

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request For Exemption) DOCKET NO. 951000-WS
From Florida Public Service) ORDER NO. PSC-95-1182-FOF-WS
Commission Regulation For) ISSUED: September 20, 1995
Provision of Water and)
Wastewater Service in Okeechobee)
and Glades Counties by)
Okeechobee Utility Authority.)
_____)

ORDER INDICATING EXEMPT STATUS
OF OKEECHOBEE UTILITY AUTHORITY AND CLOSING DOCKET

BY THE COMMISSION:

On August 24, 1995, Okeechobee Utility Authority filed an application with this Commission for recognition of its exempt status, pursuant to Section 367.022(2), Florida Statutes. Okeechobee Utility Authority is a political subdivision of the State of Florida. Okeechobee Utility Authority's system is located at 205 East North Park Street, Okeechobee, Florida. Kenneth C. Crooks, Attorney for Okeechobee Utility Authority, filed the application on its behalf. The primary contact person is Ms. Kimball Love.

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(2), Florida Statutes, and Rule 25-30.060, Florida Administrative Code. Section 367.022(2), Florida Statutes, states that "[s]ystems owned, operated, managed, or controlled by governmental authorities" are exempt from Commission regulation.

Included with Okeechobee Utility Authority's application was a statement that the system is owned, operated, managed, or controlled by a political subdivision of the State of Florida. Okeechobee Utility Authority provides water and wastewater service, and the service area is all of Okeechobee County and the Buckhead area of Glades County, Florida.

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

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making a false statement in writing with the intent to mislead is guilty of a misdemeanor. By signing the application, Mr. Crooks 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 Okeechobee Utility Authority is exempt from our regulation pursuant to Section 367.022(6), Florida Statutes. However, should there be any change in circumstances or method of operation, a representative of Okeechobee Utility Authority or any successors in interest, must inform the Commission within 30 days of such change so that its exempt status may be reevaluated.

It is, therefore,

ORDERED by the Florida Public Service Commission that, based upon the facts as represented, Okeechobee Utility Authority, 205 East North Park Street, Okeechobee, Florida 34972, is exempt from Commission regulation pursuant to the provisions of Section 367.022(6), Florida Statutes. It is further

ORDERED that should there be any change in circumstances or method of operation, a representative of Okeechobee Utility Authority 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 this docket is hereby closed.

By ORDER of the Florida Public Service Commission, this 20th day of September, 1995.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

by: Kay Jeyan
Chief, Bureau of Records

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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.