

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request for exemption) DOCKET NO. 941153-WS
from Florida Public Service) ORDER NO. PSC-95-0647-FOF-WS
Commission regulation for) ISSUED: May 25, 1995
provision of water and)
wastewater service in Duval)
County by FIELDCREST)
APARTMENTS.)
_____)

The following Commissioners participated in the disposition of this matter:

SUSAN F. CLARK, Chairman
J. TERRY DEASON
JOE GARCIA
JULIA L. JOHNSON
DIANE K. KIESLING

ORDER INDICATING EXEMPT STATUS
OF FIELDCREST APARTMENTS AND CLOSING DOCKET

BY THE COMMISSION:

Background

On October 28, 1994, Realty Investment Company, Inc., d/b/a Fieldcrest Apartments (Fieldcrest), filed an application with this Commission for recognition of its exempt status, pursuant to Section 367.022(8), Florida Statutes. Fieldcrest is a 192-unit apartment complex located in Duval County, Florida.

Due to excessive usage of water by the residents of Fieldcrest, individual meters have been installed so that the residents can be charged for the actual amount of water and wastewater used. Fieldcrest intends to purchase water and wastewater service from Jacksonville Suburban Utilities Corporation (Jacksonville Suburban) and resell these services to the residents at a rate that does not exceed the actual amount paid for the service. Envirotech Utility Management Services (Envirotech) will read the individual meters on a monthly basis for Fieldcrest, and will bill the residents according to their usage on behalf of Fieldcrest.

Exemption

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

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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 Fieldcrest's application, service is provided at a charge that does not exceed the actual purchase price; Fieldcrest is aware of the requirements of Rule 25-30.111, Florida Administrative Code; Fieldcrest provides water and wastewater service; and the service area is limited to the apartment complex.

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 adopting the signed application, which was signed by John Ranney, Bill Everngam 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 Realty Investment Company, d/b/a Fieldcrest Apartments 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 Fieldcrest Apartments or any successors in interest, must inform the Commission within 30 days of such change so its exempt status may be reevaluated.

Refundable Deposit

Fieldcrest also proposes to collect a \$30 refundable deposit from its residents. Such deposit would be credited against the final bill, plus accrued interest based on the savings rate. Although Jacksonville Suburban does not collect a customer deposit from its residential customers, we note that it does collect its base charge in advance. Since Jacksonville Suburban bills quarterly, the maximum amount of the base charge billed in advance can be as high as \$42.17, and this gives the utility some security or measure of protection.

To encourage submetering and promote water conservation, Fieldcrest should also be afforded some security for nonpayment of bills. A deposit accomplishes this, and, when compared to the base charge of \$42.17, a deposit of \$30 appears to be reasonable. Further, since the deposit is credited against the tenant's final

bill, the reseller (Fieldcrest) would not be collecting more than the actual purchase price of the water and wastewater service. Therefore, Fieldcrest's request to be allowed to collect a \$30 refundable deposit to be credited against the final bill, plus accrued interest based on the savings rate, is approved.

Based on the foregoing, it is, therefore,


ORDERED by the Florida Public Service Commission that, based upon the facts as represented, Fieldcrest Apartments 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 Fieldcrest Apartments, or any successors in interest, shall inform this Commission within 30 days of such a change so that we may reevaluate Fieldcrest's exempt status. It is further

ORDERED that Fieldcrest Apartments shall be allowed to collect a refundable deposit from its residents in the amount of \$30, such deposit to be credited against the final bill, plus accrued interest based on the savings rate. It is further

ORDERED that Docket No. 941153-WS is hereby closed.

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