

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request for Exemption ) DOCKET NO. 960586-WS  
from Florida Public Service ) ORDER NO. PSC-96-1240-FOF-WS  
Commission Regulation for ) ISSUED: October 7, 1996  
Provision of Water Service, and )  
Non-jurisdictional finding for )  
Provision of Wastewater Service )  
in Orange County by Fairways )  
Country Club. )

---

ORDER INDICATING THE NONJURISDICTIONAL AND EXEMPT STATUS  
OF FAIRWAYS COUNTRY CLUB FOR WASTEWATER SERVICE AND WATER  
SERVICE, RESPECTIVELY, AND CLOSING DOCKET

BY THE COMMISSION:

On May 10, 1996, Fairways Country Club (Fairways) filed an application with this Commission for recognition of its exempt status, pursuant to Section 367.022(8), Florida Statutes, for provision of water service. Fairways also filed an application requesting recognition of its nonjurisdictional status, pursuant to Section 367.021(12), Florida Statutes, for provision of wastewater service. Fairways is a 1142-unit manufactured home community located at 14205 East Colonial Drive, Orlando, Florida. Fairways is owned by Chateau Properties, Inc. (Chateau). Mr. Robert S. Munro, Director of Utilities, and primary contact person, filed the application on behalf of Fairways.

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. Fairways' application for exemption for water service was filed in accordance with Section 367.022(8), Florida Statutes, and Rules 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.

Fairways' application for a nonjurisdictional finding for wastewater service was filed in accordance with Section 367.021(12), Florida Statutes, and Rules 25-30.060(2) and (3)(j), Florida Administrative Code. Section 367.021(12), Florida Statutes, states that a "utility means a water or wastewater utility and except as provided in Section 367.022, includes every

DOCUMENT NUMBER-DATE

10670 OCT-7 96

FPSC-RECORDS/REPORTING

person, lessee, trustee, or receiver owning, operating, managing or controlling a system, or proposing construction of a system, who is providing or proposes to provide water or wastewater service to the public for compensation."

According to its application, Fairways has a small wastewater plant which serves the majority of residents in the community. The residents are not charged for wastewater service. A small number of residents receive wastewater service directly from Orange County. Fairways is billed for the wastewater service, but does not pass the cost on to the residents.

Fairways intends to purchase water from Orange County and resell it to the residents of the manufactured housing community located at 14205 East Colonial Drive, Orlando, Florida, at a rate that does not exceed the actual purchase price. The service will be provided by Orange County through a 2" master meter. In addition, meters have been installed on each unit so the residents will be charged for the actual amount of water used. The first 3,000 gallons will be provided to the residents free. The residents will be charged \$4.48 per 1,000 gallons for all water used over 3,000 gallons. The residents will be billed by Fairways on a monthly basis. Fairways will be responsible for service to common areas. No administrative or processing fees or miscellaneous charges will be charged to the residents and no customer deposit will be collected.

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

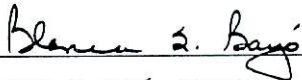
Based on the facts as represented, we find that Fairways is exempt from our regulation pursuant to the provisions of Section 367.022(8), Florida Statutes, for its water service. We further find that Fairways is not a wastewater utility pursuant to the provisions of Section 367.021(12), Florida Statutes. However, the owner of Fairways or any successors in interest are put on notice that if there is any change in circumstance or method of operation which causes it to no longer qualify for exemption pursuant to Section 367.022, Florida Statutes, it should inform the Commission within 30 days of such change so that its status may be reevaluated.

It is, therefore,

ORDERED by the Florida Public Service Commission that, based upon the facts as represented, Fairways Country Club, 14205 East Colonial Drive, Orlando, Florida 32826, is not a wastewater utility subject to this Commission's jurisdiction, pursuant to the provisions of Section 367.021(12), Florida Statutes. Further, Fairways Country Club is exempt from our regulation for water service pursuant to the provisions of Section 367.022(8), Florida Statutes. It is further

ORDERED that this Docket is hereby closed.

By ORDER of the Florida Public Service Commission, this 7th day of October, 1996.



BLANCA S. BAYÓ, Director  
Division of Records and Reporting

( S E A L )

ALC

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.

ORDER NO. PSC-96-1240-FOF-WS  
DOCKET NO. 960586-WS  
PAGE 4

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.