

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request For Exemption ) DOCKET NO. 930680-WU  
From Florida Public Service ) ORDER NO. PSC-94-0163-FOF-WU  
Commission Regulation For ) ISSUED: February 9, 1994  
Provision of Water Service by )  
Lake Weir Landings, Inc. in )  
Marion County. )  
\_\_\_\_\_)

ORDER INDICATING THE EXEMPT STATUS OF  
LAKE WEIR LANDINGS, INC. AND CLOSING DOCKET

BY THE COMMISSION:

On July 21, 1993, Lake Weir Landings, Inc. (Lake Weir) filed a request for recognition of its exemption from Commission regulation pursuant to Section 367.022(6), Florida Statutes. Lake Weir is a water system which is being constructed to serve the Lake Weir Landings subdivision. The system will be located on Highway C-25, Ocklawaha, Florida. Mr. George J. Albright, Owner, filed the application on behalf of Lake Weir. The primary contact person is Dr. Sheikh M. Hasan, Planning & Engineering Resources, Inc., Post Office Box 2019, Ocala, Florida 34478.

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. Initially, the application was filed in accordance with Section 367.022(6), Florida Statutes, and Rules 25-30.060(2) and (3)(h), Florida Administrative Code. From a review of the application, it was determined that Lake Weir does not qualify for exemption pursuant to Section 367.022(6), Florida Statutes. It does, however, qualify for exemption as a nonprofit association, pursuant to Section 367.022(7), Florida Statutes.

On January 5, 1994, Lake Weir refiled its application requesting that it be found exempt pursuant to Section 367.022(7), Florida Statutes. Under this section, nonprofit corporations, associations, or cooperatives providing service solely to members who own and control it are exempt from Commission regulation. In its application, Lake Weir stated that it is a nonprofit corporation, that it will provide service solely to the members who own and control it, and that it will provide water service for which it will provide its own billing. The service area is the Lake Weir Landings Subdivision located on Highway C-25, Ocklawaha,

DOCUMENT NUMBER-DATE

01314 FEB-94

FPSC-RECORDS/REPORTING

ORDER NO. PSC-94-0163-FOF-WU  
DOCKET NO. 930680-WU  
PAGE 2

Florida. Lake Weir provided a recorded warranty deed as evidence that it owns the land upon which its 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 guilty of a misdemeanor. By signing the application, Dr. Hasan 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 Lake Weir is exempt from Commission regulation pursuant to the provisions of Section 367.022(7), Florida Statutes. However, should there be any change in circumstances or method of operation, a representative of the Association must inform the Commission within thirty days of such change, so that we may reevaluate Lake Weir's exempt status.

It is, therefore,

ORDERED by the Florida Public Service Commission that, based upon the facts as represented, Lake Weir Landings, Inc., Post Office Box 725, Ocklawaha, Florida 32179, is hereby 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 of or method of operation, a representative of Lake Weir Landings, Inc. shall inform the Commission within thirty days of such change so that Lake Weir's exempt status may be reevaluated. It is further

ORDERED that this Docket is hereby closed.

By ORDER of the Florida Public Service Commission, this 9th day of February, 1994.

\_\_\_\_\_  
STEVE TRIBBLE, Director  
Division of Records and Reporting

( S E A L )

ALC

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.