

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for exemption from)	DOCKET NO. 910912-WU
Florida Public Service Commission)	
regulation for a water treatment)	
facility in Bay County by Dear)	ORDER NO. 25180
in the Pines Daycare)	
)	
)	ISSUED: 10/09/91
)	
)	

ORDER INDICATING THE NONJURISDICTIONAL STATUS OF
DEAR IN THE PINES DAYCARE

BY THE COMMISSION:

Dear in the Pines Daycare (Dear in the Pines) is an existing daycare facility, which owns and operates a water system in Bay County, Florida. Dear in the Pines' water system is a well which is not in operation. Currently, Dear in the Pines serves bottled water as needed, having received a temporary permit from the Department of Environmental Regulation (DER) until October 15, 1991. Dear in the Pines needs a permit from (DER) so that it can use this system to provide potable water. Pursuant to Section 367.031, Florida Statutes, before (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 affidavit received September 3, 1991 Dear in the Pines requested recognition of its nonjurisdictional status under Section 367.021(12), Florida Statutes.

Upon request and sufficient proof, the Commission will issue an order indicating the nonjurisdictional or exempt status of water or wastewater facilities, if they qualify under the appropriate section of Chapter 367, Florida Statutes.

The original affidavit requested an exemption for a wastewater facility. The owner of Dear in the Pines submitted a corrected affidavit on September 12, 1991 indicating water, not wastewater, service should be found exempt from Commission jurisdiction. The corrected affidavit stated that: Dear in the Pines will provide water service solely for the operation of its establishment; no charges will be made to anyone for the water service; the costs of water service will be treated as an operational expense of Dear in the Pines; the water system will be located solely on the premises

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of Dear in the Pines; and the facility's physical address is 8332 Hudson Road, Panama City, Fl. 32404.

Section 367.021(12), Florida Statutes, defines utility as "every person... who is providing or proposes to provide, water or wastewater service to the public for compensation." Based upon the facts as presented herein, it does not appear that Dear in the Pines is a utility as defined by Section 367.021(12), Florida Statutes, since it will not be providing water service for compensation. However, should there be any change in circumstances or method of operation, the owner of Dear in the Pines, or any successor in interest, must inform the Commission within thirty days of such change, so that we may determine whether nonjurisdictional status is still appropriate.

It is, therefore,

ORDERED by the Florida Public Service Commission that, based upon the facts as represented, the water system of Dear in the Pines Daycare, located at 8332 Hudson Road, Panama City, Florida 32404, is not a utility subject to this Commission's jurisdiction pursuant to the terms of Section 367.021(12), Florida Statutes. It is further

ORDERED that should there be any change in circumstances or method of operation of Dear in the Pines Daycare's water system, the present owner or any successor 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 9th day of OCTOBER, 1991



STEVE TRIBBLE, Director
Division of Records and Reporting

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