

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request for exemption ) DOCKET NO. 930025-WU  
from Florida Public Service ) ORDER NO. PSC-93-0639-FOF-WU  
Commission Regulation for ) ISSUED: April 23, 1993  
Provision of Water Service in )  
Okaloosa County by Holt Water )  
Works, Inc. )  
\_\_\_\_\_ )

ORDER INDICATING THE EXEMPT STATUS OF  
HOLT WATER WORKS, INC.

BY THE COMMISSION:

On January 5, 1993, Holt Water Works, Inc., (Holt or Corporation) filed its request for exemption from Commission regulation pursuant to Section 367.022(7), Florida Statutes. Holt is located at 490 Highway 90 West, Holt, Florida 32564. Leon Johns, president of the Corporation, filed the application on behalf of Holt. Ms. Annie Jo Adams, manager of the Corporation, is the contact person for Holt. The mailing address for Holt is Post Office Box 308, Holt, Florida.

Holt 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 Corporation's application was filed in accordance with Rule 25-30.060(3)(g), Florida Administrative Code.

In its application, the Corporation states that it is a nonprofit corporation, that it will provide water service solely to its members who own and control it for which it will provide its own billing. However, as initially filed, the Corporation's Articles of Incorporation contained language which permitted the Corporation to serve nonmembers. On February 15, 1993, the Corporation voted to amend the Articles by deleting the language concerning the provision of service to nonmembers. On April 8, 1993, the Corporation filed the Amended Articles of Incorporation per our request, along with a statement that the Corporation does not provide sewer service at this time, thereby clarifying language in the Corporation's Articles pertaining to the provision of sewer service.

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The service area is described as being limited to the 355 customers which are the members of the Corporation in the Holt, Florida, community. The Corporation provided a warranty deed evidencing the Corporation's ownership of the utility facilities and the land upon which the facilities are located.

In addition, by signing the application, Leon Johns, president of Holt, acknowledged Section 837.06, Florida Statutes regarding the penalties for making false statements in this application.

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


It is, therefore,

ORDERED by the Florida Public Service Commission that, based upon the facts as represented, Holt Water Works, Inc., located at 490 Highway 90 West, Holt, Florida 32564, 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 Holt Water Works, Inc., a representative of the Corporation 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 April, 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.