

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for reseller)
exemption from Florida Public)
Service Commission regulation)
for provision of water service)
in Lee County by HEALTHPARK)
FLORIDA PROPERTY OWNERS')
ASSOCIATION, INC.)
_____)

DOCKET NO. 920039-WU
ORDER NO. PSC-92-0279-FOF-WU
ISSUED: 04/30/92

The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD, Chairman
SUSAN F. CLARK
J. TERRY DEASON
BETTY EASLEY
LUIS J. LAUREDO

ORDER INDICATING THE EXEMPT STATUS OF
HEALTHPARK FLORIDA PROPERTY OWNERS' ASSOCIATION, INC.


BY THE COMMISSION:

BACKGROUND

Healthpark Florida Property Owners' Association, Inc., (Healthpark or the Association) is a Florida not-for-profit corporation which is located at 16201 Bass Road, Fort Myers, Florida 33908. Healthpark is a newly established 402 acre site for a health and medical-care business development. Lee Memorial Hospital is located on the site, along with a temporary trailer which houses the sales office for the remaining property that is being marketed in the development. The hospital and sales trailer are currently using reclaimed water that Healthpark is purchasing from Lee County Utilities. Neither of the two customers are currently being charged for the reclaimed water. Florida Cities Water Company provides the potable water and wastewater service to the site.

On January 10, 1992, Healthpark filed an application for an exemption from Florida Public Service Commission regulation as a reseller of reclaimed water pursuant to Section 367.022(8), Florida Statutes. The Association would like to be exempt to resell the reclaimed water that it purchases from Lee County Utilities to the

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various property owners in the business development. The reclaimed water is used solely for irrigational purposes.

Section 367.022(8), Florida Statutes, indicates exempt status for:

any person who resells water or wastewater at a rate or charge which does not exceed the actual purchase price thereof, if such person files at least annually with the Commission a list of charges and rates for all water service sold, the source and actual purchase price thereof, and any other information required by the Commission to justify the exemption.

The Association's application contained a signed document which acknowledged the reporting requirement in Rule 25-30.111, Florida Administrative Code. The document also stated that the applicant is aware of the requirements concerning the examination and testing of meters as provided in Section 367.122, Florida Statutes, and Rules 25-30.262 and 25-30.267, Florida Administrative Code, which explain the responsibilities of the applicant for insuring the accuracy of the meters. Lastly, the applicant acknowledged Section 837.06, Florida Statutes, which details the penalty for making false statements within the application.

The information provided by the applicant shows that Healthpark purchases reclaimed water in order to provide it to the various property owners within the Association for irrigation needs. Each customer has its own meter and will be billed monthly for the actual usage of reclaimed water. Lee County Utilities sells reclaimed water to the Association for 13 cents per 1,000 gallons. Healthpark is requesting an exemption in order to sell the reclaimed water to its members for 13 cents per 1,000 gallons, which is equal to Lee County Utilities' purchase price. Thus, Healthpark will resell the reclaimed water at a rate or charge which does not exceed the actual purchase price.

Therefore, based upon the facts as represented, we find that Healthpark is exempt from our regulation under the terms of Section 367.022(8), Florida Statutes. However, should there be any change in the Association's method of operation or billing procedures, the

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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 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.

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owner of Healthpark, or any successor in interest, must inform this Commission within 30 days of such a change, so that the exempt status may be reevaluated.

It is, therefore,

ORDERED by the Florida Public Service Commission that based upon the facts as represented, Healthpark Florida Property Owners' Association, Inc., located at 16201 Bass Road, Fort Myers, Florida 33908, with Douglas A. Dodson as contact person, is hereby exempt from Commission regulation pursuant to the terms of Section 367.022(8), Florida Statutes. It is further

ORDERED that Healthpark Property Owners' Association, Inc., shall comply with the filing requirements of Rule 25-30.111, Florida Administrative Code. It is further

ORDERED that should there be any changes in the method of operation or billing procedure of Healthpark Property Owners' Association, Inc., in the course of its providing reclaimed water service, the owner(s) of Healthpark Property Owners' Association, Inc., or any successor in interest, shall inform this Commission within 30 days of such change. It is further

ORDERED that this docket may be closed.

By ORDER of the Florida Public Service Commission, this 30th day of April, 1992.



STEVE TRIBBLE, Director
Division of Records and Reporting

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