



# Public Service Commission

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**DATE:** July 23, 1996  
**TO:** Alice Crosby, Division of Legal Services  
Division of Records and Reporting  
**FROM:** Patricia Brady, Division of Water and Wastewater *pb bsm*  
**RE:** Docket No. 960318-WS, Request for exemption from Florida Public Service Commission regulation for provision of water and wastewater service in Orange County by Bristol Place at MetroWest.

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On March 11, 1996, an application for exemption from Florida Public Service Commission regulation was filed on behalf of Bristol Place at MetroWest (Bristol Place or apartment complex) pursuant to Section 367.022(8), Florida Statutes. The application was signed by Mr. John S. Ranney as Director of Operations for Envirotech and primary contact for the application. The mailing address and phone number for Mr. Ranney is c/o Envirotech, 1502 Roberts Drive, Jacksonville, Florida 32250 (904/246-7999). The physical address given for the system in the application--7001 Westpointe Boulevard--turned out to be the location of the offsite construction trailer. The actual physical location of the apartment complex is 2207 Lake Debra Drive, Orlando, Florida, in Orange County.

According to the application, Epoch Properties, Inc., (Epoch) owns the apartment complex through EPI-Bristol Place at MetroWest, Inc. (EPI-Bristol). Bristol Place at MetroWest is a registered fictitious name for EPI-Bristol Place at MetroWest, Inc. Included with the application was a statement by Mr. Greg Boehart, Vice President of Construction and Development for Epoch authorizing Mr. Ranney to act on behalf of Epoch.

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. The application states that water and wastewater services will be provided at a rate or charge that does not exceed the actual purchase price. The application also states that the reseller is aware of the requirements of Rule 25-30.111, Florida Administrative Code, regarding annual reporting requirements and the requirements of Section 367.122, Florida Statutes, and Rules 25-30.262 through .267, Florida Administrative Code, regarding examination and testing of meters. Furthermore, by signing the application, Mr. Ranney has acknowledged that he is aware of the penalty pursuant to Section 837.06, Florida Statutes, for knowingly making false statements in writing with the intent to mislead.

Bristol Place is a 328 unit apartment complex scheduled for completion in August of 1996 with individual 3/4" water meters installed on each unit. Water and wastewater services are provided to the apartment complex by Orlando Utilities Commission (Orlando) through a dual 2" and 8" turbo meter. Currently, Orlando charges Bristol Place the following rates and charges:

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**Orlando Utilities Commission**

Water base charge per 2" meter	\$ 6.25
Water base charge per 8" meter	<u>49.50</u>
Total water base charge	55.75
Water usage charge per 1,000 gallons	0.70

10% Public Service Tax on water service, only.

Wastewater capacity charge	\$ 11.62 x capacity *
Wastewater commodity charge per 1,000 gallons of water used	\$ 2.21

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\* Wastewater capacity is 1/7th of a twelve-month rolling average water use. To calculate the capacity charge, Orlando adds each month's current water use, in 1,000 gallons, to the prior eleven month's water use and divides by 12 to get a monthly average water use. The monthly average is divided by 7 to get the wastewater capacity amount. The wastewater capacity amount is multiplied by \$11.62 to get the wastewater capacity charge.  
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The reseller proposes to charge each unit a prorata share of Orlando's total water base charge and monthly wastewater capacity charge. Water and wastewater usage rates will be charged at Orlando's usage rates. Based on Orlando's current rates and charges, the proposed rates and charges for a unit at Bristol Place would be as follows:

**Bristol Place at MetroWest**

Prorata water base charge (\$55.75 / 328 units)	\$ 0.17
Water usage charge per 1,000 gallons	0.70

10% Public Service Tax on water service, only.

Prorata wastewater capacity charge	Actual monthly charge / 328
Wastewater commodity charge per 1,000 gallons of water used	\$ 2.21

The proposed methodology of prorating Orlando's total water base charge and monthly wastewater capacity charge evenly across all units and charging Orlando's identical usage rates, ensures that service will be provided at a rate or charge that does not exceed the actual purchase price.

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The apartment complex has contracted with Envirotech to provide meter reading and billing services. Meters will be read on a monthly basis and tenants will be billed within 10 days of the date that their meters are read. The application states a \$30.00 refundable deposit will be required for each unit which will be collected by the reseller. The application also states that there will be no common area or miscellaneous charges billed to residents. Instead, the cost of the billing service will be paid directly by the reseller.

Section 2.08(C)(14) of the Administrative Procedures Manual grants staff the administrative authority to approve requests for determination of exempt status that are clear-cut and without controversy. Staff finds the application in compliance with statutory requirements and without apparent controversy. Staff recommends that an administrative order be issued finding Bristol Place at MetroWest exempt from Commission regulation pursuant to Section 367.022(8), Florida Statutes.

Staff recommends that the order require the current owner of Bristol Place, and successors in title, to notify the Commission within 30 days of any change in circumstances or method of operation of the water or wastewater systems so that the exempt status may be reevaluated. Furthermore, staff recommends that this docket be closed.

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