

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for exemption from)	DOCKET NO. 910519-WS
Florida Public Service Commission)	ORDER NO. 25015
regulation for provision of water and)	ISSUED: 9/5/91
wastewater service in Pinellas County)	
by CLEARWATER CASCADE)	
)	

ORDER INDICATING THE EXEMPT STATUS OF CLEARWATER CASCADE

BY THE COMMISSION:

Clearwater Cascade (Cascade or park) provides water and wastewater services to a 463-lot mobile home park in Pinellas County, Florida. Cascade resells water and wastewater services at the same rate charged to it by Pinellas Park Utilities Division (PPUD). When calculating a residence's water and wastewater bill, Cascade multiples PPUD's per-thousand-gallon rate by the gallons consumed by the resident, as determined by a quarterly reading of the resident's individual meter. Cascade is billed according to its number of occupied mobile homes multiplied by 3,000 gallons. This gallonage is then subtracted from the total gallons consumed by the residents. The remaining gallons are charged at PPUD's escalating rates. Therefore, by letter and affidavit received April 22, 1991, Cascade has requested recognition of the exempt status of its water and wastewater system.

Cascade has filed a schedule of recent rates and charges of PPUD which provides service to Cascade 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. Cascade 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 Cascade shows that: Cascade resells water and wastewater service to its residents at the same rate charged to it by PPUD; Cascade acknowledges the reporting obligation, under Rule 25-30.111, Florida Administrative Code; and the system's physical address is 9790 66th Street North, Pinellas Park, Florida 34666. Based upon the facts as represented, we find that Cascade is exempt from our regulation under the terms of

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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 Cascade, or any successor in interest, must inform the Commission within thirty days of such a 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, Clearwater Cascade, located at 9790 66th Street North, Pinellas Park, Florida 34666, is hereby exempt from Commission regulation pursuant to the terms of Section 367.022(8), Florida Statutes. It is further

ORDERED that Clearwater Cascade 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 Clearwater Cascade in the course of its providing water and wastewater services, the owner of Clearwater Cascade, 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
5th day of SEPTEMBER, 1991.



STEVE TRIBBLE, 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.