

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for exemption ) DOCKET NO. 920217-WU  
from Florida Public Service ) ORDER NO. PSC-92-0965-FOF-WU  
Commission regulation for ) ISSUED: 09/09/92  
provision of water service by )  
GONZALEZ UTILITIES ASSOC., INC.)  
in Escambia County )  
\_\_\_\_\_ )

ORDER INDICATING THE EXEMPT STATUS OF  
GONZALEZ UTILITIES ASSOCIATION, INC.

BY THE COMMISSION:

Gonzalez Utilities Association, Inc. (Gonzalez or utility) is a nonprofit association in Escambia County, which serves 1128 water customers. Gonzalez has provided this service since 1968. The contact person is Ms. Lamond Edgecumbe and the mailing address is P.O. Box 314, Gonzalez, Florida 32560.

On March 6, 1992, Ms. K. Marie Pierce, Secretary/Treasurer of Gonzalez, filed an application for exemption from Commission regulation pursuant to section 367.022(7), Florida Statutes, as a nonprofit association. This section provides an exemption from Commission regulation for "nonprofit corporations, associations, or cooperatives providing service solely to members who own and control such corporations, associations or cooperatives."

Before an exemption of this nature may be granted, the applicant requesting the exemption must file with the Commission a statement specifying the following: that the association is nonprofit, providing service solely to the members who own and control it; whether it provides water service, wastewater service, or both; who will do the billing; and the service territory. Additionally, the applicant must submit its Articles of Incorporation as filed with the Secretary of State and its Bylaws. These documents must show clearly the requirements of membership, the members' voting rights, and the circumstances under which control passes to the nondeveloper members.

The application was filed by Gonzalez in accordance with section 367.022(7), Florida Statutes, and Rules 25-30.060(2) and (3)(g), Florida Administrative Code. The application included a statement from Ms. Pierce that: the association is nonprofit; service will be provided solely to the members who own and control it; Gonzalez will do the billing; and the service area will be

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limited to the community of Gonzalez. In addition, Ms. Pierce provided the Articles of Incorporation as filed with the Secretary of State and the Bylaws, which clearly show the requirements of membership and that the members' voting rights are one vote per unit of membership and that control of the association was passed to the nondeveloper members on July 18, 1964.

In addition, the utility provided sufficient evidence in the form of a warranty deed that it owns the land upon which the utility facilities are located. The applicant acknowledged section 837.06, Florida Statutes, regarding false statements.

Based on the facts as represented, we find that Gonzalez is exempt from our regulation pursuant to section 367.022(7), Florida Statutes, as a nonprofit association providing service solely to members who own and control it. In the event of any change in circumstances or method of operation that might affect its exempt status, Gonzalez, or its successor(s) in interest, shall notify this Commission within 30 days of the change so we may reevaluate its exempt status.

This Order shall be recorded with the Clerk of the Court for Escambia County.

It is, therefore,

ORDERED by the Florida Public Service Commission that Gonzalez Utilities Association, Inc. is exempt from Commission regulation under section 367.022(7), Florida Statutes, as a nonprofit association providing service solely to its members who own and control it. It is further

ORDERED that should there be any change in circumstances or method of operation, Gonzalez Utilities Association, Inc., or its successor(s) in interest, shall notify this Commission within 30 days of the change so we may reevaluate its exempt status. It is further

ORDERED that this Order shall be recorded with the Clerk of the Court for Escambia County. It is further

ORDERED that this docket is hereby closed.

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By ORDER of the Florida Public Service Commission this 9th day  
of September, 1992.

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STEVE TRIBBLE, Director  
Division of Records and Reporting

( S E A L )

KAC

by: Kay Flynn  
\_\_\_\_\_  
Chief, Bureau of Records

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.