

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request for exemption) DOCKET NO. 950088-WU
from Florida Public Service) ORDER NO. PSC-95-0296-POF-WU
Commission regulation for) ISSUED: March 2, 1995
provision of water service in)
Pasco County by Lake Dorothea)
Grove and Chalfont Heights Water)
System.)
_____)

ORDER INDICATING THE EXEMPT STATUS OF LAKE DOROTHEA GROVE AND
CHALFONT HEIGHTS WATER SYSTEM AND CLOSING DOCKET

BY THE COMMISSION:

On January 19, 1995, Lake Dorothea Grove and Chalfont Heights Water System (Lake Dorothea or utility) filed a request for recognition of its exempt status, pursuant to Section 367.022(7), Florida Statutes. Lake Dorothea is located at Phelps Road, Zephyrhills, Florida, Pasco County. Ms. Margie Repole, secretary of Lake Dorothea Grove Homeowners Association, Inc., is the primary contact person. Ms. Repole filed the application on behalf of the utility.

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(7), Florida Statutes.

Section 367.022(7), Florida Statutes, states that nonprofit corporations, associations, or cooperatives providing service solely to members who own and control such nonprofit entities are exempt from Commission regulation. Before an exemption of this nature may be granted, the applicant requesting the exemption must file with the Commission a statement specifying the following: that the corporation is nonprofit; whether it provides service solely to the members who own and control it; whether it provides water service, wastewater service, or both; who will do the billing; and the service territory. Additionally, the applicant must submit its Articles of Incorporation as filed with the Secretary of State and its Bylaws. These documents must show clearly the requirements of membership, the members' voting rights, and the circumstances under which control passes to the nondeveloper members.

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

In its application, the utility stated that it is a nonprofit corporation organized pursuant to Chapter 617, Florida Statutes; that it will provide water service solely to its members who own and control it, for which it will provide its own billing. The service area is specified as Angela Court, Jacqueline Court, and St. Giles Court, Zephyrills, Florida. The Association has provided a recorded copy of its warranty deed showing that it owns the land upon which the facilities are located, thereby verifying and establishing proof of ownership of the facilities and continued use of the land.

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, the utility acknowledged that it 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 the utility is exempt from Commission regulation pursuant to the provisions of Section 367.022(7), Florida Statutes. However, should there be any change in circumstances or method of operation, a representative of the Association must inform the Commission within thirty days of such change, so that we may reevaluate the utility's exempt status.

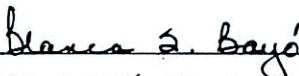
Based on the foregoing, it is, therefore,

ORDERED by the Florida Public Service Commission that, based upon the facts as represented, Lake Dorothea Grove and Chalfont Heights Water System, 8331 Angela Court, Zephyrills, Florida 33541, is hereby exempt from Commission regulation pursuant to the provisions of Section 367.022(7), Florida Statutes. It is further

ORDERED that should there be any change in circumstances or method of operation, a representative of Lake Dorothea Grove and Chalfont Heights Water System shall inform the Commission within thirty days of such change so that the utility'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 2nd day of March, 1995.



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