

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request for exemption ) DOCKET NO. 941063-WS  
from Florida Public Service ) ORDER NO. PSC-95-0337-FOF-WS  
Commission regulation for ) ISSUED: March 10, 1995  
provision of water and )  
wastewater service in Orange )  
County by THE GREENS AT )  
METROWEST )  
\_\_\_\_\_ )

ORDER INDICATING EXEMPT STATUS OF THE GREENS AT METROWEST

BY THE COMMISSION:

On October 5, 1994, The Greens At Metrowest (The Greens) filed an application with this Commission for recognition of its exempt status, pursuant to Section 367.022(8), Florida Statutes. The Greens is a 200-unit apartment complex located at 1658 South Hiwassee Road, Orlando, Florida. The primary contact person for The Greens is Mr. Frank Manno. Mr. Manno's mailing address is c/o Conservation Billing Services, Inc., 90 S. Newtown Street Road, Suite #2, Newtown Square, Pennsylvania, 19073-4035. The application was signed by Mr. Paul Kiang, agent for Pacific Life Mutual Insurance Company, d/b/a The Greens At Metrowest.

The Greens has decided to install individual meters in order to charge residents for their actual consumption of water and wastewater service. The Greens plans to purchase water and wastewater service from Orlando Utilities and resell these services to the residents at a rate that does not exceed the actual price The Greens pays the utility for the services. Conservation Billing Services, Inc. (CBSI) will read the individual meters on a monthly basis for The Greens and will bill the residents accordingly. Common areas water consumption is to be allocated by formula uniformly to the individual apartments. The Greens will absorb the allocation to unoccupied units. Neither The Greens nor CBSI will charge any processing or other administrative fees to the residents.

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. The Greens' application was filed in accordance with Section 367.022(8),

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Florida Statutes, and Rules 25-30.060 (1), (2) and (3)(h), Florida Administrative Code.

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 The Greens' application, services are to be provided at charges that do not exceed the actual purchase price of the services; The Greens is aware of the requirements of Rule 25-30.111, Florida Administrative Code; The Greens provides water and wastewater service; and the service area is limited to its apartment complex at 1658 South Hiwassee Road, Orlando, Florida, 32835.

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

Based on the facts as represented, we find that The Greens is exempt from Commission regulation as a reseller pursuant to Section 367.022(8), Florida Statutes. In the event of any change of circumstances or method of operation, the owner of The Greens or any successors in interest, must inform the 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 upon the facts as represented, The Greens At Metrowest is hereby exempt from Commission regulation pursuant to the provisions of Section 367.022(8), Florida Statutes. It is further

ORDERED that should there be any change in circumstances or method of operation, the owner of The Greens At Metrowest, or any successors in interest, shall inform this Commission within 30 days of such a change so that we may reevaluate The Greens At Metrowest's exempt status. It is further

ORDERED that Docket No. 941063-WS is hereby closed.

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By ORDER of the Florida Public Service Commission, this 10th  
day of March, 1995.

BLANCA S. BAYÓ, Director  
Division of Records and Reporting

by: Kay Hizon  
Chief, Bureau of Records

( S E A L )

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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 and/or wastewater 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 Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900 (a), Florida Rules of Appellate Procedure.