

## BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request by CRYSTAL LAKE	)	DOCKET NO. 890690-WS
PROPERTY OWNERS' ASSOCIATION ONE,	)	
INC. for exemption from FPSC	)	ORDER NO. 21499
regulation for water and sewer	)	
facilities in Collier County	)	ISSUED: 7-5-89
	)	

The following Commissioners participated in the disposition of this matter:

MICHAEL McK. WILSON, Chairman  
 THOMAS M. BEARD  
 JOHN T. HERNDON

ORDER INDICATING THE EXEMPT STATUS OF CRYSTAL  
 LAKE PROPERTY OWNERS' ASSOCIATION ONE, INC.

BY THE COMMISSION:

Crystal Lake Property Owners' Association One, Inc. (CLPOA) is the home owners association for Crystal Lake Travel Park, a planned RV park in Collier County. Pursuant to Section 367.031, Florida Statutes, before the Department of Environmental Regulation (DER) will issue a construction permit, it requires either a certificate authorizing service or proof that the utility is not subject to the regulation of this Commission. Therefore, by letter and affidavit received May 18, 1989, CLPOA has requested recognition of its exempt status.

As a matter of practice, upon request and sufficient proof, the Commission will issue an order indicating the nonjurisdictional or exempt status of water or sewer facilities, if they qualify under the appropriate section of Chapter 367, Florida Statutes. CLPOA requested recognition of its exempt status under Section 367.022(7), Florida Statutes.

The affidavit, letter, lease and Articles of Incorporation submitted by CLPOA show that: CLPOA is a nonprofit corporation; CLPOA provides interim water and wastewater services solely to its members; the members own and will control the company when 51% plus one of the lots are sold; the water and wastewater facilities and underlying land are held by an absolute lease by the nonprofit corporation, subject to termination 90 days after the date Collier County makes central water and wastewater facilities available to the development; and CLPOA is responsible for billing its members for water and wastewater service.

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Section 367.022(7), Florida Statutes, states that "[n]onprofit corporations, associations, or cooperatives providing service solely to members who own and control such nonprofit..." entities are exempt from Commission regulation. Based upon the facts as represented, we find that CLPOA is exempt from our regulation under the terms of Section 367.022(7), Florida Statutes. However, should there be any changes in circumstances or method of operation, CLPOA, or any successor(s) in interest, must inform the Commission within thirty days of such change, so that we may determine whether exempt status is still appropriate.

It is, therefore,

ORDERED by the Florida Public Service Commission that, based upon the facts as represented, Crystal Lake Property Owners' Association One, Inc. located at 10823 North Trail, Suite B, Naples, Florida 33963, is hereby exempt from Commission regulation pursuant to the terms of Section 367.022(7), Florida Statutes. It is further

ORDERED that should there be any change in circumstances or method of operation of Crystal Lake Property Owners' Association One, Inc.'s water and wastewater facilities, the owner of Crystal Lake Property Owners' Association One, Inc., or any successor(s) in interest, shall inform the Commission within thirty days of such change. It is further

ORDERED that this docket be closed.

By ORDER of the Florida Public Service Commission  
 this 5th day of July, 1989.

  
 STEVE TRIBBLE, 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 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 or sewer 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.