

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request for exemption ) DOCKET NO. 921174-WU  
from Florida Public Service ) ORDER NO. PSC-93-0440-FOF-WU  
Commission Regulation for ) ISSUED: 03/23/93  
provision of water service in )  
St. Lucie County by Sandalwood )  
Estates Property Owners' )  
Association, Inc. )  
\_\_\_\_\_ )

ORDER INDICATING THE EXEMPT STATUS OF  
SANDALWOOD ESTATES PROPERTY OWNERS' ASSOCIATION INCORPORATED

BY THE COMMISSION:

On November 12, 1992, Sandalwood Estates Property Owners' Association, Inc. (Sandalwood or Association) filed its request for exemption from Commission regulation pursuant to Section 367.022(7), Florida Statutes. Sandalwood is located on Sandalwood Lane in the Sandalwood Estates subdivision in Fort Pierce, Florida. Christopher Humphreys, the contact person and president of the Association, filed the application on behalf of Sandalwood, and he provided the mailing address for the Association of 88 Pinewood Lane, Fort Pierce, Florida 34947.

Sandalwood requested that it be found exempt pursuant to Section 367.022(7) of Chapter 367, Florida Statutes. Under this section, "[N]onprofit corporations, associations, or cooperatives providing service solely to members who own and control such nonprofit corporations, associations, or cooperatives" are exempt from Florida Public Service Commission regulation. In addition, the Association's application was filed in accordance with Rule 25-30.060(3)(g), Florida Administrative Code.

In its application dated October 26, 1992, the Association states that it is a nonprofit association, that it will provide water service solely to its members who own and control it for which it will provide its own billing. The service area is specified as the Sandalwood Estates Subdivision. The Association provided an opinion of title prepared by J. Stephen Tierney, III, Esquire, thereby establishing proof of ownership of the facilities and continued use of the land where the facilities are located.

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

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guilty of a misdemeanor. By signing the application, Christopher Humphries acknowledged that he is aware of Section 837.06, Florida Statutes, and the penalties for making false statements in the application.

Based upon the facts as represented, we find that Sandalwood is exempt from our regulation under the terms of Section 367.022(7), Florida Statutes. However, should there be any change in circumstances of Sandalwood, a representative of the Association must inform this Commission within thirty days of such change, so that we may reevaluate the Association's exempt status.

It is, therefore,

ORDERED by the Florida Public Service Commission that, based upon the facts as represented, Sandalwood Estates Property Owners' Association, Inc., located at Sandalwood Estates Subdivision, Sandalwood Lane, Fort Pierce, Florida 34947, 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 of Sandalwood Estates Property Owners' Association, Inc., a representative of the Association shall inform this Commission within thirty days of such change so that we may reevaluate its exempt status. It is further

ORDERED that this docket is closed.

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

  
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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.