

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request For Exemption) DOCKET NO. 930852-WU
From Florida Public Service) ORDER NO. PSC-93-1670-FOF-WU
Commission Regulation For) ISSUED: 11/16/93
Provision of Water Service in)
Nassau County by Florida)
Department of Transportation.)
_____)

ORDER INDICATING EXEMPT STATUS
OF DEPARTMENT OF TRANSPORTATION AND CLOSING DOCKET

BY THE COMMISSION:

On August 27, 1993, the Florida Department of Transportation (DOT or Department) filed an application with this Commission for recognition of its exempt status, pursuant to Section 367.022(2), Florida Statutes. DOT is currently constructing a weigh station located on Interstate 95 (north and southbound) at Mile Post 374 (Section 41, Township 3 North, Range 26 East). Mr. Rowland D. Lamb, Administrator of Special Facilities, filed the application on behalf of DOT. The primary contact person is Captain David Fachko, Department of Transportation, Post Office Box 6669, Jacksonville, Florida 32236-6669.

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. Section 367.022(2), Florida Statutes, states that "systems owned, operated, managed, or controlled by governmental authorities;" are exempt from Commission regulation. DOT's application was filed in accordance with Section 367.022(2), Florida Statutes, and Rules 25-30.060(2) and (3)(b), Florida Administrative Code. According to the application, water service will be provided only to the weigh station, there will be no charge for providing the service, and all costs of providing service are treated or recovered as operational expenses. Wastewater service will be provided by septic tank.

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

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Based on the facts as represented, we find that DOT is exempt from Commission regulation pursuant to the provisions of Section 367.022(2), Florida Statutes. However, should there be any change in circumstances or method of operation, a representative of DOT or any successors in interest, must inform the Commission within 30 days of such change so that its nonjurisdictional status may be reevaluated.

It is, therefore,

ORDERED by the Florida Public Service Commission that, based upon the facts as represented, the Florida Department of Transportation, 2250 Irene Street, Jacksonville, Florida 32204, is exempt from Commission regulation, pursuant to the provisions of Section 367.022(2), Florida Statutes. It is further

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

ORDERED that this Docket is hereby closed.

By ORDER of the Florida Public Service Commission, this 16th 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.