

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Resolution of the Board) DOCKET NO. 951235-WS
of County Commissioners of) ORDER NO. PSC-96-1438-FOF-WS
Manatee County Declaring Manatee) ISSUED: November 27, 1996
County Subject to the Provisions)
of Chapter 367, Florida Statutes)
- Request for Exemption from)
Florida Public Service)
Commission Regulation for)
Provision of Water Service by)
Tamiami Sports Associates, Ltd.)

ORDER INDICATING NONJURISDICTIONAL STATUS
OF TAMIAMI SPORTS ASSOCIATES, LTD.

BY THE COMMISSION:

On January 2, 1996, Church Triumphant filed an application with this Commission for recognition of its nonjurisdictional status, pursuant to Section 367.021(12), Florida Statutes. Upon review of the application, it was determined that the system is owned by Tamiami Sports Associates, Ltd, (Tamiami) which provides service to tenants of two rental properties. On March 15, 1996, the application was refiled seeking exemption pursuant to Section 367.022(5), Florida Statutes. Tamiami, which provides service to two rental properties, is located at 6412 14th Street West, Sarasota, Florida. Mr. N. J. Olivieri, General Partner, filed the application on behalf of Tamiami. The primary contact person is Mr. Michael Hodgkinson.

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(5), Florida Statutes, and Rule 25-30.060(3)(e), Florida Administrative Code.

Section 367.022(5), Florida Statutes, states that an entity qualifies for exemption from Commission regulation if it provides service solely to its tenants, and there are no specific charges for the utility service. The application indicates that Tamiami provides water service only to tenants of the two rental properties located at 6212 and 6214 14th Street, Bradenton, Florida. Also, the water service is included as a nonspecific portion of the monthly rent. Wastewater service is provided by Manatee County.

DOCUMENT NUMBER-DATE

12688 NOV 27 96

FPSC-RECORDS/REPORTING

ORDER NO. PSC-96-1438-FOF-WS
DOCKET NO. 951235-WS
PAGE 2

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. Olivieri 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 Tamiami is exempt from our regulation pursuant to Section 367.022(5), Florida Statutes. However, the owner of Tamiami or any successors in interest are put on notice that if there is any change in circumstance or method of operation which causes it to no longer qualify for exemption pursuant to Section 367.022, Florida Statutes, it should inform the Commission within 30 days of such change so that its status may be reevaluated.

It is, therefore,

ORDERED by the Florida Public Service Commission that, based upon the facts as represented, Tamiami Sports Associates, Ltd., 1937 Golf Street, Sarasota, Florida 34236, is exempt from Commission regulation, pursuant to the provisions of Section 367.022(5), Florida Statutes. It is further

ORDERED that this docket shall remain open to process additional applications.

By ORDER of the Florida Public Service Commission, this 27th day of November, 1996.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

by: Kay Flynn
Chief, Bureau of Records

(S E A L)

ALC

ORDER NO. PSC-96-1438-FOF-WS
DOCKET NO. 951235-WS
PAGE 3

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.