

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request For Exemption ) DOCKET NO. 950335-WS  
From Florida Public Service ) ORDER NO. PSC-95-1002-FOF-WS  
Commission Regulation For ) ISSUED: August 17, 1995  
Provision of Water and )  
Wastewater Service in Broward )  
County by The Point At Bayberry )  
Lake. )  
\_\_\_\_\_ )

ORDER INDICATING EXEMPT STATUS  
OF THE POINT AT BAYBERRY LAKE AND CLOSING DOCKET

BY THE COMMISSION:

On March 28, 1995, The Point At Bayberry Lake (Bayberry Lake) filed an application with this Commission for recognition of its exempt status, pursuant to Section 367.022(8), Florida Statutes. Bayberry Lake is a 308-unit apartment complex located at 1911 Northwest 96 Terrace, Pembroke Pines, Florida. The apartment complex is owned by The Prudential Insurance Company (Prudential). Mr. Browning Yelvington, President of Prudential, filed the application on behalf of Bayberry Lake. The primary contacts are Mr. William Westrich, Manager, WaterMaster Metering Systems, Inc. 1570 Madruga Avenue, Coral Gables, Florida 33146; and Ms. Judy Portmess, 1911 Northwest 96 Terrace, Pembroke Pines, Florida 33024.

Upon request and sufficient proof, the Commission will issue an order indicating the nonjurisdictional or exempt status of water or wastewater systems if they qualify under the appropriate provision of Chapter 367, Florida Statutes. The application was filed in accordance with Section 367.022(8), Florida Statutes, which states, in part, that "[a]ny person who resells water or wastewater service at a rate or charge which does not exceed the actual purchase price thereof," and who complies with certain reporting requirements, is exempt from Commission regulation.

DOCUMENT NUMBER-DATE

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FPCO-RECORDS/REPORTING

According to Bayberry Lake's application, the service area is limited to the apartment complex located at 1911 Northwest 96 Terrace, Pembroke Pines, Florida. Meters have been installed on each apartment so that the residents will be charged for the actual amount of water and wastewater used. Bayberry Lake intends to purchase water and wastewater service from the City of Pembroke Pines and resell the services at a rate that does not exceed the purchase price. WaterMaster Metering Systems, Inc. (WaterMaster) will read the meters and bill the residents accordingly for Bayberry Lake. Bayberry Lake will pay for service to the common areas and vacant apartments. In addition, the residents will not be charged a deposit for water and wastewater service. No administrative or processing fees will be charged to the residents. Bayberry Lake will pay all fees to WaterMaster.

Bayberry Lake is aware of the requirements of Rule 25-30.111, Florida Administrative Code. In addition, pursuant to Section 837.06, Florida Statutes, and Rule 25-30.060(2)(f), Florida Administrative Code, anyone knowingly making a false statement in writing with the intent to mislead is guilty of a misdemeanor. By signing the application, Mr. Yelvington acknowledged that he is aware of Section 837.06, Florida Statutes, and the penalties for making false statements in the application.

Based on the facts as represented, we find that Bayberry Lake is exempt from Commission regulation as a reseller pursuant to Section 367.022(8), Florida Statutes. In the event of any change of circumstances or method of operation, the owner of Bayberry Lake or any successors in interest, must inform the Commission within 30 days of such change so its exempt status may be reevaluated.

It is, therefore,

ORDERED by the Florida Public Service Commission that, based upon the facts as represented, The Point At Bayberry Lake, 1911 Northwest 96 Terrace, Pembroke Pines, Florida 33024, is hereby 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 method of operation, the owner of The Point At Bayberry Lake or any successors in interest shall inform this Commission within 30 days of such a change so that we may reevaluate its exempt status. It is further

ORDERED that Docket No. 950335-WS is hereby closed.

By ORDER of the Florida Public Service Commission, this 17th  
day of August, 1995.

BLANCA S. BAYÓ, Director  
Division of Records and Reporting

by: Kay Flynn  
Chief, Bureau of Records

( S E A L )

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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, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, 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 and/or wastewater 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.