

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for Exemption)
from Florida Public Service)
Commission regulation for a)
water treatment system in)
Escambia County by Gulf Power)
Company)

DOCKET NO. 920216-WU
ORDER NO. PSC-92-0409-FOF-WU
ISSUED: 05/26/92

ORDER INDICATING THE NONJURISDICTIONAL
STATUS OF GULF POWER COMPANY

BY THE COMMISSION:

Gulf Power Company (Gulf Power) is an electric utility that provides electrical service to residents of Escambia County and surrounding counties within the State of Florida. The Christ Electric Generation Plant provides a portion of Gulf Power's generating capacity for Escambia and surrounding counties. Water is provided to the electric generation plant by Gulf Power through an on-site water plant.

On March 5, 1992, Gulf Power filed an application for recognition of nonjurisdictional status pursuant to Section 367.021(12), Florida Statutes. Ms. Rachael L. Allen, Associate Environmental Affairs Specialist, is the contact person for Gulf Power and the mailing address is Post Office Box 1151, Pensacola, Florida 32520-1151.

Upon request and sufficient proof, the Commission will issue an order indicating the nonjurisdictional or exempt status of water or wastewater facilities if they qualify under the appropriate provision of Chapter 367, Florida Statutes. The application submitted by Gulf Power states that: the utility will provide water service solely to the Christ Electric Generating Plant; there is no charge for providing this utility service; and all costs of providing service are treated or recovered as operational expenses.

According to Section 367.021(12), Florida Statutes, "utility means a water or wastewater utility and except as provided in Section 367.022, includes every person, lessee, trustee, or receiver owning, operating, managing or controlling a system, or proposing construction of a system, who is providing or proposes to provide water or wastewater service to the public for compensation."

Because Gulf Power will not be providing water service to the public for compensation on the facts as represented, we find that Gulf Power is not a water utility pursuant to Section 367.021(12),

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Florida Statutes. However, should there be any change in circumstances or method of operation, the owner of Gulf Power or any successor in interest, must inform the Commission within 30 days of such change so that we may review the matter to determine whether nonjurisdictional status is still appropriate.

Based on the foregoing, it is therefore,

ORDERED by the Florida Public Service Commission that, based upon the facts as represented, Gulf Power Company, located at 500 Bayfront Parkway, Pensacola, Florida 32520, is not a water utility subject to this Commission's jurisdiction pursuant to the terms of Section 367.021(12), Florida Statutes. It is further

ORDERED that should there be any change in circumstances or method of operation, Gulf Power Company or its successor(s) in interest, shall inform this Commission within 30 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 May, 1992.

STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

by: Kay Flynn
Chief, Bureau of Records

LAJ

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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 Civil Procedure. The notice of appeal must be in the form specified in Rule 9.900 (a), Florida Rules of Appellate Procedure.