

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request for Exemption ) DOCKET NO. 921327-WS  
from Florida Public Service ) ORDER NO. PSC-93-0745-FOF-WS  
Commission Regulation for ) ISSUED: May 17, 1993  
Provision of Water and )  
Wastewater Service in St. Lucie )  
County by OCEAN HARBOUR SOUTH )  
UTILITIES CORPORATION, INC. )

ORDER INDICATING THE EXEMPT STATUS OF  
OCEAN HARBOUR SOUTH UTILITIES CORPORATION, INC.

BY THE COMMISSION:

On December 30, 1992, Ocean Harbour South Utilities Corporation, Inc., (Ocean Harbour South or Corporation) filed its request for exemption from Commission regulation pursuant to Section 367.022(7), Florida Statutes. Ocean Harbour South is located at 4320 North A-1-A, Fort Pierce, Florida, 34949. Jane L. Cornett, Esquire, of Wackeen, Cornett, & Googe, P. A., Post Office Box 66, Stuart, Florida 34995 is the contact person for Ocean Harbour South. Mr. James Klink, president of Ocean Harbour South, filed the application on behalf of the Corporation.

Ocean Harbor South 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" are exempt from Florida Public Service Commission regulation. In addition, the Corporation filed its application in accordance with Rule 25-30.060(3)(g), Florida Administrative Code.

In its application, the Corporation states that it is a nonprofit corporation and that it will provide water and wastewater service solely to its members who own and control it. Ocean Harbour South provides water and wastewater service to Ocean Harbour South Condominium and Ocean Harbour Villas which are member condominiums. Ocean Harbour South provides the billing. Ocean Harbour South provided a warranty deed, thereby establishing proof of ownership of the facilities and land.

In addition, pursuant to Section 837.06, Florida Statutes, and Rule 25-30.060(2), 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. Klink acknowledged that he is aware of Section 837.06, Florida Statutes

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and the penalties regarding making false statements on the application.

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

Based upon the foregoing, it is, therefore,

ORDERED by the Florida Public Service Commission that, based upon the facts as represented, Ocean Harbour South Utilities Corporation, Inc., located at 4320 North A-1-A, Fort Pierce, Florida 34949, 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 or method of operation, the owner of Ocean Harbour South Utilities Corporation, Inc., shall inform this Commission within 30 days of such a change so that we may reevaluate Ocean Harbour's exempt status. It is further

ORDERED that this docket is closed.

By ORDER of the Florida Public Service Commission this 17th day of May, 1993.

  
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STEVE TRIBLE, 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.