

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for exemption) DOCKET NO. 920706-SU
from Florida Public Service) ORDER NO. PSC-92-1008-FOF-SU
Commission regulation for) ISSUED: 09/21/92
provision of wastewater)
service in Escambia County by)
GRANTWOOD APARTMENTS.)
_____)

ORDER INDICATING THE EXEMPT STATUS OF
GRANTWOOD APARTMENTS

BY THE COMMISSION:

On July 7, 1992, Grantwood Apartments (Grantwood) located at 1780 Baston Lane, Cantonment, Florida, in Escambia County, filed an application for an exemption from regulation by the Florida Public Service Commission pursuant to Section 367.022(5), Florida Statutes. Grantwood is a thirty-seven unit apartment complex which provides wastewater service to its tenants. Water service is provided to the tenants of Grantwood by Gonzalez Utilities Service.

As a matter of practice, 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 section of Chapter 367, Florida Statutes. Grantwood requested recognition of its exempt status under Section 367.022(5), Florida Statutes, which provides that landlords providing service to their tenants without specific compensation for the service shall not be subject to regulation by the Commission.

In addition, Rule 25-30.060(e) states:

For an exemption pursuant to Section 367.022(5), Florida Statutes, a statement from the landlord that it provides service solely to tenants; that charges for service are non-specifically contained in rental charges; stating whether it provides water service, wastewater service or both; and specifying the service area. A copy of the landlord's most recent version of a standard lease or rental agreement, stating that there is no separate charge for water service, wastewater service or both, shall be submitted with the application;....

The application shows that: Grantwood provides wastewater service solely to its tenants; does not collect any specific charge for wastewater service from its tenants, as those charges are

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nonspecifically included in the tenants' monthly rents as established in the standard lease provided; and service is limited to the 37 units of Grantwood Apartments located at 1780 Baston Lane, Cantonment, Florida 32533.

Based upon the facts as represented, we find that Grantwood 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 Grantwood or any successor in interest, must 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, Grantwood Apartments, located at 1780 Baston Lane, Cantonment, Florida, 32533, in Escambia County, with Mr. Ray Etheridge as contact person, and a mailing address of 596 University Office Boulevard, Suite C, Pensacola, Florida 32504-5224, 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 Grantwood Apartments' facility, the owner of Grantwood Apartments, 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 21st day of September, 1992.



STEVE TRIBBLE, Director
Division of Records and Reporting

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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.