

FLORIDA PUBLIC SERVICE COMMISSION

Fletcher Building
101 East Gaines Street
Tallahassee, Florida 32399-0850

MEMORANDUM

June 13, 1991

TO: DIRECTOR, DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (FRAZIER) *RF*
DIVISION OF WATER AND SEWER (GILCHRIST) *W. S. Gilchrist*

RE: UTILITY: OAK LEAF WASTEWATER TREATMENT PLANT
DOCKET NO. 910385-SU
COUNTY: HIGHLANDS
CASE: REQUEST FOR EXEMPTION FROM FLORIDA PUBLIC
SERVICE COMMISSION REGULATION FOR A WASTEWATER
SYSTEM IN HIGHLANDS COUNTY

AGENDA: JUNE 25, 1991 - CONTROVERSIAL - PROPOSED AGENCY ACTION -
PARTIES MAY PARTICIPATE

CRITICAL DATES: NONE

CASE BACKGROUND

By letter dated March 13, 1991, Oak Leafe, Inc. (Oak Leafe) requested that it be exempt from Florida Public Service Commission (Commission) regulation as a landlord/tenant pursuant to Section 367.022(5), Florida Statutes. The applicant states that it will provide wastewater service to Oak Leafe Subdivision, a development containing approximately sixty-two (62) lots.

DOCUMENT NUMBER-DATE

05895 JUN 12 1991

FPSC+RECORDS/REPORTING

ISSUE 1: Should the request by Oak Leafe for exemption from Commission regulation for its wastewater system in Highlands County be granted?

RECOMMENDATION: No, the exemption should not be granted, and Oak Leafe should be ordered to file an application for a certificate within six months. (Frazier)

STAFF ANALYSIS: Oak Leafe states that it intends to serve sixty-two (62) lots which will either be rented or sold. According to Section 367.022(5), Florida Statutes, service must be provided solely to tenants. Since some of the residents of the Oak Leafe subdivision will own their lots, and thereby service will not be provided strictly to tenants, staff recommends that Oak Leafe's request for exemption pursuant to Section 367.022(5), Florida Statutes, be denied.

Further, we recommend that Oak Leafe apply for a certificate. Oak Leafe has indicated that it might seek an exemption, under Section 367.022(6), Florida Statutes. This exemption allows relief from Commission regulation for small systems if the system has or will have the capacity to serve 100 or fewer persons. Rule 25-30.055, Florida Administrative Code, interprets this statutory requirement to mean that a water or wastewater system is exempt under Section 367.022(6), Florida Statutes, if its capacity, excluding fire flow, is no greater than 10,000 gallons per day. If Oak Leafe meets all the requirements pursuant to Section 367.022(6), Florida Statutes, an exemption from Commission regulation would be appropriate. A time period of six months should be sufficient for the applicant to follow through with either of these options.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes, this docket should be closed. (Frazier)

STAFF ANALYSIS: If no timely protest is filed, no further action will be required on this particular application and the docket should be closed.