

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request For Exemption)	DOCKET NO. 930411-WS
From Florida Public Service)	ORDER NO. PSC-93-1108-FOF-WS
Commission Regulation For)	ISSUED: July 29, 1993
Provision of Water and)	
Wastewater Service in Orange)	
County by Summer Wind)	
Apartments.)	
)	
)	

ORDER INDICATING EXEMPT STATUS
OF SUMMER WIND APARTMENTS AND CLOSING DOCKET

BY THE COMMISSION:

On April 21, 1993, Summer Wind Apartments (Summer Wind) filed an application with this Commission for recognition of its exempt status, pursuant to Section 367.022(8), Florida Statutes. Summer Wind is an apartment complex located at 3650 Summer Wind Drive, Winter Park, Florida. Mr. Joseph E. Kolaga, Owner and primary contact person, filed the application on behalf of Summer Wind.

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(8), Florida Statutes, and Rules 25-30.060(2) and (3)(h), Florida Administrative Code.

Section 367.022(8), Florida Statutes, states, in part, that "[a]ny person who resells water or wastewater service at a rate or charge which does not exceed the actual purchase price thereof," and who complies with certain reporting requirements, is exempt from Commission regulation. According to Summer Wind's application, service is provided at a charge that does not exceed the actual purchase price; Summer Wind is aware of the requirements of Rule 25-30.111, Florida Administrative Code; Summer Wind provides water and wastewater service; and the service area is limited to the apartment complex.

Summer Wind purchases water and wastewater service from the City of Winter Park and will resell the service to its residents.

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FPC-RECORDS/REPORTING

The City's rates and charges for water and wastewater for a 3/4" meter are as follows:

<u>Water</u>	<u>Rate</u>
Base Charge:	
First Unit	\$ 4.78
Each Additional Unit	\$ 2.33
Gallage Charge Per 1,000 Gallons	
Zero to 6,000 Gallons	\$.68
6,001 to 12,000 Gallons	\$ 1.33
Above 12,000 Gallons	\$ 1.93

<u>Wastewater</u>	<u>Rate</u>
Base Charge	
First Unit	\$ 6.54
For Each Additional Unit	\$ 4.56
Gallage Charge	
Per 1,000 Gallons up to 12,000 Gallons	\$ 3.89

Summer Wind intends to use the same methodology in determining its rates and charges with one exception. The base charge for each resident will be based on an average charge for a 16 unit building. The rates and charges, which Summer Wind proposes to charge, are as follows:

<u>Water</u>	<u>Rate</u>
Base Charge	\$ 2.48*
Gallage Charge Per 1,000 Gallons	
Zero to 6,000 Gallons	\$.68
6,001 to 12,000 Gallons	\$ 1.33
Above 12,000 Gallons	\$ 1.93

*This is an average rate based on \$4.78 for the first unit, plus \$2.33 for each remaining unit. For 16 units, the base charge is \$39.73 ($\$4.78 + (\$2.33 \times 15)$). $\$39.73 \div 16 = \2.48 .

Wastewater

	<u>Rate</u>
Base Charge	\$ 4.68*
Gallage Charge Per 1,000 Gallons Up to 12,000 Gallons	\$ 3.89

*This is an average rate based on \$6.54 for the first unit, plus \$4.56 for the remaining units. For 16 units, the base charge is \$74.94 ($\$6.54 + (\$4.56 \times 15)$). $\$74.94 \div 16 = \4.68 .

In accordance with the methodology used by the City of Winter Park, Summer Wind will base the gallage charge on the number of units within each building. Summer Wind will not charge the higher rate until the building has used greater than 6,000 gallons times the number of units in the building. After the building exceeds the maximum number of gallons allowed for each rate level, Summer Wind will begin charging the higher rate to any tenant which exceeds the maximum gallons allowed for each rate level. In addition, Summer Wind will be responsible for charges for service to the common areas.

In addition, the application form states that pursuant to Section 837.06, Florida Statutes, anyone knowingly making a false statement in writing with the intent to mislead is guilty of a misdemeanor. By signing the application, Kolaga 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 Summer Wind is exempt from Commission regulation as a reseller pursuant to Section 367.022(8), Florida Statutes. In the event of any change of circumstances or method of operation, the owner of Summer Wind or any successors in interest, must inform the Commission within 30 days of such change so its exempt status may be reevaluated.

It is, therefore,

ORDERED by the Florida Public Service Commission that, based upon the facts as represented, Summer Wind Apartments, 21140 Capitol Drive, Suite 8, Pewaukee, Wisconsin 53072, is hereby exempt from Commission regulation pursuant to the provisions of Section 367.022(8), Florida Statutes. It is further

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

ORDERED that Docket No. 930411-WS is hereby closed.

By ORDER of the Florida Public Service Commission this 29th day of July, 1993.



STEVE TRIBBLE, Director
Division of Records and Reporting

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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

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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.