

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request for Exemption) DOCKET NO. 930309-WS
From Florida Public Service) ORDER NO. PSC-93-1643-FOF-WS
Commission Regulation for) ISSUED: November 8, 1993
Provision of Water and)
Wastewater Service in Broward)
County by FOUNTAIN APARTMENTS.)
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)
)

ORDER INDICATING EXEMPT STATUS
OF FOUNTAIN APARTMENTS AND CLOSING DOCKET

BY THE COMMISSION:

Fountain Apartments (Fountain) is an apartment complex in Broward County which proposes to resell water and wastewater services to approximately 32 tenants. Service is provided by the City of Tamarac (City). Fountain is located at 6175 Northwest 57th Street, Tamarac, Florida 33319. The system owner is Mr. Ralph Getelman and Robert Oulton, agent for the applicant, is the contact person.

On March 22, 1993, Fountain filed an application for a reseller exemption, pursuant to Section 367.022(8), Florida Statutes and Rules 25-30.060(2) and 3(h), Florida Administrative Code. Section 367.022(8), Florida Statutes, indicates exempt status for:

any person who resells water or wastewater service at a rate or charge which does not exceed the actual purchase price thereof, if such person files at least annually with the Commission a list of charges and rates for all water services sold, the source and actual purchase price thereof, and any other information required by the Commission to justify the exemption;

The application included a statement from Fountain that it will provide water and wastewater service at a rate or charge that does not exceed the actual purchase price from the City of Tamarac and that the service area is limited to the apartment complex.

Fountain also provided the current rates and charges of the city, a schedule of its proposed rates and charges, an explanation of the proposed method of billing customers separately, for both

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water and wastewater and a schedule showing that the amount billed will not exceed the amount paid for water and wastewater. Based on our review, Fountain will be reselling water and wastewater service at a rate which does not exceed its own purchase price.

Fountain has contracted with H2Oulton Metering Systems, Inc. d/b/a Water & Sewer Services of Florida (WSS) to install a water meter at each apartment. WSS will read each meter on a monthly basis and bill each resident according to usage at the current rate charged to Fountain by the City. Fountain will be the primary obligor for payment of water or wastewater bills based upon the master meter to the property. The payments received by WSS will be payments from the individual tenants for utility service. Such service will be billed at a rate which will not exceed the purchase price of the service being resold through the master meter. These rates include a base facility charge of \$4.35 and \$6.65 for water and wastewater, respectively, and a gallonage charge of \$1.12 per 1,000 gallons for 0 - 6,000 gallons and \$1.57 per 1,000 gallons for usage above 6,000 gallons and for wastewater, a gallonage charge of \$2.15 per 1,000 gallons used. With regard to the common areas of Fountain, these areas are on a separate meter and management pays for the usage. Lastly, Fountain acknowledged Section 837.06, Florida Statutes, which details the penalty for making false statements within the application.

Based on the facts as represented, we find Fountain exempt from Commission regulation pursuant to Section 367.022(8), Florida Statutes. In the event of any change in circumstances or method of operation that might affect its exempt status, Fountain, or its successor(s) in interest, shall notify the Commission within thirty days of this change so that its exempt status may be reevaluated.

Based on the foregoing, it is, therefore,

ORDERED by the Florida Public Service Commission that, based upon the facts as represented, Fountain Apartments located at 6175 Northwest 57th Street, Tamarac, Florida 33319, is hereby exempt from Commission regulation pursuant to the provisions of Section 367.022(8), Florida Statutes. It is further

ORDERED that Fountain Apartments shall comply with the filing requirements of Rule 25-30.111, Florida Administrative Code. It is further

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

ORDERED that this docket may be closed.

By ORDER of the Florida Public Service Commission this 8th day of November, 1993.

STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

JBL

by: Kay Deyon
Chief, Bureau of Records

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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.