

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request for exemption ) DOCKET NO. 950242-WS  
from Florida Public Service ) ORDER NO. PSC-95-0834-FOF-WS  
Commission regulation for ) ISSUED: July 13, 1995  
provision of water and )  
wastewater service in Brevard )  
County by Paradise Cay )  
Apartments )  
\_\_\_\_\_ )

ORDER INDICATING EXEMPT STATUS  
OF PARADISE CAY APARTMENTS AND CLOSING DOCKET

BY THE COMMISSION:

On March 2, 1995, Utility Services of Melbourne, Inc. (USMI) filed an application with this Commission for recognition of its exempt status as a reseller pursuant to Section 367.022(8), Florida Statutes. However, since USMI is not a utility, but rather, is a billing and meter reading service, it cannot obtain a reseller exemption from the Commission. Subsequently, on April 18, 1995, we received a letter from the managing director of Paradise Cay Apartments (Paradise Cay or applicant), Mr. Richard Schlesinger, authorizing Mr. Daniel Ruda and Ms. Barbara Leone of USMI to act as the representatives for Paradise Cay, which is located at 1990 Post Road, Melbourne, Florida, 32935. Because Paradise Cay is the entity providing water and wastewater service to its residents, Paradise Cay Apartments is the correct name of the system which should have appeared on the application. Mr. Daniel Ruda, operations manager for USMI, filed the application on behalf of Paradise Cay. Ms. Barbara Leone of USMI is the primary contact person regarding this application. Her mailing address is P.O. Box 360371, Melbourne, Florida, 32936-0371.

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(1), (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 the application, service is provided at a charge that does not exceed the actual purchase price; Paradise Cay is aware of the requirements of Rule 25-30.111,

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Florida Administrative Code; Paradise Cay provides water and wastewater service; and the service area is limited to the Paradise Cay 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 signing the application, Mr. Ruda 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 Paradise Cay 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 Paradise Cay or any successors in interest, must inform the Commission within 30 days of such change so its exempt status may be reevaluated.

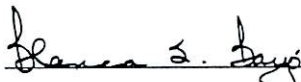
It is, therefore,

ORDERED by the Florida Public Service Commission that, based upon the facts as represented, Paradise Cay Apartments, 1990 Post Road, Melbourne, Florida 32935 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 Paradise Cay Apartments or any successors in interest shall inform this Commission within 30 days of such a change so that we may reevaluate Paradise Cay Apartment's exempt status. It is further

ORDERED that this docket is hereby closed.

By ORDER of the Florida Public Service Commission, this 13th day of July, 1995.

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