

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for Exemption)
From Florida Public Service) DOCKET NO. 921137-WU
Commission Regulation for) ORDER NO. PSC-93-0094-FOF-WU
Provision of Water Service in) ISSUED: 01/19/93
Alachua County by BUDDY'S)
LAKEFRONT RESTAURANT.)
_____)

ORDER INDICATING THE NONJURISDICTIONAL STATUS OF
BUDDY'S LAKEFRONT RESTAURANT

BY THE COMMISSION:

On November 3, 1992, Buddy's Lakefront Restaurant (Buddy's), located at 21101 N.E. 100th Avenue, Earleton, Florida, requested recognition of its nonjurisdictional status pursuant to Section 367.021(12), Florida Statutes.

Buddy's is an existing restaurant, which owns and operates a water system in Alachua County. Buddy's water system is a well that provides service to the restaurant for daily use. Wastewater service for the restaurant is furnished by a septic tank.

Buddy's application stated that: Buddy's will provide water service solely for the operation of its establishment; the costs of water service will be treated as an operational expense of Buddy's; no charges will be made to anyone for the water service; and the facility's physical plant is located at 21101 N.E. 100th Avenue, Earleton, Florida. In addition, the applicant acknowledged Section 837.06, Florida Statutes, regarding false statements.

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, Buddy's 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, the owner 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 on the foregoing, it is, therefore,

ORDERED by the Florida Public Service Commission that, based upon the facts as represented, Buddy's Lakefront Restaurant's water system, located at 21101 N.E. 100th Avenue, Earleton, Florida 32631, with Richard M. Tisdale as contact person, is not a utility subject to this Commission's jurisdiction pursuant to the terms of Section 367.021(12), Florida Statutes. It is further

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ORDERED that should there be any change in circumstances or method of operation of Buddy's Lakefront Restaurant 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 19th day of January, 1993.



STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

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