

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request for exemption ) DOCKET NO. 931222-WS  
from Florida Public Service ) ORDER NO. PSC-94-0447-FOF-WS  
Commission regulation for ) ISSUED: April 13, 1994  
provision of water and )  
wastewater service in Lee County )  
by Six Lakes Country Club, Inc. )  

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ORDER INDICATING EXEMPT STATUS OF SIX LAKES  
COUNTRY CLUB, INC. AND CLOSING DOCKET

BY THE COMMISSION:

On December 20, 1993, Six Lakes Country Club, Inc. (Six Lakes) filed an application with this Commission for recognition of its exempt status, pursuant to Section 367.022(8), Florida Statutes. Six Lakes is an existing home community located at 9151 Littleton Road, North Fort Myers, Florida. E. Bard Rupp, General Manager, is the primary contact person, and filed the application on behalf of Six Lakes.

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(8), Florida Statutes, and Rules 25-30.060(2) and (3)(h), Florida Administrative Code.

Section 367.022(8), Florida Statutes, states, in part, that "[a]ny person who resells water or wastewater service at a rate or charge which does not exceed the actual purchase price thereof," and who complies with certain reporting requirements, is exempt from Commission regulation. According to Six Lakes' application, service is provided at a charge that does not exceed the actual purchase price; Six Lakes is aware of the requirements of Rule 25-30.111, Florida Administrative Code; Lee County provides water service and North Fort Myers Utility, Inc. provides wastewater service; and the service area is limited to the residents of Six Lakes.

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

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

ORDER NO. PSC-94-0447-FOF-WS  
DOCKET NO. 931222-WS  
PAGE 2

Based on the facts as represented, we find that Six Lakes is exempt from Commission regulation as a reseller pursuant to Section 367.022(8), Florida Statutes. In the event of any change of circumstances or method of operation, the owner of Six Lakes or any successors in interest, must inform the Commission within 30 days of such change so its exempt status may be reevaluated.

It is, therefore,

ORDERED by the Florida Public Service Commission that, based upon the facts as represented, Six Lakes Country Club, Inc., 9151 Littleton Road, North Fort Myers, Florida 33093, is hereby exempt from Commission regulation pursuant to the provisions of Section 367.022(8), Florida Statutes. It is further

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

ORDERED that Docket No. 931222-WS is hereby closed.

By ORDER of the Florida Public Service Commission, this 13th day of April, 1994.

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BLANCA S. BAYO, Director  
Division of Records and Reporting

by: Kay J. J. J.  
Chief, Bureau of Records

( S E A L )

MSN

ORDER NO. PSC-94-0447-FOF-WS  
DOCKET NO. 931222-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.