

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for) DOCKET NO. 921273-WS
Exemption From Florida Public) ORDER NO. PSC-93-0346-FOF-WS
Service Commission Regulation as) ISSUED: 03/08/93
a Landlord-Tenant Entity by)
Floresta Centre in St. Lucie)
County, Florida.)
_____)

ORDER INDICATING EXEMPT STATUS OF
FLORESTA CENTRE AND CLOSING DOCKET

BY THE COMMISSION:

On December 18, 1992, Floresta Centre (Floresta) filed an application with this Commission for recognition of its exempt status pursuant to Section 367.022(5), Florida Statutes. Floresta is a shopping center located at 1540-1564 Southeast Floresta Drive, Port St. Lucie, Florida. Mr. Gerald M. Leone, President of G.M.L. Management Company which owns Floresta, filed the application on behalf of Floresta. Mr. Leone is also the primary contact person.

Upon request and sufficient proof, the Commission will issue an order indicating the nonjurisdictional or exempt status of water and wastewater facilities, if they qualify under the appropriate provision of Chapter 367, Florida Statutes. The application was filed in accordance with Section 367.022(5), Florida Statutes.

Section 367.022(5), Florida Statutes, states that an entity qualifies for exemption from Commission regulation if it provides service solely to its tenants, and there are no specific charges for the utility service. The application indicates that Floresta provides water and wastewater service only to its tenants and the service territory is limited to the shopping center. Also, the water and wastewater service is included as a nonspecific portion of the monthly rent.

In addition, pursuant to Section 837.06, Florida Statutes, and Rule 25-30.060(2)(f), Florida Administrative Code, anyone knowingly making a false statement in writing with the intent to mislead is guilty of a misdemeanor. By signing the application, Mr. Leone acknowledged that he is aware of Section 837.06, Florida Statutes, and the penalties for making false statements in the application.

DOCUMENT NUMBER-DATE

02553 MAR-88

FPSC-RECORDS/REPORTING

ORDER NO. PSC-93-0346-FOF-WS
DOCKET NO. 921273-WS
PAGE 2

Based upon the facts as represented, we find that Floresta is exempt from Commission regulation, pursuant to the provisions of Section 367.022(5), Florida Statutes. However, should there be any change in circumstances or method of operation, the owner of Floresta or any successor in interest 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, Floresta Centre, Post Office Box 8153, Indian River Shores, Florida 32963, is exempt from Commission regulation, pursuant to the provisions of Section 367.022(5), Florida Statutes. It is further

ORDERED that should there be any change in circumstances or method of operation, the owner of Floresta Centre or any successors in interest, shall inform this Commission within 30 days of such a change so that we may reevaluate Floresta's exempt status. It is further

ORDERED that this Docket is hereby closed.

By ORDER of the Florida Public Service Commission this 8th day of March, 1993.

STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

ALC

by: Kay Flynn
Chief, Bureau of Records

ORDER NO. PSC-93-0346-FOF-WS
DOCKET NO. 921273-WS
PAGE 3

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.