

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request for exemption) DOCKET NO. 940832-WU
from Florida Public Service) ORDER NO. PSC-94-1112-FOF-WU
Commission regulation for) ISSUED: September 12, 1994
provision of water service in)
Marion County by PISCOPO AUTO)
BODY SHOP.)
_____)

ORDER INDICATING NON-JURISDICTIONAL ENTITY
STATUS OF PISCOPO AUTO BODY SHOP

BY THE COMMISSION:

On August 6, 1994, Piscopo Auto Body Shop (Piscopo) filed an application for a landlord-tenant exemption pursuant to Section 367.022 (5), Florida Statutes. The system owner is Mr. Gene Piscopo. The primary contact person for Piscopo is Mr. Sheikh M. Hasan. Mr. Hasan's mailing address is P.O. Box 2019, Ocala, Florida 34478. The physical address for Piscopo is 5494 S.W. 50th Court, Ocala, Florida 34478.

After our staff reviewed the initial application with Mr. Hasan, it was determined that the landlord-tenant exemption application was inappropriate, and that a non-jurisdictional entity application pursuant to Section 367.021 (12), Florida Statutes, and Rule 25-30.060 (j), Florida Administrative Code was appropriate. On September 6, 1994, Piscopo filed a non-jurisdictional entity application pursuant to Section 367.021 (12), Florida Statutes, and Rule 25-30.060 (j), Florida Administrative Code.

Piscopo is an auto body repair business which provides water service solely in connection with its operations. Piscopo has stated in the application that: 1) there is no charge for providing the utility service; 2) all costs of providing service are treated or recovered as operational expenses; and 3) the system provides water service only by means of a well. A septic tank will provide wastewater service. The service area is identified by the following legal description: Section 4, Township 16 South, Range 21 East, from the Point of Beginning being the Southeast corner of the West $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of said Northeast $\frac{1}{4}$.

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 second degree misdemeanor. By signing the application, Mr. Piscopo acknowledged that he is aware of Section 837.06,

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Florida Statutes, and the penalties for making false statements in the application.

Based upon the facts as represented, we find that Piscopo is exempt from Commission regulation as a non-jurisdictional entity pursuant to Section 367.021 (12), Florida Statutes. In the event of any change of circumstances or method of operation, the owner of Piscopo or any successors in interest must inform the Commission within thirty (30) days of such change so its exempt status may be reevaluated.

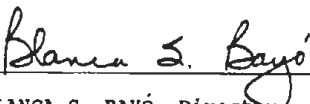
Based on the foregoing, it is, therefore,

ORDERED by the Florida Public Service Commission that, based upon the facts as represented, Piscopo Auto Body Shop, 5494 S.W. 50th Court, Ocala, Florida 34478, is hereby exempt from Commission regulation pursuant to the provisions of Section 367.021 (12), Florida Statutes. It is further

ORDERED that should there be any change in circumstances or of method of operation, a representative of Piscopo Auto Body Shop shall inform the Commission within thirty (30) days of such change so that Piscopo's exempt status may be reevaluated. It is further

ORDERED that this docket is hereby closed.

By ORDER of the Florida Public Service Commission, this 12th day of September, 1994.



BLANCA S. BAYO, 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.