

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request for exemption ) DOCKET NO. 940409-WS  
from Florida Public Service ) ORDER NO. PSC-94-0859-FOF-WS  
Commission regulation for ) ISSUED: July 15, 1994  
provision of water and )  
wastewater service in Seminole )  
County by SORRENTO APARTMENTS. )

ORDER INDICATING EXEMPT STATUS OF SORRENTO APARTMENTS  
AND CLOSING DOCKET

BY THE COMMISSION:

On April 28, 1994, Sorrento Apartments (Sorrento) filed an application for a reseller exemption pursuant to Section 367.022(8), Florida Statutes. The primary contact person for Sorrento is Mr. George M. Wimsatt, General Partner of Wimsatt Limited Partnership which owns Sorrento Apartments. Mr. Wimsatt designated Ms. Sharon Fullen, manager of Sorrento Apartments, as the contact person for the purposes of this docket. Ms. Fullen's mailing address is the same as the address for the apartment complex: 2400 Howell Branch Road, Winter Park, Florida 32792.

Upon request and sufficient proof, the Commission will issue an order indicating the non-jurisdictional 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(1), (2), and (3)(h), Florida Administrative Code.

Included with the exemption application was a statement from Mr. Wimsatt setting out the statutory and factual basis for the exemption. The applicant acknowledged the requirements of Rule 25-30.111, Florida Administrative Code, regarding annual reporting requirements. The applicant also acknowledged the requirements of Section 367.122, Florida Statutes, which deals with the examination and testing of meters; and Rules 25-30.262 through 25-30.267, Florida Administrative Code, which explain the responsibilities of the utility owner for insuring the accuracy of the meters.

Sorrento is a single-story apartment complex, consisting of 285 apartments. The apartments are divided into 8, 11 and 12-unit buildings. Each building is currently served through a 1-inch master meter. Sorrento has installed a separate 3/4-inch meter on each individual apartment unit so the residents can be charged for the amount of water they use. Sorrento purchases water and wastewater service from the City of Casselberry (City) and plans to

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resell these services to the residents at a rate that does not exceed the actual price paid for the water and wastewater.

The applicant stated in its application that the service territory will be limited to the Sorrento apartment complex. Included with the application was a schedule of the City's current rates and charges, an explanation of the reseller's proposed rates and charges, an explanation of the proposed method of billing customers, separately, for both water and wastewater, and a schedule showing the amount billed will not exceed the amount paid for water and wastewater. Sorrento's proposed rates and charges are a mirror image of the City's charges. The proposed wastewater base facility charge is derived by dividing the City's 1-inch base facility charge by 12 units, which is the maximum number of units in the Sorrento buildings. The water and wastewater gallonage charges will be based upon each unit's amount of metered water usage. A 10 percent charge will be assessed to the total water and wastewater bill, in order to reflect the similar tax charged by the City.

The current leases allow Sorrento to begin billing all of the tenants for this service now. Sorrento plans to begin billing each tenant as his or her lease is renewed or when a vacancy is filled with a new tenant. Approximately 20 tenants will be billed the first month, with additional tenants added in each of the following months as their leases are renewed. Sorrento Property Management will read the meters on the 20th of each month and issue the bills within five days after the meters are read. This will enable the tenants to pay their utility bill in conjunction with their monthly rental payments. An administrative or processing fee will not be assessed to the residents' bills. Additionally, the tenants will not be billed for water usage in the common areas.

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. Wimsatt acknowledged that he 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 Sorrento 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 Sorrento or any successors in interest must inform the Commission within 30 days of such change so its exempt status may be reevaluated.

Based on the foregoing, it is, therefore,

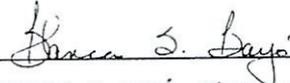
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ORDERED by the Florida Public Service Commission that, based upon the facts as represented, Sorrento Apartments, 2400 Howell Branch Road, Winter Park, Florida, 32792, is hereby exempt from Commission regulation pursuant to the provisions of Section 367.022(8), Florida Statutes. It is further

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

ORDERED that this Docket is hereby closed.

By ORDER of the Florida Public Service Commission, this 15th day of July, 1994.

  
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BLANCA S. BAYÓ, 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 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.