

✓ BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for exemption from) DOCKET NO. 921169-WU
Florida Public Service Commission) ORDER NO. PSC-92-1453-FOF-WU
regulation for SUN GROVE MONTESSORI) ISSUED: 12/15/92
SCHOOL, INC. in St. Lucie County)
pursuant to Section 367.021(12),)
Florida Statutes)

ORDER GRANTING EXEMPTION FROM REGULATION

BY THE COMMISSION:

On November 13, 1992, Sun Grove Montessori School, Inc. (Sun Grove) filed an application for an exemption from this Commission's regulation pursuant to Section 367.022(7), Florida Statutes. Sun Grove is a non-profit organization located at 5610 Oleander Avenue, Fort Pierce, Florida. Sun Grove provides water and wastewater services solely to the school by well and septic tank. The contact person for the applicant is Ms. Barbara Embry, whose address is 204 Jeffrey Lane, Fort Pierce, Florida 34982.

The original application was filed pursuant to Section 367.022(7), which is the non-profit exemption. However, after reviewing the application, we find that the more appropriate exemption in this case is pursuant to Section 367.021(12), Florida Statutes, or the non-jurisdictional exemption. On November 23, 1992, Sun Grove provided additional information requested which stated that it provides services solely to the school without charging compensation, and that all costs for providing such services are treated or recovered as operational expenses. In addition, the applicant acknowledged Section 837.06, Florida Statutes, regarding the penalty for making false statements in its application.

Therefore, according to the information above, we find that it is appropriate to grant the Sun Grove Montessori School, Inc. an exemption from our regulation pursuant to Section 367.021(12), Florida Statutes.

Based upon the foregoing, it is, therefore,

ORDERED by the Florida Public Service Commission that, based upon the facts as represented, Sun Grove Montessori School, located at 5610 Oleander Avenue, Fort Pierce, Florida 34982, with the contact person Ms. Barbara Embry, of 204 Jeffrey Lane, Fort Pierce, Florida 34982, is not a utility subject to this Commission's jurisdiction pursuant to the terms of Section 367.021(12), Florida Statutes. It is further

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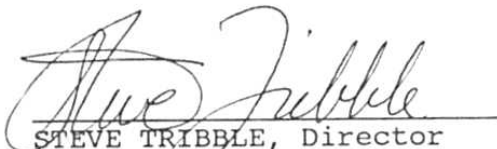
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ORDERED that should there be any change in circumstances or method of operation of Sun Grove Montessori School's water facility, the present owner, or any successor in interest, shall inform the Commission within 30 days of such change. It is further

ORDERED that this docket be closed.

By ORDER of the Florida Public Service Commission this 15th day of December, 1992.



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.