

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request For Exemption ) DOCKET NO. 951072-WU  
From Florida Public Service ) ORDER NO. PSC-96-0306-FOF-WU  
Commission Regulation For ) ISSUED: February 28, 1996  
Provision of Water Service in )  
Pasco County by Hudson Water )  
Works, Inc. )  
\_\_\_\_\_ )

ORDER INDICATING THE EXEMPT STATUS OF  
HUDSON WATER WORKS, INC. AND CLOSING DOCKET

BY THE COMMISSION:

On September 7, 1995, Hudson Water Works, Inc. (Hudson) filed a request for recognition of its exempt status, pursuant to Section 367.022(7), Florida Statutes. Hudson is located at 14309 Old Dixie Highway, Hudson, Florida. Mr. James Brewer, Manager and primary contact person filed the application on behalf of Hudson.

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(7), Florida Statutes.

Section 367.022(7), Florida Statutes, states that nonprofit corporations, associations, or cooperatives providing service solely to members who own and control such nonprofit entities are exempt from Commission regulation. Before an exemption of this nature may be granted, the applicant requesting the exemption must file with the Commission a statement specifying the following: that the corporation is nonprofit; providing service solely to the members who own and control it; whether it provides water service, wastewater service, or both; who will do the billing; and the service territory. Additionally, the applicant must submit its Articles of Incorporation as filed with the Secretary of State and its Bylaws. These documents must show clearly the requirements of membership, the members' voting rights and the circumstances under which control passes to the non-developer members.

In its application, Hudson stated that it is a nonprofit corporation organized pursuant to Chapter 617, Florida Statutes; that it will provide service solely to its members who own and control it; and that it will provide water service for which it will provide its own billing. Wastewater service is provided by septic tank. The service area is specified as portions of the unincorporated community of Hudson as set forth in Attachment A of this Order, which by reference is incorporated herein. The Association provided a recorded warranty deed granting it use of

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the land upon which the facilities are located. In addition, Hudson provided a copy of its By-Laws and Articles of Incorporation. According to the application, no developer has ever been involved in the association. The association is 100 percent owned and controlled by its members.

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. Brewer acknowledged that he is aware of Section 837.06, Florida Statutes, and the penalties for making false statements in the application.

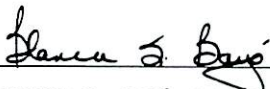
Based on the facts as represented, we find that Hudson is exempt from our regulation pursuant to Section 367.022(7), Florida Statutes. However, the owner of Hudson or any successors in interest are put on notice that if there is any change in circumstance or method of operation, it should inform the 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, Hudson Water Works, Inc., 14309 Old Dixie Highway, Hudson, Florida 34667-1133, is hereby exempt from Commission regulation pursuant to the provisions of Section 367.022(7), Florida Statutes. It is further

ORDERED that this Docket is hereby closed.

By ORDER of the Florida Public Service Commission, this 28th day of February, 1996.



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.

ATTACHMENT A

Hudson Water Works, Inc.

Service Area

A portion of Sections 14, 22, 23, 26, 27, 28, 32, 33, and 34, Township 24 South, Range 16 East, Pasco County, Florida being more particularly described as follows:

Section 14: Viva Villas, First Addition, Phase I, according to map or plat thereof recorded in Plat Book 15, Page 130; Viva Villas, First Addition, Phase II, according to map or plat thereof recorded in Plat Book 16, Page 75; AND a portion of Viva Villas, according to map or plat thereof recorded in Plat Book 13, Pages 3 and 4, all of the Public Records of Pasco County, Florida.

Section 22: The South 1/4 above the mean high water line.

Section 23: Gulf Coast Acres, Unit 2, according to map or plat thereof recorded in Plat Book 5, Page 85; Gulf Coast Acres, Unit 4, LESS Lots 8 through 15, Block 1, inclusive, AND LESS Lots 9 through 16, Block 2, inclusive, according to map or plat thereof recorded in Plat Book 5, Page 87; Gulf Side Estates, Second Addition, LESS Lots 6, 7, 9, 10, Lot "A", AND a portion of Palatine Drive (being 50 feet in right-of-way), according to map or plat thereof recorded in Plat Book 6, Page 148; that portion of Viva Villas, First Addition, Phase I, located in Section 23, according to map or plat thereof recorded in Plat Book 15, Page 130, all in the Public Records of Pasco County, Florida; AND a parcel of land being 250 feet wide, located East aforesaid Viva Villas, First Addition, Phase I, and West of the Westerly right-of-way line of U.S. Highway No. 19 (State Road No. 55), the Southerly boundary line of said parcel being the Northerly right-of-way line of Viva Via (being 60 feet in right-of-way), according to map or plat of Viva Villas, recorded in Plat Book 13, Page 4, of the Public Records of Pasco County, Florida, the East boundary line of said parcel being the East boundary line of the Northwest 1/4 of the Northeast 1/4 of Section 23, and the North boundary line of parcel being the North boundary line of Section 23; AND Viva Villas, according to map or plat thereof recorded in Plat Book 13, Pages 3 and 4, of the Public Records of Pasco County, Florida.

And the following described parcel:

Commence at the Southwest corner of the Northwest 1/4 of the Northeast 1/4 of Section 23; thence run along the South boundary line of the Northwest 1/4 of the Northeast 1/4 of said Section 23,

South 89°46'16" East, a distance of 395.00 feet to the Westerly right-of-way line of State Road No. 55, Section 14030 (U.S. Highway No. 19) as it is now established; thence North 50°04'46" West, a distance of 250.00 feet; thence parallel with the Westerly right-of-way line of said State Road No. 55, North 39°55'14" East, a distance of 722.10 feet for a Point of Beginning; thence South 50°04'46" East, a distance of 250.00 feet to the Westerly right-of-way line of said State Road No. 55; thence North 39°55'14" East, a distance of 200.00 feet; thence North 50°04'46" West, a distance of 250.00 feet; thence South 39°55'14" West, a distance of 200.00 feet to the Point of Beginning.

Section 26: The North 1/2 of Section 26.

Section 27: All of Section 27 LESS:

The South 1/2 of the Southeast 1/4; AND LESS Windsor Road, being 80 feet in right-of-way, and being that portion of Windsor Mill, Unit One, located in the South 1/2 of the Southwest 1/4 of Section 27, according to map or plat thereof recorded in Plat Book 16, Pages 135, 136, and 137, of the Public Records of Pasco County, Florida;

And LESS the following described parcel:

Beginning at the Southeast corner of the Southwest 1/4 of Section 27; run thence along the South boundary line of Section 27, North 89°50'42" West, a distance of 848.35 feet to the Northeasterly right-of-way line of said Windsor Road; thence along said right-of-way line, a distance of 117.41 feet along the arc of a curve concave to the Southwest, said curve having a radius of 335.00 feet, a chord of 116.81 feet, and a chord bearing of North 59°27'23" West; thence North 38°52'37" East, a distance of 1,308.74 feet; thence South 51°07'23" East, a distance of 121.61 feet; thence North 89°15'55" East, a distance of 25.00 feet to the East boundary line of the Southwest 1/4 of Section 27; thence along said East boundary line, South 0°44'05" West, a distance of 1,004.19 feet to the Point of Beginning.

Section 28: All of Section 28 above the mean high water line.

Section 32: All of Section 32 above the mean high water line.

Section 33: The North 1/4; AND that portion of the South 1/2 of the North 1/2 of Section 33, known as Sea Ranch on the Gulf, 4th Addition through 10th Addition, inclusive, recorded in the following Plat Books: 4th Addition - P.B. 9, Pg. 38; 5th Addition - P.B. 9, Pg. 67; 6th Addition - P.B. 9, Pg. 120; 7th Addition - P.B. 10, Pg. 5; 8th Addition - P.B. 10, Pg. 42; 9th Addition - P.B.

10, Pg. 99; 10th Addition - P.B. 11, Pg. 21; all being in the Public Records of Pasco County, Florida.

Section 34: The Northwest 1/4 of the Northwest 1/4 West of U.S. Highway No. 19 (S.R. No. 55); AND that portion of the Northwest 1/4 of the Northwest 1/4 known as Gulf View Terrace No. 3, according to map or plat thereof recorded in Plat Book 6, Page 75; that portion of the Southwest 1/4 of the Northwest 1/4 known as Gulf View Terrace No. 1, according to map or plat thereof recorded in Plat Book 4, Page 111, and Gulf View Terrace No. 4A, according to map or plat thereof recorded in Plat Book 7, Page 120, all of the Public Records of Pasco County, Florida.

Optional Service Area:

This area is serviced by either Hudson Water Works or Pasco County Utilities Division at the discretion of the consumer; said area further defined as follows:

That part of Section 23, Township 24 South, Range 16 East, Pasco County, Florida, lying immediately South of the South right-of-way line of Viva Via, said right-of-way being 60 feet in width and as shown on the plat of Viva Villas, according to map or plat thereof recorded in Plat Book 13, Page 4, of the Public Records of Pasco County, Florida, and extending Southerly to the Northerly boundary of Lot 8, GULF SIDE ESTATES, SECOND ADDITION, according to map or plat thereof recorded in Plat Book 6, Page 148, of the Public Records of Pasco County and lying adjacent to the Westerly right-of-way line of U.S. Highway No. 19 (State Road No. 55) as it presently exists, and extending for a depth of 250 feet, said distance being measured perpendicular to said Westerly right-of-way line and extending parallel with same.