

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for Exemption )  
From Florida Public Service ) DOCKET NO. 921132-WU  
Commission Regulation for ) ORDER NO. PSC-93-0227-FOF-WU  
Provision of Water Service in ) ISSUED: 02/10/93  
Alachua County by THOMAS OIL )  
(FINA STATION) )  
\_\_\_\_\_ )

ORDER INDICATING THE NONJURISDICTIONAL STATUS OF  
THOMAS OIL (FINA OIL)

BY THE COMMISSION:

On November 3, 1992, Thomas Oil (Fina Station), filed an application with this Commission for recognition of its nonjurisdictional status pursuant to Section 367.021(12), Florida Statutes. Thomas Oil is located off I-75 in Micanopy, FL.

Thomas Oil is a service station which owns and operates a water system in Micanopy, FL. Thomas Oil's water system is a well that provides water to the gas station for daily use. Wastewater service for the service station is furnished by a septic tank.

Section 367.021(12), Florida Statutes, states that a "utility means a water or wastewater utility and except as provided in Section 367.022, includes every person, lessee, trustee, or receiver owning operating, managing or controlling a system, or proposing construction of a system, who is providing or proposes to provide water or wastewater service to the public for compensation."

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. The application was filed in accordance with Section 367.021(12), Florida Statutes, and Rules 25-30.060(1), (2), and (3)(j), Florida Administrative Code. According to the application, water is provided only to the service station's property, there is no charge for providing the service, all costs of providing service are treated or recovered as operational expenses, and the service area is limited to the service station.

In addition, pursuant to Section 837.06, Florida Statutes, and Rule 25-30.060(2)(f), Florida Administrative Code, anyone knowingly making a false statement in writing with the intent to mislead is guilty of a misdemeanor.

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By signing the application, Ms. Mary Alice McEwan acknowledged that she is aware of Section 837.06, Florida Statutes, and the penalties for making false statements in the application.

Since, based on the facts as represented, Thomas Oil will not be providing water and wastewater service to the public for compensation, we find that it is not a utility pursuant to the provisions of Section 367.021(12), Florida Statutes. However, should there be any change in circumstances or method of operation, the owner of Thomas Oil, or any successor in interest, must inform the Commission within 30 days of such change, so that Thomas Oil's nonjurisdictional status may be reevaluated.

Based on the foregoing, it is, therefore,

ORDERED by the Florida Public Service Commission that, based upon the facts as represented, the water system of Thomas Oil (Fina Station), located at P.O. Box 5006, Gainesville, FL 32602, with Richard Tisdale as contact person, is not a water and wastewater utility subject to this Commission's jurisdiction pursuant to the provisions of Section 367.021(12), Florida Statutes. It is further

ORDERED that should there be any change in circumstances or method of operation, the owner of Thomas Oil's (Fina Station) water system, or any successor in interest shall inform the Commission within 30 days of such change so that we may reevaluated the utility's nonjurisdictional status. It is further

ORDERED that this Docket is hereby closed.

By ORDER of the Florida Public Service Commission this 10th day of February, 1993.

  
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STEVE TRIBBLE, Director  
Division of Records and Reporting

( S E A L )

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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.