

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request For Exemption) DOCKET NO. 930300-SU
From Florida Public Service) ORDER NO. PSC-93-0846-FOF-SU
Commission Regulation For) ISSUED: June 7, 1993
Provision of Wastewater Service)
in Bradford County by Lawtey)
Apartments, Ltd.)
_____)

ORDER INDICATING EXEMPT STATUS
OF LAWTEY APARTMENTS, LTD. AND CLOSING DOCKET

BY THE COMMISSION:

On March 22, 1993, Lawtey Apartments, Ltd. (Lawtey) filed an application with this Commission for recognition of its exempt status pursuant to Section 367.022(5), Florida Statutes. Lawtey is an apartment complex located at the intersection of Pine and Adams Streets, Lawtey, Florida. Mr. John D. Carver, Jr., General Partner and primary contact person, filed the application on behalf of Lawtey.

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 requested recognition of Lawtey's exempt status pursuant to the provisions of Section 367.022(5), Florida Statutes, which 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. Upon review of the application, it was determined that Lawtey does not qualify for exemption from Commission regulation pursuant to the provisions of Section 367.022(5), Florida Statutes. However, it was determined that Lawtey does meet the provisions of Section 367.022(6), Florida Statutes.

Lawtey refiled its application for recognition of its exempt status pursuant to the provisions of Section 367.022(6), Florida Statutes, and Rules 25-30.055 and 25-30.060, Florida Administrative Code. Section 367.022(6), Florida Statutes, states that "[s]ystems with the capacity or proposed capacity to serve 100 or fewer

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FOR RECORDS MANAGEMENT

persons" are exempt from Commission regulation. In addition, Rule 25-30.055(1), Florida Administrative Code, provides that:

A water or sewer system is exempt under section 367.022 (6), Florida Statutes, if its current or proposed water or sewage treatment facilities and distribution or collection system have and will have a capacity, excluding fire flow capacity, of no greater than 10,000 gallons per day or if the entire system is designed to serve no greater than 40 equivalent residential connections (ERCs). For purposes of this rule only, one ERC equals 250 gallons per day.

According to the application, Lawtey's system has a maximum capacity of 10,000 gallons per day; it provides wastewater service only; and the service area is limited to the apartment complex. Water service is provided by the City of Lawtey.

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

Based on the facts as represented, we find that Lawtey is exempt from our regulation pursuant to Section 367.022(6), Florida Statutes. However, should there be any change in circumstances or method of operation, the owner of Lawtey or any successors 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, Lawtey Apartments, Ltd., Post Office Box 40, Archer, Florida 32618, is exempt from Commission regulation pursuant to the provisions of Section 367.022(6), Florida Statutes. It is further

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

ORDERED that this Docket is hereby closed.

By ORDER of the Florida Public Service Commission this 7th day of June, 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.