

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request for exemption) DOCKET NO. 930202-WU
from Florida Public Service) ORDER NO. PSC-93-1467-FOF-WU
Commission regulation for) ISSUED: October 8, 1993
provision of water service in)
Seminole County by Lake Harney)
Water Association, Inc.)
_____)

ORDER INDICATING EXEMPT STATUS OF
LAKE HARNEY WATER ASSOCIATION, INC. AND CLOSING DOCKET

BY THE COMMISSION:

On March 1, 1993, pursuant to Section 367.022(7), Florida Statutes, Lake Harney Association, Inc., (Lake Harney or applicant) filed an application for exemption, as a non-profit corporation, from Commission regulation. Paul D. Elliott is the president and contact person for Lake Harney. Lake Harney's water treatment plant is located at East State Road #46, Geneva, Florida, and its mailing address is P. O. Box 1182, Geneva, Florida 32732.

Section 367.022(7), Florida Statutes, states that an entity is not subject to Commission regulation if it is a non-profit corporation, association, or cooperative providing service solely to members who own or control such entity. Lake Harney is a non-profit, member-owned corporation which was originally funded in 1964 by a loan from the Farmers Home Administration to provide water service to its service area located in Seminole County, Florida.

Upon request and sufficient proof, the Commission will issue an order indicating the nonjurisdictional or exempt status of water and wastewater systems if they qualify under the appropriate provision of Chapter 367, Florida Statutes. Lake Harney's initial application contained some deficiencies. However, the applicant brought its application into compliance with Section 367.022(7), Florida Statutes, and Rule 25-30.060(3)(g), Florida Administrative Code, with revisions to its articles of incorporation. In its application, Lake Harney states that it is a non-profit corporation, that it provides water service solely to its members who own and control it, and that it will provide its own billing. Further, Lake Harney states that septic tanks are being used for sewage disposal. Lake Harney has also submitted a recorded warranty deed as proof of its ownership of the land on which the utility facilities are located. Lake Harney has acknowledged that

DOCUMENT NUMBER-DATE

10815 OCT-89

FPSO-RECORDS/REPORTING

pursuant to Section 837.06, Florida Statutes, that it will be subject to penalties for any false statements in its application.

Based on the above facts and pursuant to Section 367.022(7), Florida Statutes, we find that Lake Harney qualifies for exemption from Commission regulation. However, should there be any change in circumstances or method of operation, the owner of Lake Harney or any successors in interest, must inform the Commission within 30 days of such changes so that its exempt status may be reevaluated.

It is, therefore,

ORDERED by the Florida Public Service Commission that, based upon the foregoing facts, Lake Harney Water Association, Inc., East Road #46, Geneva, Florida 32732, is exempt from Commission regulation, pursuant to the provisions of Section 367.022(7), Florida Statutes. It is further

ORDERED that should there be any change in circumstances or method of operation, the owner of Lake Harney Water Association, Inc. or any successors in interest, shall inform this Commission within 30 days of such a change so that we may reevaluate Lake Harney's exempt status. It is further

ORDERED that this Docket is hereby closed.

By ORDER of the Florida Public Service Commission this 8th day of October, 1993.

STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

ES

by: Kay Flynn
Chief, Bureau of Records

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.