

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Resolution of the Board ) DOCKET NO. 920576-SU  
of County Commissioners of St. ) ORDER NO. PSC-93-1394-FOF-WS  
Lucie County Declaring St. Lucie ) ISSUED: 9/23/93  
County Subject to the Provisions )  
of Chapter 367, F.S., Effective )  
10/1/92. )  
\_\_\_\_\_ )

ORDER INDICATING THE EXEMPT STATUS OF  
SLS UTILITIES, INC.

BY THE COMMISSION:

On July 7, 1993, SLS Utilities, Inc. (SLS or utility) filed its request for exemption from Commission regulation pursuant to Section 367.022(7), Florida Statutes. SLS is located in St. Lucie County. Its treatment plant is situated at 6666 U.S. Highway 1, Port St. Lucie, Florida 32952. The corporation's contact person is Bob Peck, whose mailing address is 5426 Central Florida Parkway, Orlando, Florida 32821. Mr. William T. Herring, Vice President of SLS filed the application on behalf of the utility.

SLS requested that it be found exempt pursuant to Section 367.022(7) Florida Statutes. Further, SLS filed its application in accordance with Rule 25-30.060(3)(g), Florida Administrative Code. 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 exempt from Commission regulation. In its application SLS states that it is a nonprofit corporation, that it provides wastewater services solely to its members who own and control it, and that it will provide its own billing. SLS' service area is a shopping mall located at 6666 U.S. Highway 1, Port St. Lucie, Florida 32952. Evidence 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, William T. Herring 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 SLS is exempt from our regulation under the terms of Section 367.022(7), Florida Statutes. However, should there be any change in circumstances of SLS, a representative of the applicant must inform

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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, SLS Utilities, Inc., located at c/o Mr. Bob Peck, 5426 Central Florida Parkway, Orlando, Florida 32851 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 SLS, a representative of SLS shall inform the Commission within thirty days of such change so that we may reevaluate the utility's exempt status. It is further

ORDERED that this docket remain open to process further applications.

By ORDER of the Florida Public Service Commission, this 23rd day of September, 1993.

STEVE TRIBBLE, Director  
Division of Records and Reporting

by: Kay Flynn  
Chief, Bureau of Records

( S E A L )

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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.