

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request For Exemption) DOCKET NO. 930856-WU
From Florida Public Service) ORDER NO. PSC-93-1613-FOF-WU
Commission Regulation For) ISSUED: November 4, 1993
Provision of Water Service in)
Orange County By Ponkan Place.)
_____)

ORDER INDICATING EXEMPT STATUS
OF PONKAN PLACE AND CLOSING DOCKET

BY THE COMMISSION:

On August 30, 1993, Ponkan Place filed an application with this Commission for recognition of its exempt status, pursuant to Section 367.022(6), Florida Statutes. Ponkan Place is an existing townhouse community in Orange County which will consist of eight quadriplex units at build out. Ponkan Place is located on Ponkan Oaks Lane, Zellwood, Florida. Mr. Tom Richeson, Owner and primary contact person, filed the application on behalf of Ponkan Place.

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 was filed in accordance with 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 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 design criteria submitted by Ponkan Place, the system, designed to serve the townhouse community only, will have a maximum flow of 9,280 gallons per day at build out. In addition, Ponkan Place provides water service only; wastewater is provided by septic tank. The service area is limited to the townhouse community.

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provided by septic tank. The service area is limited to the townhouse community.

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. Richeson 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 Ponkan Place 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 Ponkan Place 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, Ponkan Place, 39 North Park Avenue, Apopka, Florida 32703, 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 Ponkan Place or any successors in interest, shall inform this Commission within 30 days of such a change so that we may reevaluate Ponkan Place's exempt status. It is further

ORDERED that this Docket is hereby closed.

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