

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request for exemption) DOCKET NO. 940189-WS
from Florida Public Service) ORDER NO. PSC-94-1165-FOF-WS
Commission regulation for) ISSUED: September 22, 1994
provision of water and)
wastewater service in Duval)
County by RIVER OAKS APARTMENTS.)
_____)

ORDER INDICATING EXEMPT STATUS OF RIVER OAKS APARTMENTS

BY THE COMMISSION:

On February 22, 1994, pursuant to Section 367.022(8), Florida Statutes, River Oaks Apartments (River Oaks) filed an application for an reseller exemption. Mr. Robert Sacks, vice president of CONAP Corporation (CONAP), filed the application on behalf of River Oaks. Mr. Sacks is the primary contact person for River Oaks. CONAP is the owner and manager of River Oaks. The utility is located at 11291 Harts Road, Jacksonville, Florida 32218.

Upon request and sufficient proof, the Commission will issue an order indicating the nonjurisdictional or exempt status of water and wastewater systems if they qualify under the appropriate provision of Chapter 367, Florida Statutes. River Oaks filed its application in accordance with Section 367.022(8), Florida Statutes, and Rules 25-30.060 (1), (2), and (3)(h), Florida Administrative Code. River Oaks included a schedule of its current charges, an explanation of its reseller's proposed charges, an explanation of its proposed method of billing its customers, separately, for water and wastewater, and a schedule showing its service charge will not exceed its purchase price.

Section 367.022(8), Florida Statutes, states, in part, 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. According to River Oaks' application, service will be provided at a charge that does not exceed its actual purchased price; River Oaks acknowledges the requirements of Rule 25-30.111, Florida Administrative Code; River Oaks provides water and wastewater service; and River Oaks has limited its service area to its residents.

In addition, pursuant to Section 837.06, Florida Statutes, and Rule 25-30.060(2)(f), Florida Administrative Code, anyone knowingly making a false statement in writing with the intent to mislead is

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guilty of a misdemeanor. By signing the application, Mr. Sacks has acknowledged that he is aware of Section 837.06, Florida Statutes, and the penalties for making false statements.

Based on the above facts and pursuant to Section 367.022(8), Florida Statutes, we find that River Oaks is exempt from Commission regulation as a reseller. In the event of any change in circumstances or methods of operation, the owner of River Oaks or any successor(s) in interest, must inform the Commission within thirty days of such change so its exempt status may be reevaluated.

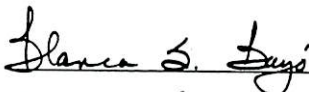
It is therefore,

ORDERED by the Florida Public Service Commission that, pursuant to Section 367.022(8), Florida Statutes, River Oaks Apartments, 11291 Harts Road, Jacksonville, Florida 32218, is hereby exempt from Commission regulation. It is further

ORDERED that if any change in circumstances or methods of operation occur, the owner of River Oaks Apartments, or its successor(s) in interest, shall notify this Commission within thirty days of such changes so that we may reevaluate its exempt status. It is further

ORDERED that this docket is hereby closed.

By ORDER of the Florida Public Service Commission, this 22nd day of September, 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.