

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request For Exemption ) DOCKET NO. 941129-WS  
From Florida Public Service ) ORDER NO. PSC-95-0113-FOF-WS  
Commission Regulation For ) ISSUED: January 25, 1995  
Provision of Water and )  
Wastewater Service in Broward )  
County by San Remo Limited )  
Partnership. )  
\_\_\_\_\_)  
\_\_\_\_\_)

ORDER INDICATING EXEMPT STATUS OF SAN REMO  
LIMITED PARTNERSHIP (SAN REMO APARTMENTS)  
AND CLOSING DOCKET

BY THE COMMISSION:

On October 24, 1994, San Remo Limited Partnership (San Remo) filed an application with this Commission for recognition of its exempt status of San Remo Apartments, pursuant to Section 367.022(8), Florida Statutes. San Remo Apartments is a 180-unit apartment complex which is currently under construction at 3400 Sample Road, Coral Springs, Florida. The anticipated occupancy date is April 15, 1995.

Mr. Greg Iglehart filed the application on behalf of San Remo. The primary contact persons are Mr. William Westrich, Manager, WaterMaster Metering Systems, Inc., 1570 Madruga Avenue, Suite 200, Coral Gables, Florida 33146, and Mr. Greg Esterman, c/o San Remo Limited Partnership, c/o Trammell Crow Residential, 6400 Congress Avenue, Boca Raton, Florida 33487.

Due to excessive usage of water by the residents of other apartment complexes owned and operated by San Remo, individual meters are being installed during construction so that the residents can be charged for the actual amount of water and wastewater used. San Remo intends to purchase water and wastewater service for San Remo Apartments from the City of Coral Springs and resell these services to the residents at a rate that does not exceed the actual price paid the City for the service. WaterMaster Metering Systems (WaterMaster) will read the meters on a monthly basis and bill residents accordingly for San Remo. No administrative or processing fee will be charged to the residents. There are no miscellaneous charges for common area usage and all fees for services paid to WaterMaster will be paid by the property owner.

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FPSC-RECORDS/REPORTING

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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 San Remo's application, service will be provided at a charge that does not exceed the actual purchase price; San Remo is aware of the requirements of Rule 25-30.111, Florida Administrative Code; San Remo will provide water and wastewater service; and the service area will be limited to the apartment complex to be constructed at 3400 Sample Road, Coral Springs, Florida.

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

Based on the facts as represented, we find that San Remo 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 San Remo 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,

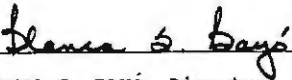
ORDERED by the Florida Public Service Commission that, based upon the facts as represented, San Remo Limited Partnership, c/o Trammell Crow Residential, Suite 2000, 6400 Congress Avenue, Boca Raton, Florida 33487, is hereby exempt from Commission regulation pursuant to the provisions of Section 367.022(8), Florida Statutes, for San Remo Apartments only. It is further

ORDERED that should there be any change in circumstances or method of operation, the owner of San Remo Limited Partnership or any successors in interest shall inform this Commission within 30 days of such a change so that we may reevaluate its exempt status. It is further

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ORDERED that Docket No. 941129-WS is hereby closed.

By ORDER of the Florida Public Service Commission, this 25th  
day of January, 1995.

  
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BLANCA S. BAYÓ, Director  
Division of Records and Reporting

( S E A L )

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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

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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 Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900 (a), Florida Rules of Appellate Procedure.