

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for exemption from)
Florida Public Service Commission) DOCKET NO. 900682-WS
regulation for water and sewer) ORDER NO. 23412
facilities in Palm Beach County) ISSUED: 8-28-90
by W.P. Utilities, Inc.)
_____)

ORDER INDICATING THE EXEMPT STATUS OF
W.P. UTILITIES, INC.

BY THE COMMISSION:

A customer of W.P. Utilities, Inc. (utility) contacted the Commission with a question regarding the rates and charges of the utility. During the investigation regarding that customer's inquiry, it was ascertained that the utility was not authorized by the Commission to provide utility service. The utility was requested to apply either for proper certificates to serve or request a determination of exemption from regulation by the Commission. Therefore, by letter, affidavit, and supporting bills, invoices and receipts received on June 20, 1990, W.P. Utilities, Inc. has requested recognition of its exempt status under Section 367.022(8), Florida Statutes, which states that any person who resells water and wastewater service at a rate or charge that does not exceed the actual purchase price thereof and who complies with specified reporting requirements is exempt from Commission regulation.

The letter, affidavit, and the supporting documentation support the utility's assertions that W.P. Utilities, Inc. provides water and wastewater service to the Palm Breezes Club Mobile Home Development and resells the water and wastewater service at rates which do not exceed the actual purchase price charged to it by the City of Lake Worth. W.P. Utilities, Inc. also acknowledges its requirement to report to the Commission in full compliance with Rule 25-30.111, Florida Administrative Code, which states:

Any person who resells water or sewer service
and claims the exemption provided for in

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subsection 367.022(8), F.S., shall file a report by March 31 of each year following the year for which the exemption is claimed. The report shall contain the following:

(1) A schedule, listing by month, the rates charged for and total revenue received from the water service sold.

(2) A schedule, listing by month, the rates charged and total expense incurred for the purchase of the water or sewer service.

(3) A statement listing the source from which the water or sewer service was purchased.

Based upon the facts as represented by the utility, we find that W.P. Utilities, Inc. is exempt from our regulation under the terms of Section 367.022(8), Florida Statutes. However, should there be any change in circumstances or method of operation, the owner(s) of W.P. Utilities, Inc., or any successor in interest, must inform the Commission within thirty days of such change, so that we may determine whether exempt status is then still appropriate.

It is, therefore,

ORDERED by the Florida Public Service Commission that, based upon the facts as represented, W.P. Utilities, Inc., located at 3500 West Lantana Road, Lantana, Florida, is hereby exempt from Commission regulation pursuant to the terms of Section 367.022(8), Florida Statutes. It is further

ORDERED that W.P. Utilities, Inc. shall comply with the reporting requirements as specified in Rule 25-30.111, Florida Administrative Code. It is further

ORDERED that should there be any change in circumstances or method that W.P. Utilities, Inc.'s water and wastewater services are provided, the owner of W.P. Utilities, Inc., or any successor in interest, shall inform the Commission within thirty days of such change. It is further

ORDERED that this docket be closed.

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By ORDER of the Florida Public Service Commission,
this 28th day of August, 1990.



STEVE TRIBBLE, 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 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.