

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request For Exemption) DOCKET NO. 950893-WS
From Florida Public Service) ORDER NO. PSC-95-1608-FOF-WS
Commission Regulation For) ISSUED: December 28, 1995
Provision of Water and)
Wastewater Service in Broward)
County by Coral Lake Apartments.)
_____)

ORDER INDICATING EXEMPT STATUS
OF CORAL LAKE APARTMENTS AND CLOSING DOCKET

BY THE COMMISSION:

On July 28, 1995, Coral Lake Apartments (Coral Lake) filed an application with this Commission for recognition of its exempt status, pursuant to Section 367.022(8), Florida Statutes. Coral Lake is a 260-unit apartment complex located at 8300 Coral Lake Lane, Coral Springs, Broward County, Florida. The apartment complex is owned by Metropolitan Life Insurance Company (Met Life). Mr. Robert M. Valez, Director of Corporate Property Management, Met Life, filed the application on behalf of Coral Lake. The primary contact person is Ms. Rosemary LaPrete.

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 Rule 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 Coral Lake's application, the service area is limited to the apartment complex located at 8300 Coral Lake Lane, Coral Springs (City), Florida. Coral Lake intends to purchase water and wastewater from the City of Coral Springs and resell it to its residents at a rate that does not exceed the actual purchase price. The City charges the apartment complex a fixed charge per unit and a usage rate. Since meters have not been installed on each apartment, Coral Lake charges its residents the fixed unit charge and taxes charged by the City; it does not charge the

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residents for usage. Coral Lake will be responsible for service to common areas and vacant apartments. No administrative or processing fees or miscellaneous charges will be charged to the residents.

Coral Lake is aware of the requirements of Section 367.122, Florida Statutes, and Rules 25-30.111 and 25-30.262 through 25-30.267, 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. Valez 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 Coral Lake is exempt from our regulation pursuant to Section 367.022(8), Florida Statutes. However, Coral Lake is put on notice that if there is any change in circumstance or method of operation, it should inform the Commission within 30 days of such change so that its exempt status may be reevaluated.

It is, therefore,

ORDERED by the Florida Public Service Commission that, based upon the facts as represented, Coral Lake Apartments, 5400 Congress Avenue, Suite 1100, Boca Raton, Florida 33487, is hereby exempt from Commission regulation pursuant to the provisions of Section 367.022(8), Florida Statutes. It is further

ORDERED that Docket No. 950893-WS is hereby closed.

By ORDER of the Florida Public Service Commission, this 28th day of December, 1995.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

by: Kay J. [Signature]
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.