

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request For Exemption) DOCKET NO. 950784-WS
From Florida Public Service) ORDER NO. PSC-95-1184-FOF-WS
Commission Regulation For) ISSUED: September 20, 1995
Provision of Water and)
Wastewater Service in Duval)
County by The Tides at Marsh)
Landing.)
_____)

ORDER INDICATING EXEMPT STATUS
OF THE TIDES AT MARSH LANDING AND CLOSING DOCKET

BY THE COMMISSION:

On July 10, 1995, The Tides at Marsh Landing (The Tides) filed an application with this Commission for recognition of its exempt status, pursuant to Section 367.022(8), Florida Statutes. The Tides is a 248-unit apartment complex located at 1701 The Greens Way, Jacksonville Beach, Florida. The complex is owned by The Tides at Marsh Landing Park Limited. Mr. Paul Kiang, agent for the owner and primary contact person, filed the application on behalf of The Tides. Mr. Kiang's address is 250 International Parkway, Suite 220, Lake Mary, Florida 32746.

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(8), Florida Statutes, which states, in part, that "[a]ny person who resells water or wastewater service at a rate or charge which does not exceed the actual purchase price thereof," and who complies with certain reporting requirements, is exempt from Commission regulation.

According to The Tides' application, service is provided only to the apartment complex located at 1701 The Greens Way, Jacksonville Beach, Florida. The Tides intends to purchase water and wastewater from the City of Jacksonville Beach and resell the service to the residents at a rate that does not exceed the purchase price for the service. A master meter has been installed on each of the buildings. The meters will be read monthly and the residents will be charged a proportionate amount of the total usage. The Tides will be responsible for service to vacant apartments and common areas. No administrative fees or miscellaneous charges will be charged to the residents.

The Tides is aware of the requirements of Chapter 367.122, Florida Statutes, and Rules 25-30.111 and 25-30.262 through 25-

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30.267, Florida Administrative Code. 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, Mr. Kiang 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 The Tides is exempt from Commission regulation as a reseller pursuant to Section 367.022(8), Florida Statutes. In the event of any change of circumstances or method of operation, the owner of The Tides or any successors in interest, must inform the Commission within 30 days of such change so its exempt status may be reevaluated.

It is, therefore,

ORDERED by the Florida Public Service Commission that, based upon the facts as represented, The Tides at Marsh Landing, 1701 The Greens Way, Jacksonville Beach, Florida 32250, is hereby exempt from Commission regulation pursuant to the provisions of Section 367.022(8), Florida Statutes. It is further

ORDERED that should there be any change in circumstances or method of operation, the owner of The Tides at Marsh Landing 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 Docket No. 950784-WS is hereby closed.

By ORDER of the Florida Public Service Commission, this 20th day of September, 1995.

BLANCA S. BAYÓ, 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, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, 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.