

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for exemption from)
Florida Public Service Commission)
regulation for provision of water)
service in Monroe County by BOUNTY)
FISHERIES, LTD.)
_____)

DOCKET NO. 910671-WU
ORDER NO. 25278
ISSUED: 10/31/91

ORDER INDICATING THE EXEMPT STATUS OF
BOUNTY FISHERIES, LTD.

BY THE COMMISSION:

On June 11, 1991, Bounty Fisheries, Ltd. (Bounty) requested recognition of its exempt status for its water system under Section 367.022(8), Florida Statutes, which 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.

Bounty owns Overseas Trailer Park, a 65 lot mobile home park on Stock Island, Florida, to which it provides water service. Bounty purchases the water from the Florida Keys Aqueduct Authority (Authority) and resells it to the mobile home customers at a rate that does not exceed the rate charged to Bounty by the Authority. Bounty has submetered each mobile home lot and resells the water to the tenants of the mobile home park at metered rates. Bounty calculates the customer's bill by dividing the sum charged by the Authority by the gallonage used by the customer each month. To determine the amount of the bill, the resulting rate is then multiplied by the customer's individual usage.

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. Bounty has filed a recent schedule of rates and charges of the Authority, and an affidavit setting forth the reasons why it is exempt from Commission regulation.

Bounty's affidavit states that: Bounty resells water service at a rate not exceeding its actual price; Bounty is aware of the requirement of Rule 25-30.111, Florida Administrative Code; and Bounty's service area will be limited to the Overseas Trailer Park.

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Based upon the facts as represented, we find that Bounty is exempt from regulation pursuant to 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 Bounty, 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.

Based on the foregoing, it is, therefore,

ORDERED by the Florida Public Service Commission that, based upon the facts as represented, the water system of Bounty Fisheries, Ltd., located at 5300 MacDonal Avenue, Stock Island, Florida 33040, is hereby exempt from Commission regulation pursuant to the terms of Section 367.022(8), Florida Statutes. It is further

ORDERED that Bounty Fisheries, Ltd. 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 Bounty Fisheries, Ltd. in the course of its providing water service, the owner of Bounty Fisheries, Ltd. 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
31st day of OCTOBER, 1991.

STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

LAJ

by: Kay DeLeon
Chief, Bureau of Records

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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.