

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request for exemption ) DOCKET NO. 950530-WS  
from Florida Public Service ) ORDER NO. PSC-95-0936-POF-WS  
Commission regulation for ) ISSUED: August 2, 1995  
provision of water and )  
wastewater service in Alachua )  
County by Pinetree Gardens. )  
\_\_\_\_\_)

ORDER INDICATING EXEMPT STATUS  
OF PINETREE GARDENS AND CLOSING DOCKET

BY THE COMMISSION:

On May 8, 1995 Pinetree Gardens filed an application with this Commission for recognition of its exempt status, pursuant to Section 367.022(8), Florida Statutes. Pinetree Gardens is an apartment complex consisting of 96 units (7 buildings) located at 4100 S.W. 20th Ave., Gainesville, Florida. Robert Frazier, president of the general partnership and primary contact person, filed the application on behalf of Pinetree Gardens. His address is P.O. Box 14424, Gainesville, Florida 32604.

Pinetree Gardens has contracted with Enviro-Check to read the meters monthly and bill the residents. Neither a customer deposit nor an administrative or processing fee will be assessed to the residents' bills.

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 Pinetree Garden's application, service is provided at a charge that does not exceed the actual purchase price; Pinetree Gardens is aware of the requirements of Rule 25-30.111, Florida Administrative Code; Pinetree Gardens provides water and wastewater service; and the service area is limited to the 96 units.

In addition, pursuant to Section 837.06, Florida Statutes, and Rule 25-30.060(2)(f), Florida Administrative Code, anyone knowingly

DOCUMENT NUMBER-DATE

07336 AUG-2 95

FPSC-RECORDS/REPORTING

making a false statement in writing with the intent to mislead is guilty of a misdemeanor. By signing the application, Robert Frazier 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 Pinetree Gardens 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 Pinetree Gardens or any successors in interest, must inform the Commission within 30 days of such change so its exempt status may be reevaluated.

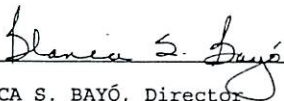
It is, therefore,

ORDERED by the Florida Public Service Commission that, based upon the facts as represented, Pinetree Gardens, 4100 S.W. 20th Ave., Gainesville, Florida 32607, 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 Pinetree Gardens, or any successors in interest, shall inform this Commission within 30 days of such a change so that we may reevaluate Pinetree Garden's exempt status. It is further

ORDERED that Docket No. 950530-WS is hereby closed.

By ORDER of the Florida Public Service Commission, this 2nd day of August, 1995.

  
\_\_\_\_\_  
BLANCA S. BAYÓ, Director  
Division of Records and Reporting

( S E A L )

RRJ

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.