

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request for exemption) DOCKET NO. 950302-WS
from Florida Public Service) ORDER NO. PSC-95-0824-FOF-WS
Commission regulation for) ISSUED: July 11, 1995
provision of water and)
wastewater Service in Brevard)
County by BOTTLEBRUSH I)
APARTMENTS.)
_____)

ORDER INDICATING EXEMPT STATUS OF
BOTTLEBRUSH I APARTMENTS AND CLOSING DOCKET

BY THE COMMISSION:

On March 17, 1995, Bottlebrush I Apartments (Bottlebrush) filed an application with this Commission for recognition of its exempt status, pursuant to Section 367.022(8), Florida Statutes. Bottlebrush is a water and wastewater utility located at 1630 Bottlebrush Drive N.E., Palm Bay, Florida. Mr. Paul Steinfurth, the president and the primary contact person, filed the application on behalf of Bottlebrush.

Upon request and sufficient proof, the Commission will issue an order indicating the nonjurisdictional or exempt status of the 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 Bottlebrush's application, service is provided at a charge that does not exceed the actual purchase price; Bottlebrush is aware of the requirements of Rule 25-30.111, Florida Administrative Code; Bottlebrush is providing water and wastewater service; and the service area is limited to 1630 Bottlebrush Drive N.E., Palm Bay, 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, Bottlebrush 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 Bottlebrush 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 Bottlebrush or any successors in interest must inform the Commission within 30 days of such change so its exempt status may be reevaluated.

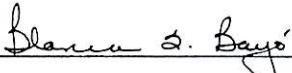
It is, therefore,

ORDERED by the Florida Public Service Commission that, based upon the facts as represented, Bottlebrush I Apartments, 1630 Bottlebrush Drive, Palm Bay, Florida 32906, 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 Bottlebrush I 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. 950302-WS is hereby closed.

By ORDER of the Florida Public Service Commission, this 11th day of July, 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, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, 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.