

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application of) DOCKET NO. 930935-WS
Plantation Landing for Water and) ORDER NO. PSC-94-0208-FOF-WS
Wastewater Certificates in) ISSUED: 2/21/94
Marion County.)
)
)
)
_____)

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON, Chairman
SUSAN F. CLARK
JULIA L. JOHNSON
DIANE K. KIESLING
LUIS J. LAUREDO

ORDER ACKNOWLEDGING REQUEST TO WITHDRAW
APPLICATION AND CLOSING DOCKET

BY THE COMMISSION:

On September 21, 1993, Plantation Landing (Plantation) filed an application for certificates to provide water and wastewater in Marion County. Plantation is the developer of the territory, which is located approximately 4 miles south-southeast of Ocala near Highway 441 and the right-of-way of Seaboard System Railroad. The system has not yet been constructed.

Prior to its application for certificates, on July 23, 1993, Plantation filed an application for recognition of its non-jurisdictional status pursuant to Section 367.021(12), Florida Statutes (Docket No. 939734-WS). Upon review of the application, it was determined that Plantation does not qualify for exemption as a non-jurisdictional entity.

On October 15, 1993, Plantation refiled the application requesting a landlord-tenant exemption from Commission regulation pursuant to Section 367.022(5), Florida Statutes. According to that Section, an entity is exempt if the cost for service is included as a nonspecific portion of the rent. Since the lease submitted with the application indicates that service is separate

DOCUMENT NUMBER-DATE

01720 FEB 21 94

FPSC-RECORDS/REPORTING

ORDER NO. PSC-94-0208-FOF-WS
DOCKET NO. 930935-WS
PAGE 2

from the rent, Plantation does not qualify for a landlord-tenant exemption.

Since Plantation does not qualify for exemption, we have attempted to get it to correct the numerous deficiencies contained in its application for certificates. To date, the deficiencies have not been corrected.

By letter dated January 26, 1994, Plantation withdrew its application for certificates. According to the letter, Plantation intends to pursue exemption from Commission regulation. To that end, it is in the process of revising its lease to reflect that the cost of water and wastewater service is included as a nonspecific portion of the rent.

It is, therefore,

ORDERED by the Florida Public Service Commission that the request of Plantation Landing, 615 East Silver Springs Boulevard, Ocala, Florida 34470, to withdraw its application for certificates is hereby granted. It is further

ORDERED that Docket No. 930935-WS is hereby closed.

By ORDER of the Florida Public Service Commission, this 21st day of February, 1994.

STEVE TRIBBLE, Acting Director
Division of Records and Reporting

by: Kay Flynn
Chief, Bureau of Records

(S E A L)

ALC

ORDER NO. PSC-94-0208-FOF-WS
DOCKET NO. 930935-WS
PAGE 3

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.