

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for exemption from ) DOCKET NO. 900398-WU  
Florida Public Service Commission ) ORDER NO. 23239  
regulation for the Lykes Citrus ) ISSUED: 7-23-90  
Management Office and Shop Water )  
System in Highlands County by LYKES )  
BROTHERS, INC. )  
\_\_\_\_\_)

ORDER INDICATING THE NON-JURISDICTIONAL STATUS  
OF THE LYKES BROTHERS, INC. FT. BASINGER  
OFFICE AND REPAIR SHOP WATER SYSTEM

BY THE COMMISSION:

Lykes Brothers, Inc., (Lykes) is a corporation which operates a management office and repair shop in Ft. Basinger, Highlands County, Florida. In conjunction with its operations, Lykes provides water service to the office and repair shop.

By letter dated May 1, 1990, Lykes requested that it be found exempt from this Commission's regulation under Section 367.022, Florida Statutes. Attached to its request was an affidavit reciting the facts upon which its asserted status is based. According to Lykes' affidavit, Lykes provides service solely to its employees, does not collect any compensation for such service, and treats all costs of providing such service as operational expenses.

Although Lykes requested that it be found exempt from our regulation pursuant to Section 367.022, Florida Statutes, based upon the above representations, it appears that Lykes is not a utility, as defined in Section 367.021(12), Florida Statutes. Under that section, in order for it to be a utility, Lykes would have to provide service to the public for compensation. Since Lykes does not collect compensation for water service, we find that it is exempt from our jurisdiction under Section 367.021(12), Florida Statutes. Nevertheless, should there be any change in circumstances or method of operation, Lykes, or its successor(s) in interest, shall inform this Commission within thirty days of such change so that we may reevaluate its jurisdictional status.

Based upon the foregoing, it is

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ORDERED by the Florida Public Service Commission that the Ft. Basinger management office and repair shop water system operated by Lykes Brothers, Inc. is not a utility as defined in Section 367.021(12), Florida Statutes, and is, therefore, not subject to the jurisdiction of this Commission. It is further

ORDERED that should there be any change in circumstances or method of operation, Lykes Brothers, Inc. or its successor(s) in interest shall inform this Commission within thirty (30) days of such change so that we may reevaluate its jurisdictional status.

ORDERED that Docket No. 900398-WU be and is hereby closed.

By ORDER of the Florida Public Service Commission  
this 23rd day of JULY, 1990.

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STEVE TRIBBLE, Director  
Division of Records and Reporting

( S E A L )

RJP

by: Kay Hlynn  
Chief, Bureau of Records

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

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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.