

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request for exemption ) DOCKET NO. 950218-WS  
from Florida Public Service ) ORDER NO. PSC-95-0779-FOF-WS  
Commission regulation for ) ISSUED: June 28, 1995  
provision of water and )  
wastewater service in Duval )  
County by Oxford Hall )  
Apartments. )  
\_\_\_\_\_ )

ORDER INDICATING EXEMPT STATUS OF  
OXFORD HALL APARTMENTS AND CLOSING DOCKET

BY THE COMMISSION:

On February 27, 1995, Oxford Hall Apartments (Oxford Hall) filed an application with this Commission for recognition of its exempt status, pursuant to Section 367.022(8), Florida Statutes. Oxford Hall is a water and wastewater utility located at 2650 Dean Road, Jacksonville, Florida. Mr. John S. Ranney, who is the director of Envirotech Utility Management Services, is the primary contact person for Oxford Hall. Mr. Ranney filed the application on behalf of Oxford Hall.

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 Oxford Hall's application, service is being provided at a charge that does not exceed its actual purchase price; Oxford Hall is aware of the requirements of Rule 25-30.111, Florida Administrative Code; Oxford Hall is providing water and wastewater service; and Oxford Hall's service area is limited to 2650 Dean Road, Jacksonville, 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, Oxford Hall acknowledged that it is aware of Section 837.06, Florida Statutes, and the penalties for making false statements in the application.

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Based on the facts as represented, we find that Oxford Hall is exempt from Commission regulation as a reseller pursuant to Section 367.022(8), Florida Statutes. In the event of any change in circumstances or method of operation, the owner of Oxford Hall or any successors in interest must inform the Commission within 30 days of such change so its exempt status may be reevaluated.

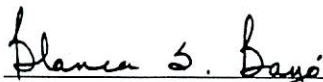
It is, therefore,

ORDERED by the Florida Public Service Commission that, based upon the facts as represented, Oxford Hall Apartments, 1502 Roberts Drive, Jacksonville Beach, Florida 32250, 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 Oxford Hall Apartments or any successors in interest shall inform this Commission within 30 days of such change so that we may reevaluate its exempt status. It is further

ORDERED that Docket No. 950218-WS is hereby closed.

By ORDER of the Florida Public Service Commission, this 28th day of June, 1995.



BLANCA S. BAYÓ, Director  
Division of Records and Reporting

( S E A L )

ELS

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.