

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request For Exemption ) DOCKET NO. 950473-WU  
From Florida Public Service ) ORDER NO. PSC-95-0727-FOF-WU  
Commission Regulation For ) ISSUED: June 19, 1995  
Provision of Water Service in )  
Citrus County by Nathan Family )  
Limited. )  
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ORDER INDICATING NONJURISDICTIONAL STATUS  
OF NATHAN FAMILY LIMITED AND CLOSING DOCKET

BY THE COMMISSION:

On April 17, 1995, Nathan Family Limited filed an application with this Commission for recognition of its nonjurisdictional status, pursuant to Section 367.021(12), Florida Statutes. Nathan Family Limited is a Florida Limited Partnership. The partners are husband and wife, Drs. Rama V. Nathan and Meena R. Nathan. Nathan Family Limited's water system is located on Lot 192, Deerwood Section, on State Road 44, approximately 2000 feet west of Inverness city limits, Citrus County, Florida. The water system is being constructed to serve an office building used solely by the partners. Dr. Rama V. Nathan, General Partner, Chief Executive Officer and primary contact person, filed the application on behalf of Nathan Family Limited.

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 application was filed in accordance with Section 367.021(12), Florida Statutes, and Rules 25-30.060(2) and (3)(j), Florida Administrative Code.

Section 367.021(12), Florida Statutes, states that a "utility means a water or wastewater utility and except as provided in Section 367.022, includes every person, lessee, trustee, or receiver owning, operating, managing or controlling a system, or proposing construction of a system, who is providing or proposes to

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provide water or wastewater service to the public for compensation."

According to Nathan Family Limited's application, water service is provided only to the office building, which is occupied only by the partners, located on Lot 192, Deerwood Section, on State Road 44 approximately 2000 feet west of Inverness city limits, Citrus County, Florida, there is no charge for providing the service, and all costs of providing service are treated or recovered as operational expenses. Wastewater service is provided by septic tank.

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, Dr. Nathan 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 Nathan Family Limited is not a utility pursuant to the provisions of Section 367.021(12), Florida Statutes. Accordingly, Nathan Family Limited is not subject to this Commission's jurisdiction. However, should there be any change in circumstances or method of operation, such as renting office space to individuals other than the partners of Nathan Family Limited or providing service to another entity outside the office building, the owner of Nathan Family Limited or any successors in interest, must inform the Commission within 30 days of such change so that its nonjurisdictional status may be reevaluated.

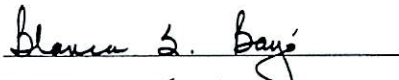
It is, therefore,

ORDERED by the Florida Public Service Commission that, based upon the facts as represented, Nathan Family Limited, 2525 Highway 44 West, Inverness, Florida 34453, is not a water utility subject to this Commission's jurisdiction, pursuant to the provisions of Section 367.021(12), Florida Statutes. It is further

ORDERED that should there be any change in circumstances or method of operation, the owner of Nathan Family Limited or any successors in interest, shall inform this Commission within 30 days of such a change so that we may reevaluate its nonjurisdictional status. It is further

ORDERED that this docket is hereby closed.

By ORDER of the Florida Public Service Commission, this 19th  
day of June, 1995.



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 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.