

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request for exemption ) DOCKET NO. 941246-WS  
from Florida Public Service ) ORDER NO. PSC-95-0697-FOF-WS  
Commission regulation for ) ISSUED: June 12, 1995  
provision of water and )  
wastewater service in Duval )  
County by FLORIDA STEEL )  
CORPORATION )  
\_\_\_\_\_)

ORDER GRANTING EXEMPT AND NONJURISDICTIONAL STATUS  
OF FLORIDA STEEL CORPORATION AND CLOSING DOCKET

BY THE COMMISSION:

On November 30, 1994, Florida Steel Corporation (Florida Steel or applicant) filed an application with this Commission for recognition of its exempt status, pursuant to Section 367.022(3), Florida Statutes. Florida Steel Corporation is a manufacturer of refined steel and is located at Highway 217 and Yellow Water Road, Jacksonville, Florida. The applicant's water service is to be provided by a well and its wastewater service by a wastewater treatment system. Subsequent to Florida Steel's filing of its application, it came to our attention that Florida Steel was also providing wastewater service to David Joseph Company (D.J.C.), an independently owned business, located on Florida Steel's aforementioned property. DJC provides Florida Steel with scrap metal used in the applicant's steel refinement process. Therefore, in conjunction with its original application, on March 29, 1995, Florida Steel filed an application for recognition of its exempt status pursuant to Section 367.021(12), Florida Statutes. Mr. Robert Hice, the primary contact person, filed both applications on behalf of Florida Steel Corporation. Mr. Alton Davis is the vice president and general manager of Florida Steel. Mr. Davis has authorized, in writing, Mr. Hice to act on behalf of Florida Steel.

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 Sections 367.022(3) and 367.021(12), Florida Statutes; and Rules 25-30.060(1), (2), (3)(c) and (3)(j), Florida Administrative Code.

Section 367.022(3), Florida Statutes, states that "manufacturers providing service solely in connection with their operations are not subject to regulation by the commission as a

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utility nor are they subject to the provisions of this chapter, except as expressly provided." According to Florida Steel Corporation's application, service is provided solely in conjunction with its business operations, and the service area is limited to Florida Steel's boundaries located at Highway 217 and Yellow Water Road, Jacksonville, Florida 32234.

Section 367.021(12), Florida Statutes, in part defines a utility as a water or wastewater utility who is providing, or proposes to provide, water or wastewater service to the public for compensation. According to Florida Steel's application, wastewater service is provided to D.J.C. at no cost. Furthermore, Florida Steel states that all costs of providing service to D.J.C. are treated or recovered as operational expenses. Finally, Florida Steel states it does not charge D.J.C. rental fees for housing its business on Florida Steel's property. Water service is provided to D.J.C. by its own well.

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, Robert E. Hice 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 Florida Steel Corporation is exempt from Commission regulation for the provision of water and wastewater solely in connection with their operations pursuant to Section 367.022(3), Florida Statutes and granted nonjurisdictional status pursuant to Section 367.021(12), Florida Statutes for the provision of wastewater service to David Joseph Company. In the event of any change of circumstances or method of operation, the owner of Florida Steel Corporation or any successors in interest, must inform the Commission within 30 days of such change so its exempt status may be reevaluated. Since no further action is required, this docket shall be closed.

It is, therefore,

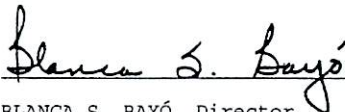
ORDERED by the Florida Public Service Commission that, based upon the facts as represented, Florida Steel Corporation, Highway 217 and Yellow Water Road, Jacksonville, Florida 32234, is hereby exempt from Commission regulation for the provision of water and wastewater solely in connection with their operations pursuant to Section 367.022(3), Florida Statutes and granted nonjurisdictional status pursuant to the provisions of 367.021(12), Florida Statutes

for the provision of wastewater service to David Joseph Company. It is further

ORDERED that should there be any change in circumstances or method of operation, the owner of Florida Steel Corporation or any successors in interest shall inform this Commission within 30 days of such a change so that we may reevaluate Florida Steel Corporation's exempt status. It is further

ORDERED that Docket No. 941246-WS is hereby closed.

By ORDER of the Florida Public Service Commission, this 12th day of June, 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

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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.