

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for exemption) DOCKET NO. 920257-WS
from Florida Public Service) ORDER NO. PSC-92-0590-POF-WS
Commission regulation for) ISSUED: 06/30/92
provision of water and)
wastewater services by HILLWOOD)
POINTE APARTMENTS in Duval)
County)
_____)

ORDER INDICATING THE EXEMPT STATUS
OF HILLWOOD POINTE APARTMENTS

BY THE COMMISSION:

Hillwood Pointe Apartments (Hillwood) is an existing apartment complex located in Duval County. Hillwood provides water and wastewater services to a maximum of 100 units, and is owned by Flournoy Development Company. Martin Flournoy, Vice President of Flournoy Development Company, is the contact person and the mailing address is 900 Brookstone Centre Parkway, Post Office Box 6566, Columbus, Georgia 31995. Hillwood proposes to resell water and wastewater services at the same rate charged to it by Southern States Utilities, Inc. (SSUI), the supplier of water and wastewater services to Hillwood. When calculating tenants' water and wastewater bill, Hillwood proposes to pass along the base facility charge to the tenants by dividing the charge on a pro rata basis among the units in Hillwood. Each tenant will be charged for usage based on his or her meter reading. Hillwood will charge the usage rates of SSUI. Therefore, by letter and affidavit received March 18, 1992, Hillwood has requested recognition of the exempt status of its water and wastewater system.

Hillwood has filed a list of current rates and charges of SSUI; a schedule of Hillwood rates; a statement setting forth the reasons why it is exempt from Florida Public Service Commission regulation; and an explanation of the proposed method of billing customers, separately, for both water and wastewater.

Upon request and sufficient proof, the Commission will issue an order indicating the nonjurisdictional or exempt status of water and wastewater facilities, if the facilities qualify under the appropriate section of Chapter 367, Florida Statutes. Hillwood requested recognition of its exempt status under Section 367.022(8), Florida Statutes. Section 367.022(8), Florida Statutes, states that any person who resells water or wastewater service at a rate or charge which does not exceed the actual

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purchase price thereof and who complies with certain reporting requirements is exempt from Commission regulation.

The information provided by Hillwood shows that: Hillwood proposes to resell water and wastewater services solely to its tenants at a rate or charge that does not exceed the actual purchase price charged to it by SSUI; Hillwood acknowledges the reporting obligation, under Rule 25-30.111, Florida Administrative Code; and the system's address is 12021 McCormick Road, Jacksonville, Florida 32225. Based upon the facts as represented, we find that Hillwood is exempt from our regulation under the terms of Section 367.022(8), Florida Statutes. However, should there be any change in the system's method of operation or billing procedures, the owner of Hillwood, or any successor in interest, shall inform the Commission within thirty days of such change, so that we may determine whether exempt status is still appropriate.

It is, therefore,

ORDERED by the Florida Public Service Commission that based upon the facts as represented, Hillwood Pointe Apartments, located at 12021 McCormick Road, Jacksonville, Florida 32225, is hereby exempt from Commission regulation pursuant to the terms of Section 367.022(8), Florida Statutes. It is further

ORDERED that Hillwood Pointe Apartments shall comply with the filing requirements of Rule 25-30.111, Florida Administrative Code. It is further

ORDERED that should there be any change in the method of operation or billing procedure of Hillwood Pointe Apartments in the course of providing water and wastewater services, the owner of Hillwood Pointe Apartments, or any successor in interest, shall inform the Commission within thirty days of such change. It is further

ORDERED that this docket be closed.

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By ORDER of the Florida Public Service Commission, this 30th
day of June, 1992.

STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

by: Kary 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 or sewer 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 Civil Procedure. The notice of appeal must be in the form specified in Rule 9.900 (a), Florida Rules of Appellate Procedure.