

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request for exemption) DOCKET NO. 950595-WU
from Florida Public Service) ORDER NO. PSC-95-0921-POF-WU
Commission regulation for) ISSUED: July 31, 1995
provision of water service in)
Highlands County by Robert T. &)
George R. Shafer)
_____)

ORDER INDICATING NONJURISDICTIONAL STATUS OF ROBERT T.
AND GEORGE SHAFER AND CLOSING DOCKET

BY THE COMMISSION:

On July 5, 1995, pursuant to Section 367.021(12), Florida Statutes, Mr. Robert T. Shafer filed an application with this Commission for recognition of nonjurisdictional status on behalf of the partnership of Robert T. and George Shafer (partnership). The partnership is a former cement company which will provide water and wastewater services solely to its own facilities, without compensation. Water service will be provided by a well, and wastewater service will be provided by a septic tank. The partnership's facilities are located at 124 State Road 29, Lake Placid, FL 33852. The mailing address is 134 Loquat Road NE, Lake Placid, FL 33852. The primary contact person is Mr. Robert T. Shafer, Partner.

Upon request and sufficient proof, the Commission issues orders indicating the nonjurisdictional or exempt status of water or wastewater systems when they qualify under the appropriate provision of Chapter 367, Florida Statutes. The application was filed in accordance with Section 367.021(12), Florida Statutes, and Rules 25-30.060(1), (2), and (3)(j), Florida Administrative Code. The applicant states that the partnership provides utility service at no charge, and that all costs of providing service are treated or recovered as operational expenses. In addition, the applicant acknowledged Section 837.06, Florida Statutes, regarding false statements.

Section 367.021(12), Florida Statutes, defines utility as "every person . . . who is providing, or proposes to provide, water or wastewater service to the public for compensation." Based upon the facts as represented, the partnership is not a utility as defined by Section 367.021(12), Florida Statutes, because it will not be providing service to the public for compensation. However, should there be any change in circumstances or in method of operation, the owners of the partnership, or any successor in interest, must inform the Commission within thirty days of such

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change, in order that we may determine whether the nonjurisdictional status of this entity remains appropriate. Because no further action is necessary, this docket shall hereby be closed.


Based upon the foregoing, it is, therefore,

ORDERED by the Florida Public Service Commission that, based upon the facts as represented, the water system of Robert T. and George Shafer, located at 124 State Road 29, Lake Placid, Florida, 33852, is not a utility subject to this Commission's jurisdiction pursuant to the terms of Section 367.021(12), Florida Statutes. It is further

ORDERED that should there be any change in circumstances or in method of operation of Robert T. and George Shafer's water system, the present owners or any successor in interest shall inform the Commission within thirty days of such change. It is further

ORDERED that this docket is hereby closed.

By ORDER of the Florida Public Service Commission, this 31st day of July, 1995.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

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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.