

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for Exemption)	DOCKET NO. 920562-WS
From Florida Public Service)	ORDER NO. PSC-93-0103-POF-WS
Commission Regulation for)	ISSUED: 01/19/93
Provision of Water and)	
Wastewater Service in Gulf)	
County by BRYANT'S LANDING)	
WATER SYSTEM)	

ORDER INDICATING EXEMPT STATUS OF
BRYANT'S LANDING WATER SYSTEM

BY THE COMMISSION:

On August 19, 1992, Bryant's Landing Water System filed its request for an exemption from Florida Public Service Commission (Commission) regulation pursuant to Section 367.022(7), Florida Statutes, as a nonprofit cooperative. The nonprofit cooperative is known as Bryant's Landing Hunting and Fishing Utility Cooperative (Bryant's Landing or applicant). Bryant's Landing provides water and wastewater service to Bryant's Landing Homeowners' Association. The service area is a mobile home park with approximately 56 lots, which is also used as a weekend fish camp.

Bryant's Landing requested an exemption from our regulation based upon Section 367.022(7), Florida Statutes. Under this section, "[N]onprofit corporations, associations, or cooperatives" are exempt from Florida Public Commission regulation.

In its application, Bryant's Landing states that it is a nonprofit corporation organized pursuant to Chapter 617, Florida Statutes. The applicant stated that it will provide water and wastewater service solely to its members who own and control it. The applicant also stated that there will be no billing for service provided and that its service territory would be limited to the 56 lots in Bryant's Landing Homeowners' Association's weekend fish camp.

The application also contained a copy of the Articles of Incorporation as filed with the Secretary of State, with a copy of the Bylaws, which provide the requirements for membership. Further, voting rights for its members are one vote per unit of ownership.

In addition, the applicant provided evidence of ownership of the land upon which the utility is located in the form of a quit claim deed and a title opinion furnished by Bryant's Landings' attorney. In addition, Bryant's Landing has acknowledged that it understands the penalties for making false statements in its application pursuant to Section 837.06, Florida Statutes.

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Based upon the facts as represented, we find that Bryant's Landing is exempt from our regulation under the terms of Section 367.022(7), Florida Statutes. However, should there be any change in circumstances of Bryant's Landing, a representative of the exempt entity must inform the Commission within 30 days of such change so we may determine whether exempt status is still appropriate.

Based on the foregoing, it is, therefore,

ORDERED by the Florida Public Service Commission that, based upon the facts as represented, Bryant's Landing Water System, located at Route 1, Box 864, Wewahitchka, Florida, 32465, with James F. Faircloth as contact person, is hereby exempt from Commission regulation pursuant to the terms of Section 367.022(7), Florida Statutes. It is further

ORDERED that should there be any change in circumstances, a representative of Bryant's Landing Water System shall inform the Commission within 30 days of such change. It is further

ORDERED that this docket is closed.

By ORDER of the Florida Public Service Commission this 19th day of January, 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.