

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for Exemption ) DOCKET NO. 921011-WU  
From Florida Public Service ) ORDER NO. PSC-92-1458-FOF-WU  
Commission Regulation for ) ISSUED: 12/16/92  
Provision of Water Service in )  
St. Lucie County By LAKEWOOD )  
PARK CHILD CARE CENTER, INC. )  
A/K/A CLEMENS CHILD CARE )  
CENTER )  
\_\_\_\_\_ )

ORDER INDICATING THE NONJURISDICTIONAL STATUS OF  
LAKEWOOD PARK CHILD CARE CENTER, INC.  
A/K/A CLEMENS CHILD CARE CENTER

BY THE COMMISSION:

On May 19, 1992, the Board of County Commissioners of St. Lucie County passed a resolution granting the Florida Public Service Commission (Commission) jurisdiction to regulate the water and wastewater utilities of St. Lucie County. When the resolution was passed granting jurisdiction to the Commission, all privately owned water and wastewater systems in said county were required to make an application for either a grandfather certificate or an exemption from regulation, pursuant to Section 367.031, Florida Statutes. On October 5, 1992, Lakewood Park Child Care Center, Inc. a/k/a Clemens Child Care Center (Lakewood Park) requested recognition of its nonjurisdictional status under Section 367.021(12), Florida Statutes.

Lakewood Park is an existing day-care facility, which owns and operates a water system in Fort Pierce. Lakewood Park's water system is a well that provides water to the child care center for daily use. Wastewater service for the day-care center is furnished by a septic tank.

Lakewood Park's application stated that: Lakewood Park will provide water service solely for the operation of its establishment; the costs of water service will be treated as an operational expense of Lakewood Park; no charges will be made to anyone for the water service; and the facility's physical address is 6708 Gaddy St., Fort Pierce, Florida.

Section 367.021(12), Florida Statutes, defines utility as "every person... who is providing or proposes to provide, water or wastewater service to the public for compensation." Based upon the facts as represented, Lakewood Park is not a utility as defined by Section 367.021(12), Florida Statutes, since it will not be providing water service to the public for compensation. However, should there be any change in circumstances or method of operation,

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the owner of Lakewood Park, or any successor in interest, must inform the Commission within thirty days of such change, so that we may determine whether nonjurisdictional status is still appropriate.

Based upon the foregoing, it is, therefore,

ORDERED by the Florida Public Service Commission that, based upon the facts as represented, the water system of Lakewood Park Child Care Center, Inc. a/k/a Clemens Child Care Center, located at 6708 Gaddy Street, Fort Pierce, Florida, 34951, is not a utility subject to this Commission's jurisdiction pursuant to the terms of Section 367.021(12), Florida Statutes. It is further

ORDERED that should there be any change in circumstances or method of operation of Lakewood Park Child Care Center's water system, the present owner 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 December, 1992.

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STEVE TRIBBLE, Director  
Division of Records and Reporting

( S E A L )

RG

by: Kay Flynn  
Chief, Bureau of Records

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.

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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.