

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request for exemption) DOCKET NO. 940586-WS
from Florida Public Service) ORDER NO. PSC-94-0971-FOF-WS
Commission regulation for) ISSUED: August 11, 1994
provision of water and)
wastewater service in Duval)
County by OCEAN OAKS APARTMENTS.)
_____)

ORDER ACKNOWLEDGING EXEMPT STATUS OF UTILITY

Ocean Oaks Apartments (Ocean Oaks) is an apartment complex located in Duval County. Ocean Oaks is located at 1100 Seagate Avenue, Neptune Beach, Florida 32266. On May 27, 1994, pursuant to Section 367.022(8), Florida Statutes, Mr. John S. Ranney, agent and primary contact person for Ocean Oaks, filed for a reseller exemption. Mr. Ranney's business address is 2353 South Street John Bluff Road, Jacksonville, Florida 32246.

Upon request and sufficient proof, the Commission will issue an order indicating the nonjurisdictional or exempt status of water or wastewater systems if they qualify under the appropriate provision of Chapter 367, Florida Statutes. Ocean Oaks filed its application in accordance with Section 367.022(8), Florida Statutes, and Rule 25-30.060, Florida Administrative Code.

Section 367.022(8), Florida Statutes, states, in part, that "Any person who resells water or wastewater service at a rate or charge that does not exceed the actual purchase price" shall be entitled to a reseller exemption. Ocean Oaks plans to purchase its water and wastewater service from the City of Neptune Beach Utilities (the City) and resell the City's water and wastewater service to its residents at a rate that will not exceed its actual purchase price. Ocean Oaks will install individual meters and the residents will be charged only for the amount that they use. Ocean Oaks will limit its service area to the residents of the Ocean Oaks Apartments. The following is a schedule of the City's rates and charges:

WATER:

Base Facility Charge (BFC) - \$87.87 per month for a 4" meter

Consumption Charge - \$0.34 per thousand gallons

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WASTEWATER:

The total water bill (base facility charge + consumption charge) multiplied by a factor of 4.7502. Ocean Oaks' rates and charges for water and wastewater service are a mirror image of the City's charges. The following is a schedule of Ocean City's rates and charges:

WATER:

Base Facility Charge - \$0.29 per month per unit (\$87.87/303 units)
Consumption Charge - \$0.34 per thousand gallons

WASTEWATER:

The total water bill (base facility charge + consumption charge) multiplied by a factor of 4.7502.

Individual customer usage of 6,000 gallons will produce the following bill:

BFC Water (\$87.87 divided by 303 units)	= \$ 0.29
Water Gallonage (\$0.34 x 6)	= \$ 2.04

TOTAL WATER	= \$ 2.33
Sewer Charge (4.7502 x \$2.33)	= \$11.07

In its application, Ocean Oaks included a statement setting out its statutory and factual basis for the exemption. Ocean Oaks acknowledged the requirements of Rule 25-30.111, Florida Administrative Code, regarding annual reporting requirements. Ocean Oaks also acknowledged the requirements of Section 367.122, Florida Statutes, which deals with the examination and testing of meters; and Rules 25-30.262 through 25-30.267, Florida Administrative Code, which explain the responsibilities of the utility owner for insuring the accuracy of its meters.

Further, Ocean Oaks included a schedule of the City's current rates and charges, an explanation of its proposed rates and charges, an explanation of its proposed method of billing its customers for water and wastewater service, and a schedule showing that the amount billed will not exceed its purchase price. Envirotech will do the billing for Ocean Oaks, the meters will be read monthly to determine the residents' previous month usage, and the residents will be billed accordingly. Thus, Ocean Oaks' customers will be billed for their actual usage. Ocean Oaks will

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not charge its customers an administrative or processing fee, and it will not implement any miscellaneous charges. However, Ocean Oaks requires a refundable deposit of \$25.00 per unit; the City currently charges all residential customers \$80.00 per unit. The only area deemed "common area water" is the two pools and a laundry facility which are located on the complex, and Ocean Oaks is going to assume these costs. Finally, Ocean Oaks acknowledged Section 837.06, Florida Statutes, regarding false statements.

Therefore, based on the foregoing and pursuant to Section 367.022(8), Florida Statutes, we hereby acknowledge the exempt status of Ocean Oaks. However, Ocean Oaks, or its successors in interest, shall notify this Commission in the event of any change of circumstances or method of operation in its water and wastewater system. This docket is hereby closed.

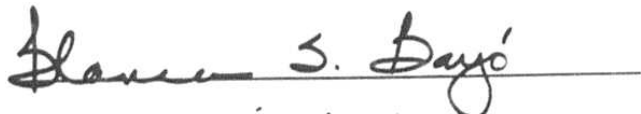
Based on the foregoing, it is, therefore,

ORDERED by the Florida Public Service Commission that the request for acknowledgement of its exemption from the Commission's regulation for provision of water and wastewater service in Duval County by Ocean Oaks Apartments pursuant to Section 367.022(8), Florida Statutes, is hereby granted. It is further

ORDERED that, in the event of any change in circumstances or method of operation, that Ocean Oaks, or its successors in interest, shall notify this Commission. It is further

ORDERED that this docket is hereby closed.

By ORDER of the Florida Public Service Commission, this 11th day of August, 1994.



BLANCA S. BAYÓ, 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.