

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for exemption) DOCKET NO. 920165-WS
from Florida Public Service) ORDER NO. PSC-92-0593-POF-WS
Commission regulation for) ISSUED: 06/30/92
provision of water and)
wastewater services by NORTHWOOD)
APARTMENTS OF GEORGIA LTD. D/B/A)
HARTWOOD PLACE APARTMENTS in)
Duval County)
_____)

ORDER INDICATING THE EXEMPT STATUS
OF HARTWOOD PLACE APARTMENTS

BY THE COMMISSION:

Hartwood Place Apartments (Hartwood) is an existing apartment complex located in Duval County. Hartwood provides water and wastewater services to a maximum of 110 units, and is owned by Flournoy Development Company. Martin Flournoy, Vice President of Flournoy Development Company, is the contact person and the mailing address is 900 Brookstone Centre Parkway, Post Office Box 6566, Columbus, Georgia 31995. Hartwood proposes to resell water and wastewater services at the same rate charged to it by the City of Jacksonville (City), supplier of water and wastewater services to Hartwood. When calculating tenants' water and wastewater bill, Hartwood proposes to pass along the base facility charge to the tenants by dividing the charge on a pro rata basis among the units in Hartwood. Each tenant will be charged for usage based on his or her meter reading. Hartwood will charge the usage rates of the City. Therefore, by letter and affidavit received February 21, 1992, Hartwood has requested recognition of the exempt status of its water and wastewater system.

Hartwood has filed a list of current rates and charges of the City; a schedule of Hartwood rates; a statement setting forth the reasons why it is exempt from Florida Public Service Commission regulation; and an explanation of the proposed method of billing customers, separately, for both water and wastewater.

Upon request and sufficient proof, the Commission will issue an order indicating the nonjurisdictional or exempt status of water and wastewater facilities, if the facilities qualify under the appropriate section of Chapter 367, Florida Statutes. Hartwood 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

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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 Hartwood shows that: Hartwood proposes to resell water and wastewater services solely to its tenants at a rate or charge that does not exceed the actual purchase price charged to it by the City; Hartwood acknowledges the reporting obligation, under Rule 25-30.111, Florida Administrative Code; and the system's address is 11501 Harts Road, Jacksonville, Florida 32218. Based upon the facts as represented, we find that Hartwood 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 Hartwood, or any successor in interest, shall inform the Commission within 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, Hartwood Place Apartments, located at 11501 Harts Road, Jacksonville, Florida 32218, is hereby exempt from Commission regulation pursuant to the terms of Section 367.022(8), Florida Statutes. It is further

ORDERED that Hartwood Place Apartments 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 Hartwood Place Apartments in the course of providing water and wastewater services, the owner of Hartwood Place Apartments, or any successor in interest, shall inform the Commission within thirty days of such change. It is further

ORDERED that this docket be closed.

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By ORDER of the Florida Public Service Commission, this 30th
day of June, 1992.

STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

by: Kay Flynn
Chief, Bureau of Records

NRF

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