

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request for Exemption ) DOCKET NO. 921227-SU  
From Florida Public Service ) ORDER NO. PSC-93-1321-FOF-SU  
Commission Regulation for ) ISSUED: September 9, 1993  
Provision of Wastewater Service )  
in St. Lucie County by PORT ST. )  
LUCIE ASSOCIATES. )  
\_\_\_\_\_)

ORDER INDICATING EXEMPT STATUS  
OF PORT ST. LUCIE ASSOCIATES

Port St. Lucie Associates (PSLA or utility), a partnership, provides wastewater service to St. Lucie Square Shopping Center (St. Lucie Square), located at 6666 U. S. Highway #1, Port St. Lucie, Florida 32952, as a reseller of wastewater services. Previously, on December 12, 1992, St. Lucie Square Wastewater Treatment Plant filed an application for exemption from Commission regulation pursuant to Section 367.022(5), Florida Statutes, as a landlord providing service to its tenants without compensation. Upon review of the application, we discovered that service was provided for compensation and informed the applicant that it did not qualify for exemption pursuant to Section 367.022(5), Florida Statutes.

On July 7, 1993, a new application for exemption covering the same service territory was filed by Port St. Lucie Associates (PSLA). PSLA filed its application pursuant to Section 367.022(8), Florida Statutes, as a reseller of wastewater services. The primary contact person for PSLA is Bob Peck. Mr. Peck's address is 5426 Central Florida Parkway, Orlando, FL 32821. Mr. William A. Freeman, as Managing General Partner, filed the application on behalf of the utility. The application included a statement from Mr. Freeman, that PSLA will provide wastewater service at a rate or charge which does not exceed the actual purchase price from SLS Utilities, Inc., the provider of wastewater service to PSLA.

Section 367.022(8), Florida Statutes, indicates exempt status for:

any person who resells water or wastewater at a rate or charge which does not exceed the actual purchase price thereof, if such person files at least annually with the Commission list of charges and rates for all water services sold, the source and actual purchase price thereof, and any other information required by the Commission to justify the exemption.

DOCUMENT NUMBER-DATE

09738 SEP-93

FPSC-RECORDS/REPORTING

Included with the application was a schedule of all the proposed rates and charges, an explanation of the proposed method of billing customers and a schedule showing that the amount billed would not exceed the amount paid for wastewater service.

PSLA proposes to pass along the cost of wastewater service based on the customer's water consumption. Water is furnished to each tenant of St. Lucie Square by St. Lucie County Utilities through an independently metered service line for each space. After the customer's water consumption is determined, that amount is used to determine the pro rata share use of the wastewater treatment plant. Once the pro rata share use of the wastewater treatment plant is determined, that amount is applied against the total costs for operating the wastewater treatment plant. For example if a customer's pro rata share use of the wastewater treatment plant was 1/4 of the total gallons used and the cost of operating the wastewater treatment plant was \$100, that customer would be billed \$25.

The revised application contained a signed document which acknowledged the reporting requirement in Rule 25-30.111, Florida Administrative Code. Lastly, the applicant acknowledged Section 837.06, Florida Statutes, which details the penalty for making false statements within the application.

Based on the facts as represented, we find PSLA exempt from Commission regulation pursuant to Section 367.022 (8), Florida Statutes. In the event of any change of circumstances or method of operation, PSLA or its successor(s) in interest, shall notify the Commission within thirty days of such change so that its exempt 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, Pt. St. Lucie Associates located at c/o Mr. Bob Peck, 5426 Central Florida Parkway, Orlando, Florida 32821, is hereby exempt from Commission regulation pursuant to the terms of Section 367.022(8), Florida Statutes. It is further


ORDERED that PSLA shall comply with the filing requirements of Rule 25-30.111, Florida Administrative Code. It is further

ORDER NO. PSC-93-1321-FOF-SU  
DOCKET NO. 921227-SU  
PAGE 3

ORDERED that should there be any changes in the method of operation or billing procedure of PSLA in the course of its providing water and wastewater service, the owner(s), or any successor in interest, shall inform this Commission within 30 days of such change. It is further

ORDERED by the Florida Public Service Commission that this docket be closed.

By ORDER of the Florida Public Service Commission this 9th day of September, 1993.

  
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STEVE TRIBBLE, Director  
Division of Records and Reporting

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ORDER NO. PSC-93-1321-FOF-SU  
DOCKET NO. 921227-SU  
PAGE 4

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.