

## BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request by THOMAS E. RICHESON	)	DOCKET NO. 881586-WU
for exemption from FPSC regulation	)	ORDER NO. 20797
for a water facility in Orange County.	)	ISSUED: 2-23-89

ORDER INDICATING EXEMPT STATUS OF  
THOMAS E. RICHESON'S WATER SYSTEM

BY THE COMMISSION:

Thomas E. Richeson (Richeson) is the owner of a proposed commercial building which will be approximately 45,000 square feet in size and consist of warehouse(s) and/or commercial establishments. The complex will be known as the North Orange Industrial Park. Richeson plans to provide water, but not sewer service, to the tenants of the building.

Prior to issuing a utility construction permit, the Department of Environmental Regulation (DER), pursuant to Section 367.031, Florida Statutes, requires a certificate from this Commission, or proof of exemption from our regulation. By way of letter dated February 15, 1989, Richeson requested that we acknowledge that his proposed water system will be exempt from our regulation. As justification for the requested exemption, Richeson alleged that the subject water system will have the capacity, excluding fire flow capacity, of no more than 3,560 gallons per day.

Section 367.022(6), Florida Statutes, provides that "Systems with the capacity or proposed capacity to serve 100 or fewer persons" are exempt from our regulation. Rule 25-30.055, Florida Administrative Code, construes this statute to mean that water systems which have a capacity, excluding fire flow capacity, of no greater than 10,000 gallons per day are exempt from our regulation. On the facts as represented, the above subject water system will not be subject to our regulation.

It is, therefore,

ORDERED by the Florida Public Service Commission that based on the facts as represented, the proposed water system owned by Thomas E. Richeson, 39 North Park Avenue, Suite A, Apopka, Florida 32703 will be exempt from this Commission's regulation under Section 367.022(6), Florida Statutes. It is further

ORDERED that should there be any change in circumstances or method of operation of the subject water system, Thomas E. Richeson, or his successor in interest, shall inform this Commission within thirty (30) days of such change so that we may determine whether our decision herein is still appropriate. It is further

ORDERED that this Docket is hereby closed.

DOCUMENT NUMBER-DATE  
02045 FEB 23 1989  
FPSC-RECORDS/REPORTING

ORDER NO. 20797  
DOCKET NO. 881586-WU  
PAGE 2

By ORDER of the Florida Public Service Commission  
this 23rd day of FEBRUARY, 1989.

\_\_\_\_\_  
STEVE TRIBBLE, Director  
Division of Records and Reporting

( S E A L )

JRF

by: Kay Flynn  
Chief, Bureau of Records