

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for exemption from) DOCKET NO. 921181-SU
Florida Public Service Commission) ORDER NO. PSC-93-0127-FOF-SU
Regulation for Provision of) ISSUED: 01/25/93
Wastewater Service in St. Lucie)
County by OCEANRISE CONDOMINIUM)
ASSOCIATION, INC.)
_____)

ORDER INDICATING THE EXEMPT STATUS OF
OCEANRISE CONDOMINIUM ASSOCIATION, INC.

BY THE COMMISSION:

On November 16, 1992, Oceanrise Condominium Association, Inc. (Oceanrise or Association) filed an application with this Commission for recognition of its exempt status pursuant to Section 367.022(7), Florida Statutes. Oceanrise, which is located at 10310 South Ocean Drive, Jensen Beach, Florida 34957, currently provides wastewater service to 68 condominium units. Mr. Robert McCarthy, manager and primary contact person, filed the application on behalf of Oceanrise.

Upon request and sufficient proof, the Commission will issue an order indicating the nonjurisdictional or exempt status of water or wastewater systems if they qualify under the appropriate provision of Chapter 367, Florida Statutes. The application was filed in accordance with Section 367.022(7), Florida Statutes, and Rule 25-30.060(g), Florida Administrative Code. Section 367.022(7), Florida Statutes, provides that "[N]on-profit corporations, associations, or cooperatives providing service solely to members who own and control such nonprofit corporations, associations, or cooperatives" are exempt from Commission regulation.

According to the application, Oceanrise is a non-profit corporation which provides service solely to its members who own and control it, and which is in compliance with Rule 25-30.060(g), Florida Administrative Code. Oceanrise does its own billing and the service area is limited to the 68 condominium units within the organization.

However, the application did not contain proof of ownership as required by Rule 25-30.060(g), Florida Administrative Code. On January 20, 1993, the Association submitted an opinion of title written by Ms. Jane Cornett, the Association's Counsel, along with

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a copy of the standard unit deed for an Oceanrise Condominium unit. Based upon the opinion of title and the standard deed, Oceanrise owns the land upon which the facility is located.

Based upon the facts as represented, we find that Oceanrise is exempt from our regulation under the terms of Section 367.022(7), Florida Statutes. However, should there be any change in circumstances or method of operation, Oceanrise, or a representative of the Association, must inform the Commission within 30 days of such change, so that its exempt status may be reevaluated.


It is, therefore,

ORDERED by the Florida Public Service Commission that, based upon the facts as represented, Oceanrise Condominium Association, Inc., 10310 South Ocean Drive, Jensen Beach, Florida 34957, is hereby exempt from Commission regulation pursuant to the provisions of Section 367.022(7), Florida Statutes. It is further

ORDERED that should there be any change in circumstances or method of operation, Oceanrise or a representative of the Association shall inform the Commission within 30 days of such change. It is further

ORDERED that this docket is hereby closed.

By ORDER of the Florida Public Service Commission this 25th day of January, 1993.



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