

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request for exemption ) DOCKET NO. 950704-WS  
from Florida Public Service ) ORDER NO. PSC-95-1326-FOF-WS  
Commission regulation for ) ISSUED: November 1, 1995  
provision of water and )  
wastewater service in Orange )  
County by Oak Forest Apartments. )  
\_\_\_\_\_ )

ORDER INDICATING EXEMPT STATUS OF OAK FOREST APARTMENTS  
AND CLOSING DOCKET

BY THE COMMISSION:

Oak Forest Apartments (Oak Forest) is a 408-unit apartment complex located in Orange County, at 3200 Old Wintergarden Road, Ocoee, Florida, 34761. On June 21, 1995, Oak Forest filed an application with this Commission for a reseller exemption pursuant to Section 367.022(8), Florida Statutes. Ms. Jacqueline Leccese, Owner, designated Mr. John S. Ranney as the agent and primary contact person for the purposes of this docket. Mr. Ranney is Director of Operations at Envirotech Utility Management Services (Envirotech), a sub-metering company located at 1502 Roberts Drive, Jacksonville, Florida 32250.

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

Included with the exemption application were copies of materials setting out the factual basis for the exemption. The applicant acknowledged the requirements of Rule 25-30.111, Florida Administrative Code, regarding annual reporting. The applicant also acknowledged the requirements of Section 367.122, Florida Statutes, which concerns 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 the meters.

Oak Forest will purchase water and wastewater services from the City of Ocoee Public Utilities Department (City). Oak Forest proposes to resell these services to the residents at a rate that does not exceed the actual purchase price paid for these services,

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in accordance with Section 367.022(8), Florida Statutes. Envirotech will provide meter installation, customer billing, and meter reading services to the residents of Oak Forest. Meters (5/8" by 3/4") have been installed in each apartment. Therefore, residents pay only for individual water consumption.

In the application, the applicant stated that the service territory will be limited to the Oak Forest apartment complex. The applicant submitted a schedule of the City's current rates and charges, an explanation of the reseller's proposed rates and charges, an explanation of the proposed method of billing customers, separately, for both water and wastewater, and a schedule showing the amount billed will not exceed the amount paid for water and wastewater.

Envirotech will read the meters monthly, and will bill the residents approximately ten days after the meters are read. The bills will be sent to the residents at around the first of each month. Residents will be billed for actual usage of water and wastewater service. No administrative or processing fee will be assessed to the residents. A refundable \$30 deposit will be required of each customer. Oak Forest will not allocate the cost of common area water to the residents.

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. Ranney acknowledged that he is aware of Section 837.06, Florida Statutes, and the penalties for making false statements in the application.

Based upon the facts as represented, we find that Oak Forest 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 Oak Forest or any successors in interest, must inform the Commission within thirty (30) days of such change so that its exempt status may be reevaluated.

Based on the foregoing, it is

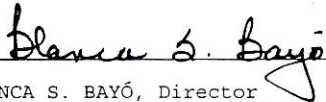
ORDERED by the Florida Public Service Commission that, based upon the facts as represented, Oak Forest Apartments, 3200 Old Wintergarden Road, Ocoee, Florida 34761, is hereby exempt from Commission regulation pursuant to the provisions of Section 367.022(8), Florida Statutes. It is further

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ORDERED that should there be any change in circumstances or method of operation, the owner of Oak Forest Apartments or any successors in interest shall inform this Commission within thirty (30) days of such a change so that we may reevaluate Oak Forest Apartments' exempt status. It is further

ORDERED that this docket is hereby closed.

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

A handwritten signature in black ink, reading "Blanca S. Bayó", is written over a horizontal line.

BLANCA S. BAYÓ, Director  
Division of Records and Reporting

( S E A L )

RGC

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.