

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for exemption from)	DOCKET NO. 900847-WS
Florida Public Service Commission)	
regulation for water and sewer)	ORDER NO. 24033
services in Palm Beach County by)	
CYPRESS ISLAND DEVELOPMENT)	ISSUED: 1-25-91
_____)	

ORDER INDICATING THE EXEMPT STATUS OF
CYPRESS ISLAND DEVELOPMENT

BY THE COMMISSION:

Cypress Island Development (Cypress) provides water and wastewater service to seventy (70) homeowners in Palm Beach Gardens, Florida. Cypress resells water and wastewater service at the same rate charged to it by Seacoast Utilities (Seacoast). When calculating a homeowner's water and wastewater bill, Cypress multiples Seacoast's per-gallon rate by the gallons consumed by the homeowner as determined by a reading of the homeowner's individual meter. For wastewater only, there is also a cap of 10,000 gallons for residential use. Each homeowner pays an equal share of the base charge which Seacoast charges. Cypress determines this amount by dividing Seacoast's base charge by seventy (70), which represents the number of homeowners served by Cypress. Therefore, by letter and affidavit received October 19, 1990, Cypress has requested recognition of the exempt status of its water and wastewater system.

Cypress has filed a schedule of recent rates and charges of Seacoast which provides the service to Cypress; and an affidavit setting forth the reasons why it is exempt from Florida Public Service Commission regulation.

Upon request and sufficient proof, the Commission will issue an order indicating the nonjurisdictional or exempt status of water or wastewater facilities, if the facilities qualify under the appropriate section of Chapter 367, Florida Statutes. Cypress requested recognition of its exempt status under Section 367.022(8), Florida Statutes. Section 367.022(8), Florida Statutes, states that any 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.

The information provided by Cypress shows that: Cypress resells water and wastewater service to its homeowners at the same rate charged to it by Seacoast; Cypress acknowledges the reporting obligation, under Rule 25-30.111, Florida Administrative Code; and

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the systems physical address is 14410 Palmwood Road, Palm Beach Gardens, Florida 33410. Based upon the facts as represented, we find that Cypress is exempt from our regulation under the terms of Section 367.022(8), Florida Statutes. However, should there be any change in the system's method of operation or billing procedures, the owner of Cypress, or any successor in interest, must inform the Commission within thirty (30) days of such change, so that we may determine whether exempt status is still appropriate.

It is, therefore,

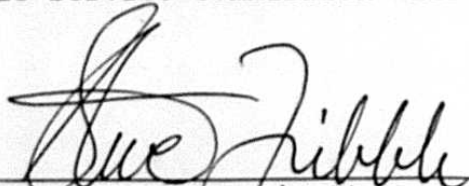
ORDERED by the Florida Public Service Commission that based upon the facts as represented, Cypress Island Development, located at 14410 Palmwood Road, Palm Beach Gardens, Florida 33410, is hereby exempt from Commission regulation pursuant to the terms of Section 367.022(8), Florida Statutes. It is further

ORDERED that Cypress Island Development shall comply with the filing requirements of Rule 25-30.111, Florida Administrative Code. It is further

ORDERED that should there be any change in the method of operation or billing procedure of Cypress Island Development in the course of its providing water and wastewater services, the owner of Cypress Island Development, or any successor in interest, shall inform the Commission within thirty (30) days of such change. It is further

ORDERED that this docket be closed.

By ORDER of the Florida Public Service Commission this 25th day of JANUARY, 1991.



STEVE TRIBBIE, Director
Division of Records and Reporting

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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.