

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request for Exemption ) DOCKET NO. 930022-WU  
from Florida Public Service ) ORDER NO. PSC-93-0679-FOF-WU  
Commission Regulation for ) ISSUED: May 4, 1993  
Provision of Water Service in )  
Okaloosa County by BAKER WATER )  
SYSTEM, INC. )

ORDER INDICATING THE EXEMPT STATUS OF  
BAKER WATER SYSTEM, INC.

BY THE COMMISSION:

On January 5, 1993, Baker Water System, Inc. (Baker or applicant) filed its request for exemption from Commission regulation pursuant to Section 367.022(7), Florida Statutes. Baker is located at 5783 Monroe Street, Baker, Florida 32531. Ms. Wanda Jackson, Secretary/Treasurer of the corporation is the contact person and she filed the application on behalf of the applicant. Baker currently provides water service to 535 customers who are members of the corporation.

Baker requested that it be found exempt pursuant to Section 367.022(7), Florida Statutes. Under this section, "[N]onprofit corporations, associations, or cooperatives" are exempt from Florida Public Service Commission regulation. In addition, Baker filed its application in accordance with Rule 25-30.060 (3) (g), Florida Administrative Code. In order to comport with the statute and rule, Baker Water System, Inc. amended its Articles of Incorporation to clearly state that members only will be served. In addition, it deleted any reference to wastewater service because such service is provided by septic tanks.

In its application Baker states that it is a nonprofit corporation, that it provides water service solely to its members who own and control it, and that it will provide its own billing. The service area is specified as the properties enumerated above in Okaloosa County. Proof of ownership of the utility facilities was provided by a Warranty Deed.

In addition, the application form states that pursuant to Section 837.06, Florida Statutes, anyone knowingly making a false statement in writing with the intent to mislead is guilty of a misdemeanor. By signing the application, Wanda Jackson acknowledged that she is aware of Section 837.06, Florida Statutes, and the penalties for making false statements in the application.

Section 367.022(7), Florida Statutes, states that nonprofit corporations, associations, or cooperatives providing service solely to members who own and control such nonprofit entities are

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exempt from Commission regulation. Based upon the facts as represented, we find that Baker Water System, Inc. is exempt from our regulation under the terms of Section 367.022(7), Florida Statutes. However, should there be any change in circumstances of Baker, a representative of the applicant must inform the Commission within thirty days of such change, so that we may determine whether exempt status is still appropriate.

It is, therefore,

ORDERED by the Florida Public Service Commission that, based upon the facts as represented, Baker Water System, Inc., located at c/o Ms. Wanda Jackson, P. O. Box 98, Baker, Florida 32531 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 Baker, a representative of the applicant shall inform the Commission within thirty days of such change so that we may reevaluate the applicant's exempt status. It is further

ORDERED that this docket is closed.

By ORDER of the Florida Public Service Commission this 4th day of May, 1993.

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STEVE TRIBBLE, Director  
Division of Records and Reporting

( S E A L )

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by: Kay Ferguson  
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.