

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request For Exemption) DOCKET NO. 930596-WU
From Florida Public Service) ORDER NO. PSC-93-1181-FOF-WU
Commission Regulation For) ISSUED: August 12, 1993
Provision of Water Service in)
Levy County by Kenneth A.)
Colburn.)
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ORDER INDICATING NONJURISDICTIONAL STATUS
OF KENNETH A. COLBURN AND CLOSING DOCKET

BY THE COMMISSION:

On June 18, 1993, Kenneth A. Colburn filed an application with this Commission for recognition of its nonjurisdictional status, pursuant to Section 367.021(12), Florida Statutes. Mr. Colburn intends to open an RV & Truck Service Center (Center), which is currently under construction. The Center will be located at 1364 Highway 19 North, Inglis, Florida. Mr. Leland G. McGowan, Agent, filed the application on behalf of Mr. Colburn. The primary contact person is Mr. Colburn.

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(2) and (3)(j), Florida Administrative Code. According to the application, water service will be provided only to the Center, there is no charge for providing the service, and all costs of providing service are treated or recovered as operational expenses. Wastewater service is provided by septic tank.

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. By signing the application, Mr. McGowan

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acknowledged that he is aware of Section 837.06, Florida Statutes, and the penalties for making false statements in the application.

Based on the facts as represented, we find that Kenneth A. Colburn is not a utility pursuant to the provisions of Section 367.021(12), Florida Statutes. Accordingly, Mr. Colburn is not subject to this Commission's jurisdiction. However, should there be any change in circumstances or method of operation, Mr. Colburn or any successors in interest, must inform the Commission within 30 days of such change so that its nonjurisdictional status may be reevaluated.

It is, therefore,

ORDERED by the Florida Public Service Commission that, based upon the facts as represented, Kenneth A. Colburn, 4968 Cedar Lake Terrace, Douglasville, Georgia 30135, is not a water 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, Kenneth A. Colburn or any successors in interest, shall inform this Commission within 30 days of such a change so that we may reevaluate Mr. Colburn's nonjurisdictional status. It is further

ORDERED that exemption from Commission regulation is granted to Kenneth A. Colburn only for the RV & Truck Service Center located at 1364 Highway 19 North, Inglis, Florida. It is further

ORDERED that this Docket is hereby closed.

By ORDER of the Florida Public Service Commission this 12th day of August, 1993.



STEVE TRIBBLE Director
Division of Records and Reporting

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