

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for exemption) DOCKET NO. 921328-WS
from Florida Public Service) ORDER NO. PSC-93-0231-POF-WS
Commission Regulation for) ISSUED: 02/10/93
Provision of Water and Wastewater)
Service in St. Lucie County by)
OCEAN TOWERS UTILITIES CORP. INC.)

ORDER INDICATING THE EXEMPT STATUS OF
OCEAN TOWERS UTILITIES CORPORATION, INC.

BY THE COMMISSION:

On December 30, 1992, Ocean Towers Utilities Corporation, Inc. (Ocean Towers or Corporation) filed its request for exemption from Commission regulation pursuant to Section 367.022(7), Florida Statutes. Ocean Towers is located at 9400 South Ocean Drive, Jensen Beach, Florida, 34957. The Corporation's contact person is Jane Cornett, Esq., of Wackeen, Cornett, & Googe, P. A., Post Office Box 66, Stuart, Florida 34995. Ocean Towers currently provides water service only to Seawind Condominium, and it provides both water and wastewater service to Island Village Phase I, Island Village Phase II, and Ocean Towers Condominium.

Ocean Towers requested that it be found exempt pursuant to Section 367.022(7) of Chapter 367, Florida Statutes. Under this section, "[N]onprofit corporations, associations, or cooperatives providing service solely to members who own and control such nonprofit corporations, associations, or cooperatives" are exempt from Florida Public Service Commission regulation. In addition, the Corporation filed its application in accordance with Rule 25-30.060(3)(g), Florida Administrative Code.

In its application dated December 23, 1992, the Corporation states that it is a nonprofit corporation, that it will provide water² and wastewater service solely to its members who own and control it, and that it will provide its own billing. The service area is specified as the Ocean Towers Condominium, Seawind Condominium, and Phases I and II of Island Village. The Corporation provided a recorded warranty deed conveying to the Corporation the land upon which the facilities are located, thereby establishing proof of ownership of the facilities and continued use of the land where the facilities are located.

Based upon the facts as represented, we find that Ocean Towers is exempt from our regulation under the terms of Section 367.022(7), Florida Statutes. However, should there be any change in circumstances of Ocean Towers, a representative of the Corporation must inform this Commission within thirty days of such change, so that we may reevaluate the Corporation's exempt status.

01639 FEB 10 93

FPSC-RECORDS/REPORTING

It is, therefore,

ORDERED by the Florida Public Service Commission that, based upon the facts as represented, Ocean Towers Utilities Corporation, Inc., located at 9400 South Ocean Drive, Jensen Beach, Florida 34957, is hereby exempt from Commission regulation pursuant to the terms of Section 367.022(7), Florida Statutes. It is further

ORDERED that should there be any change in circumstances of Ocean Towers Utilities Corporation, Inc., a representative of the Ocean Towers Utilities Corporation, Inc., shall inform this Commission within thirty days of such change so that we may reevaluate its exempt status. It is further

ORDERED that this docket is closed.

By ORDER of the Florida Public Service Commission this 10th day of February, 1993.



STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

LK

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.