

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request For Exemption ) DOCKET NO. 921253-WU  
From Florida Public Service ) ORDER NO. PSC-93-0680-FOF-WU  
Commission Regulation For ) ISSUED: May 4, 1993  
Provision of Water Service in )  
St. Lucie County by Siesta )  
Cottages. )  
\_\_\_\_\_ )

ORDER INDICATING EXEMPT STATUS OF  
SIESTA COTTAGES AND CLOSING DOCKET

BY THE COMMISSION:

On December 14, 1992, Siesta Cottages (Siesta) filed an application with this Commission for recognition of its exempt status pursuant to Section 367.021(12), Florida Statutes. Siesta, which provides water service to 16 units, is located at 3305 North U.S. Highway 1, Fort Pierce, Florida. Ms. Annegret Gaidry, Owner, filed the application on behalf of Siesta. The primary contact person is Douglas W. Gaidry, Esquire, 370 35th Court, Southwest, Vero Beach, Florida 32968.

Upon request and sufficient proof, the Commission will issue an order indicating the nonjurisdictional or exempt status of water and wastewater facilities, if they qualify under the appropriate provision of Chapter 367, Florida Statutes. The application was filed in accordance with Section 367.021(12), Florida Statutes. Upon review of the application, it was determined that Siesta does not qualify for exemption pursuant to the provisions of Section 367.021(12), Florida Statutes. Siesta refiled its application requesting recognition of its exempt status pursuant to Section 367.022(5), Florida Statutes.

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 Siesta provides water service only to its tenants and the service territory is limited to Siesta Cottages. Also, although Siesta does not have written leases or rental agreements, Mr. Gaidry provided a statement that the water service is included as a nonspecific portion of the weekly, bi-monthly or monthly rent. Wastewater service is provided by septic tanks.

DOCUMENT NUMBER-DATE

04823 MAY-4 83

PSC-RECORDS/REPORTING

ORDER NO. PSC-93-0680-FOF-WU  
DOCKET NO. 921253-WU  
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, Ms. Gaidry acknowledged that she is aware of Section 837.06, Florida Statutes, and the penalties for making false statements in the application.

Based upon the facts as represented, we find that Siesta is exempt from Commission regulation, pursuant to the provisions of Section 367.022(5), Florida Statutes. However, should there be any change in circumstances or method of operation, the owner of Siesta or any successor in interest must inform the Commission within 30 days of such change so that its exempt status may be reevaluated.

It is, therefore,

ORDERED by the Florida Public Service Commission that, based upon the facts as represented, Siesta Cottages, 3305 North U.S. Highway 1, Fort Pierce, Florida 34946, is exempt from Commission regulation, pursuant to the provisions of Section 367.022(5), Florida Statutes. It is further

ORDERED that should there be any change in circumstances or method of operation, the owner of Siesta Cottages or any successors in interest, shall inform this Commission within 30 days of such a change so that we may reevaluate Siesta's exempt status. It is further

ORDERED that this Docket is hereby closed.

By ORDER of the Florida Public Service Commission this 4th day of May, 1993.

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STEVE TRIBBLE, Director  
Division of Records and Reporting

( S E A L )

ALC

By: Kay Hyma  
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.