

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request for exemption) DOCKET NO. 930316-WS
from Florida Public Service) ORDER NO. PSC-93-1649-FOF-WS
Commission regulation for) ISSUED: November 10, 1993
provision of water and)
wastewater in Palm Beach County)
by HIDDEN HARBOR APARTMENTS.)
_____)

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON, Chairman
SUSAN F. CLARK
JULIA L. JOHNSON
LUIS J. LAUREDO

ORDER INDICATING EXEMPT STATUS OF
HIDDEN HARBOR APARTMENTS AND CLOSING DOCKET

BY THE COMMISSION

Pursuant to Section 367.022(8), Florida Statutes, and Rules 25-30.060(2) and 3(h), Florida Administrative Code, on March 22, 1993, Hidden Harbor Apartments (Hidden Harbor or applicant) filed an application for a reseller exemption. Mr. Robert F. Oulton, president of H2oulton Metering System, Inc. d/b/a Water and Sewer Services of Florida (WSS), is the agent and contact person for Hidden Harbor. Hidden Harbor's service area is located at 222 Kingfisher Way, Royal Palm Beach, Florida, and its mailing address is P.O. Box 5430, Lighthouse Point, Florida 33074-5430.

Section 367.022(8), Florida Statutes, states that a reseller of water and wastewater services is not subject to Commission regulation if it does not resell its water or wastewater services at a rate or charge that exceeds its purchased price. Hidden Harbor is a corporation that provides water and wastewater services to its tenants at a charge that does not exceed the amount that the primary seller, Village of Royal Palm Beach Utility (VRPBU), charges it, and, further, Hidden Harbor limits its water and wastewater service to its apartment complex.

Hidden Harbor has contracted with WSS for sub-metering services which include the installation of a water meter at each apartment. WSS will read the meters on a monthly basis and bill each resident according to usage using the current rate that VRPBU charges Hidden Harbor. However, based upon the master meter to

DOCKET NO. 93-1649-FOF-WS

12140 NOV 10 93

FILED IN THE OFFICE OF THE CLERK OF THE COMMISSION

Hidden Harbor, Hidden Harbor continues to be the primary obligor for payment of water and wastewater charges by VRPBU.

Hidden Harbor has nine apartment buildings with a total of 200 apartment units and one building that houses its recreational center. WSS will receive individual payments from the tenants of Hidden Harbor. The rates that VRPBU charges Hidden Harbor for the ten meters at each of the ten buildings include base facility charges of \$208.32 and \$156.72 for water and wastewater, respectively, or \$3,650.40 ($\$208.32 + \156.72×10 meters) along with gallonage charges of \$1.29 per 1,000 gallons used for water and \$1.25 per 1,000 gallons used for wastewater with a cap of 7,500 gallons used per apartment. Each of the 200 apartment units will be billed base facility charges equal to \$6.53 and \$8.68 for water and wastewater, respectively. These charges total \$3,042.00 ($\6.53×200 units + $\$8.68 \times 200$ units), and they amount to a lesser charge than the base facility charge of \$3,650.40 that VRPBU charges Hidden Harbor.

Hidden Harbor has requested that it be allowed to pass through its customer deposits to its tenants. VRPBU charges Hidden Harbor a security deposit of \$800 each for the ten apartment buildings in the complex. Hidden Harbor has proposed to divide its security deposit of \$7,200 (800×9) among the 200 apartment units for a pro-rata share of \$36.00 for each unit. Hidden Harbor will pay the \$800 security deposit for the recreational center. Once a customer has established a satisfactory payment record and has had continuous service for 24 months, Hidden Harbor will refund with interest the customer's deposit. VRPBU does not plan to pay interest on the security deposit it holds from Hidden Harbor. We find it appropriate to allow Hidden Harbor to collect customer deposits on a pro-rata basis as described above.

Hidden Harbor understands its obligations under Section 367.122, Florida Statutes, regarding examining and testing meters, Rule 25-30.111, Florida Administrative Code, regarding annual reporting requirements, and Rules 25-30.262 through 25-30.267, Florida Administrative Code, regarding Hidden Harbor's responsibilities for insuring its meters' accuracy. Hidden Harbor also acknowledges Section 837.06, Florida Statutes, regarding false statements.

Based on the above facts and pursuant to Section 367.022(8), Florida Statutes, we find that Hidden Harbor qualifies for exemption from Commission regulation. However, should there be any

ORDER NO. PSC-93-1649-FOF-WS
DOCKET NO. 930316-WS
PAGE 3

change in circumstances or method of operation that might affect its exempt status, Hidden Harbor or its successor(s) in interest shall inform the Commission within thirty days of such change so that its exempt status may be reevaluated.

It is, therefore,

ORDERED by the Florida Public Service Commission that, based upon the foregoing facts, Hidden Harbor Apartments, 222 Kingfisher Way, Royal Palm Beach, Florida 33411, is exempt from Commission regulation, pursuant to the provisions of Section 367.022(8), Florida Statutes. It is further

ORDERED that should there be any change in circumstances or methods of operation, the owner of Hidden Harbor Apartments or its successor(s) in interest, shall inform this Commission within thirty days of such a change so that we may reevaluate Hidden Harbor's exempt status. It is further

ORDERED that this Docket is hereby closed.

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



STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

ES

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.