

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request For Exemption) DOCKET NO. 950771-WS
From Florida Public Service) ORDER NO. PSC-95-1099-FOF-WS
Commission Regulation For) ISSUED: September 5, 1995
Provision of Water and)
Wastewater Service in Escambia)
County by Mirabelle Apartments.)
_____)

ORDER INDICATING EXEMPT STATUS
OF MIRABELLE APARTMENTS AND CLOSING DOCKET

BY THE COMMISSION:

On July 5, 1995, Mirabelle Apartments filed an application with this Commission for recognition of its exempt status, pursuant to Section 367.022(8), Florida Statutes. Mirabelle Apartments is a 176-unit apartment complex which is under construction. The apartment complex will be located at 8990 North Davis Highway, Pensacola, Florida. The apartment complex is owned by Mirabelle Apartment Company, a Florida general partnership whose partners are JBL Properties, Ltd. and Mirabelle-Mitchell Partners, Ltd. Mr. Jay W. Weber, President of JBL Properties, Ltd. and primary contact person, filed the application on behalf of Mirabelle Apartments.

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, which 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, the service area will be limited to the apartment complex which will be located at 8990 North Davis Highway, Pensacola, Florida. According to Mirabelle Apartments' application, Mirabelle Apartments intends to purchase water and wastewater service from Escambia County Utility Authority (ECUA) and resell the service to the residents at a rate that will not exceed the actual price paid for the service. The apartments will be individually metered. The meters will be read monthly to determine the actual service used and the residents will be billed accordingly. Mirabelle Apartments will be responsible for service to common areas and vacant apartments. No administrative or processing fees or miscellaneous charges will be charged to the residents.

DOCUMENT NUMBER-DATE

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Fpsc-RECORDS/REPORTING

Mirabelle Apartments is aware of the requirements of Rule 25-30.111, Florida Administrative Code. 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. Weber 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 Mirabelle Apartments 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 Mirabelle Apartments or any successors in interest, must inform the Commission within 30 days of such change so its exempt status may be reevaluated.

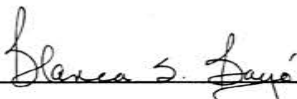
It is, therefore,

ORDERED by the Florida Public Service Commission that, based upon the facts as represented, Mirabelle Apartments, Post Office Box 161506, Mobile, Alabama 36616-2506, 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 Mirabelle Apartments or any successors in interest shall inform this Commission within 30 days of such a change so that we may reevaluate its exempt status. It is further

ORDERED that Docket No. 950771-WS is hereby closed.

By ORDER of the Florida Public Service Commission, this 5th day of September, 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.