

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Resolution of the Board) DOCKET NO. 951235-WS
of County Commissioners of) ORDER NO. PSC-97-0115-FOF-WS
Manatee County Declaring Manatee) ISSUED: January 29, 1997
County Subject to the Provisions)
of Chapter 367, Florida Statutes)
- Request for Exemption from)
Florida Public Service)
Commission Regulation for)
Provision of Water and)
Wastewater Service by Summit)
Properties Partnership Limited)
(Bristol Bay at Perico Island).)
_____)

ORDER INDICATING EXEMPT STATUS OF SUMMIT PROPERTIES
PARTNERSHIP LIMITED (BRISTOL BAY AT PERICO ISLAND)

BY THE COMMISSION:

On June 12, 1996, Bristol Bay at Perico Island filed an application with this Commission for recognition of its exempt status, pursuant to Section 367.022(8), Florida Statutes. Bristol Bay at Perico Island is a 256-unit apartment complex located at 11001 Bristol Bay Drive, Bradenton, Florida. The apartment complex is owned by Summit Properties Partnership Limited. Mr. Keith Kuhlman, Executive Vice President of Summit Properties Partnership Limited, filed the application on behalf of Bristol Bay at Perico Island. The primary contact person is Cindy T. Darling, WaterMaster Metering Systems, Inc. (WaterMaster), 1570 Madruga Avenue, Suite 200, Coral Gables, Florida 33146.

After reviewing the application, it was determined that the name, Bristol Bay at Perico Island, 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 Summit Properties Partnership Limited (Summit/Bristol Bay) for the apartment complex known as Bristol Bay at Perico Island.

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

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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, Summit/Bristol Bay provides service only to the apartment complex located at 11001 Bristol Bay Drive, Bradenton, Florida. Summit/Bristol Bay intends to purchase water and wastewater from the City of Bradenton and resell it to its residents at a rate that does not exceed the actual purchase price. The rates that Summit/Bristol Bay intends to charge are identical to those charged by the City of Bradenton. Summit/Bristol Bay has one six-inch master meter. In addition, meters will be installed on each apartment so that the residents will be charged for the actual amount of water used. WaterMaster has been retained to read the meters on a monthly basis and bill the residents accordingly on behalf of Summit/Bristol Bay. Summit/Bristol Bay will be responsible for service to common areas and vacant apartments. No administrative or processing fees or miscellaneous charges will be charged to the residents and no customer deposits will be collected.

Summit/Bristol Bay 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. Kuhlman 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 Summit/Bristol Bay is exempt from our regulation pursuant to Section 367.022(8), Florida Statutes. However, the owner of Summit/Bristol Bay 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.

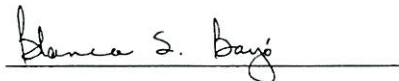
It is, therefore,

ORDERED by the Florida Public Service Commission that, based upon the facts as represented, Summit Properties Partnership Limited, 777 South Harbor Island Boulevard, Tampa, Florida 33602, is hereby exempt from Commission regulation pursuant to the provisions of Section 367.022(8), Florida Statutes. It is further

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ORDERED that this docket shall remain open to process additional applications.

By ORDER of the Florida Public Service Commission, this 29th day of January, 1997.



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

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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.