

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request For Exemption) DOCKET NO. 950930-WS
From Florida Public Service) ORDER NO. PSC-96-0386-FOF-WS
Commission Regulation For) ISSUED: March 18, 1996
Provision of Water and)
Wastewater Service in Pinellas)
County by Bayside Arbors)
Apartments.)
_____)

ORDER INDICATING EXEMPT STATUS OF BAYSIDE
ARBORS APARTMENTS AND CLOSING DOCKET

BY THE COMMISSION:

On August 7, 1995, Bayside Arbors Apartments (Bayside) filed an application with this Commission for recognition of its exempt status, pursuant to Section 367.022(8), Florida Statutes. Bayside is a 360-unit apartment complex located at 2717 Seville Boulevard, Clearwater, Pinellas County, Florida. Bayside is owned by Zom Bayside Arbors, Ltd. Mr. Steven Patterson, President of Zom Communities, Inc. (General Partner of the owner), and primary contact person, filed the application on behalf of Bayside.

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 Rule 25-30.060(1), (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 the application, Bayside intends to purchase water and wastewater from the City of Clearwater Utility (City) and resell it to its residents at a rate that does not exceed the actual purchase price. Meters will be installed on each apartment so that the residents will be charged for the actual amount of water used. Enviro-Check, Inc. has been retained to read the meters on a monthly basis and bill the residents accordingly on behalf of Bayside.

Bayside has five master water meters. Since the City charges a three-tiered master meter rate, Bayside has developed water usage rates based on the amount each unit uses of the total water used

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per master meter. Residents will be charged for wastewater service at the same rate charged by the City. This methodology will ensure that the revenues received from reselling water and wastewater service will not exceed the cost to provide the service.

The charges for fire protection, fire detection and storm water will be prorated so that each apartment will be charged an equal share. The charges for water service to common areas will be based on 12 per cent of the property's three-month average water usage. The 12 per cent will be prorated evenly among the 360 apartments in the complex. Bayside will be responsible for prorated charges to vacant apartments. Bayside will not collect customer deposits and no administrative or processing fees or miscellaneous charges will be charged to the residents.

Bayside is aware of the requirements of Section 367.122, Florida Statutes, and Rules 25-30.111 and 25-30.262 through 25-30.267, 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. Patterson acknowledged that he is aware of Section 837.06, Florida Statutes, and the penalties for making false statements in the application.

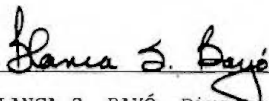
Based on the facts as represented, we find that Bayside is exempt from our regulation pursuant to Section 367.022(8), Florida Statutes. However, Bayside is put on notice that if there is any change in circumstance or method of operation, it should inform the Commission within 30 days of such change so that its exempt status may be reevaluated.

It is, therefore,

ORDERED by the Florida Public Service Commission that, based upon the facts as represented, Bayside Arbors Apartments, c/o Enviro-Check, Inc., 330 Laurel Hollow Drive, Nokomis, Florida 34275, is hereby exempt from Commission regulation pursuant to the provisions of Section 367.022(8), Florida Statutes. It is further

ORDERED that Docket No. 950930-WS is hereby closed.

By ORDER of the Florida Public Service Commission, this 18th day of March, 1996.



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.