

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for exemption)
from Florida Public Service)
Commission regulation for)
provision of water and)
wastewater service in St. Lucie)
County by VILLAGE SQUARE)

DOCKET NO. 921217-WS
ORDER NO. PSC-93-0283-POF-WS
ISSUED: 02/23/93

ORDER INDICATING THE EXEMPT
STATUS OF VILLAGE SQUARE

BY THE COMMISSION:

On November 30, 1992, Village Square filed an application with this Commission for recognition of nonjurisdictional status, pursuant to Section 367.021(12), Florida Statutes. However, it was determined that Village Square meets the qualifications for a landlord-tenant exemption pursuant to Section 367.022(5), Florida Statutes, as opposed to nonjurisdictional status. On February 11, 1993, Village Square applied for an exemption from Commission regulation pursuant to Section 367.022(5), Florida Statutes, which provides for a landlord/tenant exemption. The contact person is Cynthia Friend, the property manager of the shopping center. The mailing address is 8737 South U.S. 1, Port St. Lucie, Florida 34952.

The application was filed in accordance with Section 367.022, Florida Statutes, and Rules 25-30.060(1), (2), and (3)(e), Florida Administrative Code. The applicant stated that it provides water and wastewater service solely to its tenants and charges for such service are nonspecifically contained in the monthly rental charges. The applicant, which is a shopping center, provides water and wastewater service to the shopping center only. Water service is provided by a well and a water treatment plant. Wastewater service is provided by a sewer treatment plant. The physical address of the system is 8731-8767 South U.S. 1, Port St. Lucie, FL 34952. Furthermore, the applicant acknowledged Section 837.06, Florida Statutes, regarding false statements.

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

Village Square requested recognition of its exempt status under Section 367.022(5), Florida Statutes, which provides that landlords providing service to their tenants without specific

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compensation for the service shall not be subject to regulation by the Commission.

In addition, Rule 25-30.060(e) states:

For an exemption pursuant to Section 367.022(5), Florida Statutes, a statement from the landlord that it provides service solely to tenants; that charges for service are non-specifically contained in rental charges; stating whether it provides water service, wastewater service or both; and specifying the service area. A copy of the landlord's most recent version of a standard lease or rental agreement, stating that there is no separate charge for water service, wastewater service, or both, shall be submitted with the application.

Based on the facts as represented, we find that Village Square is exempt from our regulation under the terms of Section 367.022(5), Florida Statutes. However, should there be any change in circumstances or method of operation, the owner of Village Square or any successor in interest, must inform the Commission within 30 days of such change, so we may determine whether exempt status is still appropriate.


It is, therefore,

ORDERED by the Florida Public Service Commission that, based on the facts as represented, Village Square, 8737 South U.S. 1, Port St. Lucie, Florida 34952, is hereby exempt from Commission regulation pursuant to the terms of Section 367.022(5), Florida Statutes. The contact person is Cynthia Friend. It is further

ORDERED that should there be any change in circumstances or method of operation, the owner of Village Square or its successor(s) in interest shall inform this Commission of the change within 30 days so we may reevaluate its nonjurisdictional status. It is further

ORDERED that this docket is hereby closed.

By ORDER of the Florida Public Service Commission this 23rd
day of February, 1993.



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 Civil Procedure. The notice of appeal must be in the form specified in Rule 9.900 (a), Florida Rules of Appellate Procedure.