

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for exemption from )  
Florida Public Service Commission )  
regulation for a water system in )  
Levy County by SUWANNEE RIVER VILLAS )  
APARTMENTS. )  
\_\_\_\_\_ )

DOCKET NO. 900512-WU  
ORDER NO. 23626  
ISSUED: 10-16-90

ORDER INDICATING THE EXEMPT STATUS OF  
SUWANNEE RIVER VILLAS APARTMENTS

BY THE COMMISSION:

Gardenia Street Villas, Ltd., (owner) is building a water system to provide service to a 24 unit apartment complex in Fanning Springs, Florida. Pursuant to Section 367.031, Florida Statutes, before the Department of Environmental Regulation (DER) will issue a construction permit, it requires either a certificate of authorization to provide service or an order recognizing that the system is exempt from regulation of this Commission. Therefore, by letter, affidavit, and rental agreement received on May 25, 1990, Gardenia Street Villas, Ltd., has requested recognition of its exempt status.

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. Gardenia Street Villas, Ltd., requested recognition of its exempt status under Section 367.022(5), Florida Statutes.

The affidavit, letter, and rental agreement show that: The Suwannee River Villas Apartments in Fanning Springs, owned by Gardenia Street Villas, Ltd., provides water service solely to its tenants; does not collect any specific charge for water or sewer service from its tenants as those charges are nonspecifically included in the tenants' monthly rents; and the water facility is located on-site.

Section 367.022(5), Florida Statutes, states that landlords providing service to their tenants without specific compensation for the service are exempt from Commission regulation. Based upon the facts as represented, we find that the Suwannee River Villas Apartments, owned by Gardenia Street Villas, Ltd., 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 Gardenia Street Villas, Ltd., or any successor(s) in interest, must inform the Commission within

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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, Suwannee River Villas Apartments, Suwannee River Drive, Fanning Springs, Florida, 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 the Suwannee River Villas Apartments water facility, the owner, Gardenia Street Villas, Ltd., 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 16th day of OCTOBER, 1990.

  
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STEVE TRIBBLE, Director  
Division of Records and Reporting

( 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 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 Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900 (a), Florida Rules of Appellate Procedure.