water and wastewater service at a rate which does not exceed its own purchase price.

The applicant acknowledged Section 837.06, Florida Statutes, regarding false statements.

Section 367.022(8), Florida Statutes, states that "[a]ny person who resells water or wastewater service at a rate or charge which does not exceed the actual purchase price thereof," and who complies with certain reporting requirements, is exempt from Commission regulation.

Based on the facts as represented, we find that Fourth Street Station I Associates, Ltd. is exempt from our regulation as a reseller pursuant to Section 367.022(8), Florida Statutes. In the event of any change of circumstances or method of operation, FSSI or its successor(s) in interest, shall notify this Commission within 30 days of such change so its exempt status may be reevaluated.

It is, therefore,

ORDERED by the Florida Public Service Commission that, based on the facts as represented, Fourth Street Station I Associates,

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Ltd. located at 11401 9th Street North, St. Petersburg, Florida 33716-2310, is hereby exempt from Commission regulation pursuant to the terms of section 367.022(8), Florida Statutes. It is further

ORDERED that should there be any change in circumstances or method of operation in which Fourth Street Station I Associates, Ltd.'s water and wastewater services are provided, the owner of Fourth Street Station I Associates, Ltd. or any successor in interest, shall inform the Commission within 30 days of the change. It is further

ORDERED that this docket be closed.

By Order of the Florida Public Service Commission this 14th day of December, 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

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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.