

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request for exemption ) DOCKET NO. 940785-WS  
from Florida Public Service ) ORDER NO. PSC-94-1620-FOF-WS  
Commission regulation for ) ISSUED: December 29, 1994  
provision of water and )  
wastewater service in Duval )  
County by APPLE HILL APARTMENTS )  

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ORDER INDICATING EXEMPT STATUS OF APPLE HILL APARTMENTS  
AND CLOSING DOCKET

BY THE COMMISSION:

Apple Hill Apartments (Apple Hill) is a 264-unit apartment complex located in Duval County, at 7740 Southside Boulevard, Jacksonville, Florida 32256. On July 27, 1994, Apple Hill filed an application with this Commission for a reseller exemption pursuant to Section 367.022(8), Florida Statutes. Mr. William Orlove, Officer, designated Mr. John S. Ranney as the agent and primary contact person for the purposes of this docket. Mr. Ranney is Vice President of Operations at Envirotech, a sub-metering company located at 2353 South St. Johns Bluff Road, Jacksonville, Florida 32246.

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(1), (2) and (3)(h), Florida Administrative Code.

Included with the exemption application was a statement from Mr. Ranney setting out the statutory and factual basis for the exemption. The applicant acknowledged the requirements of Rule 25-30.111, Florida Administrative Code, regarding annual reporting requirements. The applicant also acknowledged the requirements of Section 367.122, Florida Statutes, which concerns the examination and testing of meters; and Rules 25-30.262 through 25-30.267, Florida Administrative Code, which explain the responsibilities of the utility owner for insuring the accuracy of the meters.

Apple Hill purchases water and wastewater services from Jacksonville Suburban Utilities Corporation (Jacksonville Suburban) by way of one master meter. Apple Hill proposes to resell these services to the residents at a flat fee per unit per month based on the total amount charged monthly to the master meter. Apple Hill

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will divide the amount charged to the master meter by the total number of units each month to determine the appropriate amount to be charged to each unit. Thus, Apple Hill will resell water and wastewater services to the residents at a rate that does not exceed the actual purchase price paid for these services, in accordance with Section 367.022(8), Florida Statutes.

In the application, the applicant stated that the service territory will be limited to the Apple Hill apartment complex. The applicant submitted a schedule of Jacksonville Suburban's current rates and charges, an explanation of the reseller's proposed rates and charges, an explanation of the proposed method of billing customers, separately, for both water and wastewater, and a schedule showing the amount billed will not exceed the amount paid for water and wastewater.

Envirotech will read the master meter monthly, and will bill the residents accordingly. The bills will be sent to the residents at around the first of each month. The bills will not indicate meter readings, water consumption, or separate charges for water and wastewater. The bills will indicate only a flat fee for both water and wastewater service. No administrative or processing fee will be assessed to the residents. Apple Hill does not propose any miscellaneous charges, nor will it require any water or wastewater deposits. Additionally, Apple Hill will not allocate the cost of common area water to the residents.

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

Based upon the facts as represented, we find that Apple Hill 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 Apple Hill or any successors in interest, must inform the Commission within thirty (30) days of such 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, Apple Hill Apartments, 7740 Southside Boulevard, Jacksonville, Florida 32256, is hereby exempt

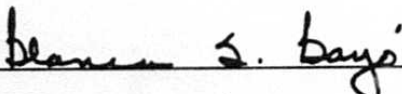
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from Commission regulation pursuant to the provisions of Section 367.022(8), Florida Statutes. It is further

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

ORDERED that this docket is hereby closed.

By ORDER of the Florida Public Service Commission, this 29th day of December, 1994.

  
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BLANCA S. BAYÓ, 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 and/or wastewater 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.