

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request for Exemption ) DOCKET NO. 950651-WS  
from Florida Public Service ) ORDER NO. PSC-95-1515-POF-WS  
Commission Regulation for ) ISSUED: December 6, 1995  
Provision of Water and )  
Wastewater Service in Broward )  
County by In Apartments. )  
\_\_\_\_\_ )

ORDER INDICATING EXEMPT STATUS  
OF IN APARTMENTS AND CLOSING DOCKET

BY THE COMMISSION:

On June 13, 1995, In Apartments filed an application with this Commission for recognition of its exempt status, pursuant to Section 367.022(8), Florida Statutes. In Apartments is an apartment complex consisting of 230 apartments located at 95 Northeast 41st Street, Oakland Park, Florida. Felix Granados, President, filed the application on behalf of In Apartments. The primary contact person is Frank Manno, c/o Conservation Billing Services, Inc. (CBSI), 90 South Newtown Street Road, Suite No. 3, Newtown Square, Pennsylvania 19073-4035.

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, and Rules 25-30.060(1), (2) and (3)(h), Florida Administrative Code. Section 367.022(8), Florida Statutes, 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 In Apartments' application, the service area is limited to the apartment complex located at Oakland Park, Florida. In Apartments intends to purchase water and wastewater services from the City of Oakland Park and resell it to its residents at a rate that does not exceed the actual purchase price. The applicant has commissioned CBSI to install individual meters in each of the 230 units so that the residents will be charged for the actual amount of water used. CBSI has also been retained to read the meters on a monthly basis and bill the residents accordingly on behalf of In Apartments. The costs for the common area are proportionately divided among all the residents, on a pro rata basis and In Apartments pays for that part of the charge

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attributable to vacant apartments. No administrative or processing fees or miscellaneous charges will be charged to the residents.

In apartments is aware of the requirements of Section 367.122, Florida Statutes, and Rules 25-30.111 and 25-30.262 through 25-30.267, 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. Granados 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 In Apartments 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 In Apartments 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, In Apartments, 95 Northeast 41st Street, Oakland Park, Florida, 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 In Apartments or any successors in interest shall inform this Commission within 30 days of such a change so that we may reevaluate In Apartments' exempt status. It is further

ORDERED that Docket No. 950651-WS is hereby closed.

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By ORDER of the Florida Public Service Commission, this 6th  
day of December, 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.