

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request For Exemption ) DOCKET NO. 941061-WS  
From Florida Public Service ) ORDER NO. PSC-95-0114-FOF-WS  
Commission Regulation For ) ISSUED: January 25, 1995  
Provision of Water and )  
Wastewater Service in Duval )  
County by Southern Pines )  
Village. )  
\_\_\_\_\_ )

ORDER INDICATING EXEMPT STATUS  
OF SOUTHERN PINES VILLAGE AND CLOSING DOCKET

BY THE COMMISSION:

On October 5, 1994, Southern Pines Village (Southern Pines) filed an application with this Commission for recognition of its exempt status, pursuant to Section 367.022(8), Florida Statutes. Southern Pines is a 284-unit apartment complex located at 10150 Belle Rive Boulevard East, Jacksonville, Florida. It is owned by Pacific Life Mutual Insurance Company (Pacific Life). Mr. Paul Kiang, Agent for Pacific Life, filed the application on behalf of Southern Pines. The primary contact person is Mr. Frank R. Manno, c/o Conservation Billing Services, Inc., 90 South Newton Street Road, Suite No. 2, Newtown Square, Pennsylvania 19073-4035.

Because of the excessive water usage by the residents of Southern Pines, individual meters have been installed and the residents will be charged for the actual amount of water and wastewater used. Southern Pines intends to purchase water and wastewater service from the City of Jacksonville and resell these services to its tenants. According to information provided, Conservation Billing Services, Inc. (CBSI) will read the meters once a month and bill each tenant. The customer deposit paid by Southern Pines will be prorated, with each resident paying a portion of the deposit. The deposit, plus interest, will be applied to each resident's final bill. In addition, Southern Pines proposes to prorate the charge for service to common areas, with each resident paying a portion of the charge. No other miscellaneous charges or administrative or processing fees will be charged to the residents. Southern Pines will pay for the water and wastewater service for the units which are unoccupied.

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FPSC-RECORDS/REPORTING

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 the information provided by Southern Pines, service is provided at a charge that does not exceed the actual purchase price; Mr. Kiang is aware of the requirements of Rules 25-30.111 and 25-30.262 through 25-30.267, Florida Administrative Code, and Section 367.122, Florida Statutes; Southern Pines provides water and wastewater service; and the service area is limited to the apartment complex located at 10150 Belle Rive Boulevard East, Jacksonville.

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. Kiang 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 Southern Pines 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 Southern Pines 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,

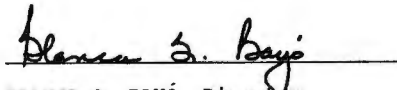
ORDERED by the Florida Public Service Commission that, based upon the facts as represented, Southern Pines Village, 10150 Belle Rive Boulevard East, Jacksonville, Florida 32256, is hereby exempt from Commission regulation pursuant to the provisions of Section 367.022(8), Florida Statutes. It is further

ORDERED that should there be any change in circumstances or method of operation, the owner of Southern Pines Village 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. 941061-WS is hereby closed.

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



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

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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.