

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request for exemption) DOCKET NO. 921164-SU
from Florida Public Service) ORDER NO. PSC-93-0494-FOF-SU
Commission Regulation for) ISSUED: 04/02/93
provision of wastewater service)
in St. Lucie County by Nettles)
Island, Inc.)
_____)

ORDER INDICATING THE EXEMPT STATUS OF
NETTLES ISLAND, INC.

BY THE COMMISSION:

On November 6, 1992, Nettles Island, Inc. (Nettles or Corporation) filed its request for exemption from Commission regulation pursuant to Section 367.022(7), Florida Statutes. Nettles is located at 9801 South Ocean Drive, Jensen Beach, Florida 34957. George J. Walbolt, the contact person and president of the Corporation, filed the application on behalf of Nettles.

Nettles requested that it be found exempt pursuant to Section 367.022(7) of Chapter 367, Florida Statutes. Under this section, "[N]onprofit corporations, associations, or cooperatives providing service solely to members who own and control such nonprofit corporations, associations, or cooperatives" are exempt from Florida Public Service Commission regulation. In addition, the Association's application was filed in accordance with Rule 25-30.060(3)(g), Florida Administrative Code.

In its application dated November 4, 1992, the Corporation states that it is a nonprofit association, that it will provide wastewater service solely to its members who own and control it for which it will provide its own billing. Water service is provided by St. Lucie County. The service area is specified as the Nettles Condominium development. The Corporation will also provide wastewater service to the commercial parcel located within the Nettles Condominium development, but it has waived any and all rights to collect compensation for the service. Therefore, the provision of service to the commercial property is considered nonjurisdictional. The Corporation's Declaration of Condominium provides that the unit owners have an undivided interest in the common elements of the Condominium, which includes the wastewater plant and facilities. Therefore, the Corporation has established proof of ownership of the facilities and continued use of the land where the facilities are located.

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03635 APR-28

FILED-RECORDS/REPORTING

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, George J. Walbolt acknowledged that he is aware of Section 837.06, Florida Statutes, and the penalties for making false statements in the application.

Based upon the facts as represented, we find that Nettles is exempt from our regulation under the terms of Section 367.022(7), Florida Statutes. However, should there be any change in circumstances of Nettles, a representative of the Corporation must inform this Commission within thirty days of such change, so that we may reevaluate the Corporation's exempt status.

It is, therefore,

ORDERED by the Florida Public Service Commission that, based upon the facts as represented, Nettles Island, Inc., located at 9801 South Ocean Drive, Jensen Beach, Florida 34957, is hereby exempt from Commission regulation pursuant to the terms of Section 367.022(7), Florida Statutes. It is further

ORDERED that should there be any change in circumstances of Nettles Island, Inc., a representative of the Corporation shall inform this Commission within thirty days of such change so that we may reevaluate its exempt status. It is further

ORDERED that this docket is closed.

By ORDER of the Florida Public Service Commission this 2nd day of April, 1993.

STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

LK

by: Kary Helton
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.

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.