

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request by HERNANDO 515 RRH)	DOCKET NO. 891207-WS
LTD. for exemption from FPSC regulation)	ORDER NO. 22598
for water and sewer facilities in)	ISSUED: 2-26-90
Citrus County.)	

ORDER RECOGNIZING THE EXEMPT STATUS OF
HERNANDO 515 RRH LTD.

BY THE COMMISSION:

Hernando 515 RRH Ltd. (Hernando or utility) is a multi-family apartment complex in Citrus County. Hernando proposes to construct water and sewer treatment plants to serve its tenants. Pursuant to Section 367.031, Florida Statutes, before the Department of Environmental Regulation (DER) will issue a construction permit, it requires either a certificate authorizing service or proof that the utility is not subject to the regulation of this Commission. Therefore, by letter and affidavit received October 18, 1989, Hernando has requested recognition of its exempt status.

Upon request and sufficient proof, the Commission will issue an order indicating the nonjurisdictional or exempt status of water or sewer facilities, if they qualify under the appropriate section of Chapter 367, Florida Statutes. Hernando requested recognition of its exempt status under Section 367.022(5), Florida Statutes.

As requested, Hernando submitted a copy of its standard lease agreement on January 30, 1990. Hernando's letter, affidavit, and lease agreement show that it will provide water and sewer service solely to its tenants; it will not collect any specific charge for water or sewer service from its tenants, as those charges are nonspecifically included in the tenants' monthly rents; and the water and sewer plants will be located on-site.

Section 367.022(5), Florida Statutes, states that landlords providing service to their tenants are exempt from Commission regulation. Based upon the facts as represented, we find that Hernando is exempt from our regulation under the terms of Section 367.022(5), Florida Statutes. However, should there be any change in circumstances or method of operation, the owner of Hernando, or any successor in interest, must

DOCUMENT NUMBER-DATE
01784 FEB 26 1990
FPSC-RECORDS/REPORTING

DOCKET NO. 891207-WS
ORDER NO. 22598
PAGE 2

inform the Commission within thirty days of such change, so that we may determine whether exempt status is still appropriate.

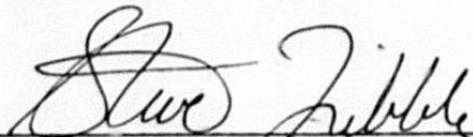
It is, therefore,

ORDERED by the Florida Public Service Commission that, based upon the facts as represented, Hernando 515 RRH Ltd., located at Route 1, Box 318, Newberry, Florida 32669, is hereby exempt from Commission regulation pursuant to the terms of Section 367.022(5), Florida Statutes. It is further

ORDERED that should there be any change in circumstances or method of operation of the utility's water or sewer facility, the owner, or any successor in interest, shall inform the Commission within thirty days of such change. It is further

ORDERED that this docket be closed.

By ORDER of the Florida Public Service Commission,
this 26th day of FEBRUARY, 1990.



STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

DCS

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.

DOCKET NO. 891207-WS
ORDER NO. 22598
PAGE 3

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 or sewer 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.