

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request For Exemption ) DOCKET NO. 940151-WU  
From Florida Public Service ) ORDER NO. PSC-94-0434-FOF-WU  
Commission Regulation For ) ISSUED: April 11, 1994  
Provision of Water Service in )  
Nassau County by Yulee First )  
Assembly of God. )  
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ORDER INDICATING NONJURISDICTIONAL STATUS  
OF YULEE FIRST ASSEMBLY OF GOD AND CLOSING DOCKET

BY THE COMMISSION:

On February 10, 1994, Yulee First Assembly of God filed an application with this Commission for recognition of its exempt status, pursuant to Section 367.022(6), Florida Statutes. Yulee First Assembly of God is located 200 feet south of Trinity Circle on U.S. 17, Yulee, Florida. Charles E. Pope, Pastor, filed the application on behalf of Yulee First Assembly of God. The primary contact person is Glenn F. Williamson, P.E., Route 1, Box 835, Macclenny, Florida 32063.

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 367.022(6), Florida Statutes, and Rules 25-30.055 and 25-30.060, Florida Administrative Code. However, upon review of the application it was determined that Yulee qualifies for exemption pursuant to Section 367.021(12), Florida Statutes.

On March 7, 1994, Yulee refiled its application requesting recognition of its nonjurisdictional status pursuant to Section 367.021(12), Florida Statutes. 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."

According to the application, water service is provided only to the church, there is no charge for service, and all costs of providing service are treated or recovered as operational expenses. Wastewater service is provided by septic tank.

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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, Reverend Pope 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 Yulee First Assembly of God is not a utility pursuant to the provisions of Section 367.021(12), Florida Statutes. Accordingly, Yulee First Assembly of God is not subject to this Commission's jurisdiction. However, should there be any change in circumstances or method of operation, a representative of Yulee First Assembly of God or any successors in interest, must inform the Commission within 30 days of such change so that its nonjurisdictional status may be reevaluated.

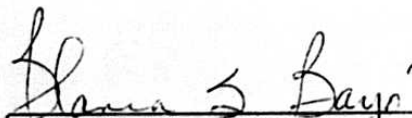
It is, therefore,

ORDERED by the Florida Public Service Commission that, based upon the facts as represented, Yulee First Assembly of God, Post Office Box 579, Yulee, Florida 32097, 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, a representative of Yulee First Assembly of God or any successors in interest, shall inform this Commission within 30 days of such a change so that we may reevaluate the Church's nonjurisdictional status. It is further

ORDERED that this Docket is hereby closed.

By ORDER of the Florida Public Service Commission, this 11th day of April, 1994.

  
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BLANCA S. BAYO, Director  
Division of Records and Reporting

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