

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for exemption)	DOCKET NO. 900529-WS
from Florida Public Service)	ORDER NO. 23817
Commission regulation for a)	ISSUED: 11-30-90
water and wastewater utility)	
in Clay County by WINTERBOURNE)	
PROPERTY OWNERS ASSOCIATION,)	
INC.)	
_____)	

ORDER INDICATING THE EXEMPT STATUS
OF WINTERBOURNE PROPERTY OWNERS ASSOCIATION, INC.

BY THE COMMISSION:

Winterbourne Property Owners Association, Inc. (Association) provides water and wastewater service to the Winterbourne Subdivision in Orange Park, Florida. The subdivision consists of 23 residential units and a common area with a swimming pool.

On May 24, 1990, the Association filed a request that it be found exempt from Commission regulation. An affidavit accompanying the request provides that the Association will have a capacity to serve 100 or fewer persons.

Section 367.022(6), Florida Statutes, exempts utilities with the capacity to serve 100 or fewer persons from regulation by this Commission. Rule 25-30.055, Florida Administrative Code, provides that a water or wastewater system is exempt under Section 367.022(6), Florida Statutes, if its treatment facilities and distribution or collection system have a capacity of no greater than 10,000 gallons per day or if the entire system is designed to serve no greater than 40 equivalent residential connections (ERCs).

The water and wastewater systems considered here are designed to serve 23 residential units and a common area within the Winterbourne subdivision. The subdivision has been built out. Rule 25-30.055(a), Florida Administrative Code, provides that ERC's for residential use are calculated at .8 per unit for multiple family dwellings such as those within the Winterbourne subdivision. Thus, pursuant to this rule, because the systems have the capacity to serve less than 40 ERCs they are exempt from our regulation.

Based on the information provided, the Association meets the requirements for an exemption pursuant to Section 367.022(6), Florida Statutes. Thus, we find that the Association is exempt from our regulation. However, should there be any change in

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circumstances or method of operation, the Association, or its successor(s) in interest, shall notify this Commission within thirty days of such change so that we may reevaluate its regulatory status.

Upon due consideration of the foregoing, it is

ORDERED by the Florida Public Service Commission that the Winterbourne Homeowners Association, Inc., 2115 Winterbourne West, Orange Park, Florida 32074, is exempt from this Commission's regulation under Section 367.022(6), Florida Statutes. It is further

ORDERED that should there be any change in circumstances or method of operation, Winterbourne Homeowners Association, Inc. or its successor(s) in interest, shall notify this Commission within thirty days of such change so that we may reevaluate its regulatory status. It is further

ORDERED that Docket No. 900529-WS be and is hereby closed.

By ORDER of the Florida Public Service Commission this
30th day of November, 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.