

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request For Exemption) DOCKET NO. 951180-WU
From Florida Public Service) ORDER NO. PSC-95-1312-FOF-WU
Commission Regulation For) ISSUED: October 26, 1995
Provision of Water Service in)
Lake County by Town of Lady)
Lake.)
_____)

ORDER INDICATING EXEMPT STATUS
OF TOWN OF LADY LAKE AND CLOSING DOCKET

BY THE COMMISSION:

On October 3, 1995, the Town of Lady Lake (Lady Lake or Town) filed an application with this Commission for recognition of its exempt status, pursuant to Section 367.022(2), Florida Statutes. Lady Lake's water system is located at on County Road 25, Lady Lake, Florida. Mr. James A. Richards, P.E., Director of Public Works and primary contact person, filed the application on behalf of Lady Lake.

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 the application is a statement that the water system is owned, operated, and managed by the Town of Lady Lake; that it provides water service; and that the service area is limited to the Lakes at Lady Lake Subdivision located on County Road 25, Lady Lake, Florida. Wastewater service is provided by septic tanks.

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. Richards 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 Lady Lake is exempt from our regulation pursuant to Section 367.022(6), Florida Statutes. However, should there be any change in circumstances or

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method of operation, a representative of Lady Lake or any successors in interest, must inform the Commission within 30 days of such change so that its exempt status may be reevaluated.

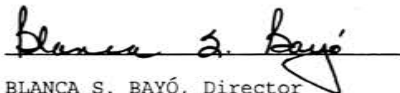
It is, therefore,

ORDERED by the Florida Public Service Commission that, based upon the facts as represented, Town of Lady Lake, Town Hall, 225 West Guava Street, Lady Lake, Florida 32159, 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 the Town of Lady Lake 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 26th day of October, 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.