

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request For Exemption) DOCKET NO. 950334-WS
From Florida Public Service) ORDER NO. PSC-95-0930-FOF-WS
Commission Regulation For) ISSUED: August 1, 1995
Provision of Water and)
Wastewater Service in Brevard)
County by Cardinal Clearlake)
Pines.)
_____)

ORDER INDICATING EXEMPT STATUS
OF CARDINAL CLEARLAKE PINES AND CLOSING DOCKET

BY THE COMMISSION:

On March 28, 1995, Cardinal Clearlake Pines filed an application with this Commission for recognition of its exempt status, pursuant to Section 367.022(8), Florida Statutes. Cardinal Clearlake Pines is a 68-unit apartment complex owned by Realty Opportunity Income Fund I, Ltd. The apartment complex is located at 2600 Clearlake Road 1-A, Cocoa, Florida. Mr. Paul Steinfurth, President of Realty Capital and Realty Opportunity Income Fund I, Ltd., filed the application on behalf of Cardinal Clearlake Pines. The primary contacts are Mr. Paul Steinfurth, 3250 Mary Street, Suite 306, Miami, Florida 33133; and Mr. William Westrich, Manager, WaterMaster Metering System, 1570 Madrugá Avenue, Coral Gables, Florida 33146.

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 367.022(8), Florida Statutes, which 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 Cardinal Clearlake Pines' application, service is limited to the 68-unit apartment complex located at 2600 Clearlake Road 1-A, Cocoa, Florida. Cardinal Clearlake Pines' intends to

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purchase water and wastewater service from the City of Cocoa and resell these services at a rate which does not exceed the actual purchase price.

Meters have been installed on the individual apartments so that residents will pay for the actual amount of water and wastewater service used. WaterMaster Metering Systems will read the meters on a monthly basis and bill residents accordingly for Cardinal Clearlake Pines. Residents will not be charged for water to common areas and there is not deposit for water and wastewater services. No administrative or processing fee will be charged to the residents. Cardinal Clearlake Pines will pay all fees to WaterMaster Metering Systems.

Cardinal Clearlake Pines is aware of the requirements of Rule 25-30.111, Florida Administrative Code. 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. Steinfurth 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 Cardinal Clearlake Pines 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 Cardinal Clearlake Pines 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, Cardinal Clearlake Pines, 2500 Clearlake Road 1-A, Cocoa, Florida 32922-5701, 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 Cardinal Clearlake Pines or any successors in interest shall inform this Commission within 30 days of such a change so that we may reevaluate its exempt status. It is further

ORDERED that Docket No. 950334-WS is hereby closed.

By ORDER of the Florida Public Service Commission, this 1st
day of August, 1995.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

by: Kay Ferguson
Chief, Bureau of Records

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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, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, 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.