

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request For Exemption ) DOCKET NO. 950942-WS  
From Florida Public Service ) ORDER NO. PSC-96-0936-FOF-WS  
Commission Regulation For ) ISSUED: July 18, 1996  
Provision of Water and )  
Wastewater Service in Lee County )  
by CP I of Ft. Myers, Ltd. )  
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ORDER INDICATING EXEMPT STATUS  
OF CP I OF FT. MYERS, LTD. AND CLOSING DOCKET

BY THE COMMISSION:

On August 9, 1995, The Renaissance filed an application with this Commission for recognition of its exempt status, pursuant to Section 367.022(8), Florida Statutes. The Renaissance is a 112-unit apartment complex located at 3403 Winkler Avenue Extension, Fort Myers, Florida. The Renaissance is owned by CP I of Ft. Myers, Ltd. (CPI). Erian, Inc. is the General Partner of CPI. Mr. Eric Feinstein, President of Erian, Inc., filed the application on behalf of The Renaissance. The primary contact is Mr. Frank R. Manno of Conservation Billing Services, Inc.

After reviewing the application, it was determined that the name "The Renaissance" is not registered with the Secretary of State's office as a fictitious name. Although the owner is currently in the process of registering the name with the Secretary of State, it has requested that the exemption be granted to CP I of Ft. Myers, Ltd. for the apartment complex known as The Renaissance.

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, service is provided only to the apartment complex located at 3403 Winkler Avenue Extension, Fort, Myers, Florida. CPI intends to purchase water and wastewater from the City of Fort Myers and resell it to the residents of The

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Renaissance 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. Conservation Billing Services, Inc. has been retained to read the meters on a monthly basis and bill the residents accordingly on behalf of The Renaissance. CPI intends to prorate Fort Myers' fixed rates and fees so that each apartment will pay an equal share. Usage rates will be based on actual metered water consumption and charged at the same rates charged by Fort Myers. In order to determine the cost of water to common areas, the average amount of water used by the property over a three-month period will be multiplied by twelve percent. The twelve percent will then be evenly divided by the total number of apartments so that each apartment will pay an equal amount for service to common areas. CPI will be responsible for prorated charges for service to vacant apartments. No deposits will be collected and no administrative or processing fees or miscellaneous charges will be charged to the residents.

CPI 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. Feinstein 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 CPI is exempt from our regulation pursuant to Section 367.022(8), Florida Statutes, only for the apartment complex known as The Renaissance. However, the owner of The Renaissance 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, CP I of Ft. Myers, Ltd., c/o Conservation Billing Services, Inc., 90 South Newtown Street Road, Suite No. 3, Newtown Square, Pennsylvania 19073-4035, is hereby exempt from Commission regulation pursuant to the provisions of Section 367.022(8), Florida Statutes, only for the apartment complex known as The Renaissance. It is further

ORDERED that Docket No. 950942-WS is hereby closed.

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

BLANCA S. BAYÓ, Director  
Division of Records and Reporting

by: Kay Flynn  
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.