

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application For) DOCKET NO. 950212-WU
Exemption From Florida Public) ORDER NO. PSC-95-0541-FOF-WU
Service Commission Regulation) ISSUED: May 2, 1995
For Provision of Water Service)
in Escambia County by Marine)
Expeditionary Airfield Complex.)
_____)
)

ORDER INDICATING EXEMPT STATUS OF
MARINE EXPEDITIONARY AIRFIELD COMPLEX FACILITY
AND CLOSING DOCKET

BY THE COMMISSION:

On February 23, 1995, the Marine Expeditionary Airfield Complex (MEAC) filed an application with this Commission for recognition of its exempt status, pursuant to Section 367.022(2), Florida Statutes. MEAC is a branch of the United States Department of Navy. MEAC's system will be located at Forrest Sherman Field, Naval Air Station, Pensacola, Florida. Timothy Thomson, Captain of the United States Navy, filed the application on behalf of MEAC. The primary contact person is Mr. David Morris, Environmental Engineer, Public Works Center.

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(2), Florida Statutes, and Rule 25-30.060, Florida Administrative Code. Section 367.022(2), Florida Statutes, states that "[s]ystems owned, operated, managed, or controlled by governmental authorities" are exempt from Commission regulation.

Included with MEAC's application was a statement that the system will be owned, operated, managed, or controlled by the Naval Air Station; that it will provide water service; and that the service area is limited to MEAC's facilities at Forrest Sherman Field, Naval Air Station, Pensacola, Florida. Wastewater service will be 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, Captain Thomson acknowledged that he is aware of Section 837.06, Florida

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Statutes, and the penalties for making false statements in the application.

Based on the facts as represented, we find that MEAC is exempt from our regulation pursuant to Section 367.022(6), Florida Statutes. However, should there be any change in circumstances or method of operation, a representative of MEAC or any successors in interest, must inform the Commission within 30 days of such change so that its exempt status may be reevaluated.

It is, therefore,

ORDERED by the Florida Public Service Commission that, based upon the facts as represented, Marine Expeditionary Airfield Complex, United States Navy, Naval Air Station, 310 John Tower Road, Pensacola, Florida 32508, is exempt from Commission regulation pursuant to the provisions of Section 367.022(6), Florida Statutes. It is further

ORDERED that should there be any change in circumstances or method of operation, a representative of Marine Expeditionary Airfield Complex or any successors in interest, shall inform this Commission within 30 days of such a change so that we may reevaluate its exempt status. It is further

ORDERED that this docket is hereby closed.

By ORDER of the Florida Public Service Commission, this 2nd day of May, 1995.

BLANCA S. BAYO, Director
Division of Records and Reporting

by:

Kay Flynn
Chief, Bureau of Records

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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 and/or wastewater 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 Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900 (a), Florida Rules of Appellate Procedure.