

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request for exemption ) DOCKET NO. 950528-WS  
from Florida Public Service ) ORDER NO. PSC-95-1324-FOF-WS  
Commission regulation for ) ISSUED: October 31, 1995  
provision of water and )  
wastewater service in Alachua )  
County by The Gardens. )  
\_\_\_\_\_)

ORDER INDICATING EXEMPT STATUS OF THE GARDENS  
AND CLOSING DOCKET

BY THE COMMISSION:

The Gardens is a 124-unit apartment complex located in Alachua County, at 75 S.W. 75th Street, Gainesville, Florida, 32607. On May 8, 1995, The Gardens filed an application with this Commission for a reseller exemption pursuant to Section 367.022(8), Florida Statutes. Mr. Robert Frazier, President and General Partner of Shey Associates, Inc., which owns The Gardens, is the primary contact person for the purposes of this docket. Mr. Frazier's mailing address is P.O. Box 14424, Gainesville, Florida 32604.

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(1), (2) and (3)(h), Florida Administrative Code.

Included with the exemption application were copies of materials setting out the factual basis for the exemption. The applicant acknowledged the requirements of Rule 25-30.111, Florida Administrative Code, regarding annual reporting. The applicant also acknowledged the requirements of Section 367.122, Florida Statutes, which concerns 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.

The service territory will be limited to The Gardens apartment complex. The Gardens will purchase water and wastewater services from Gainesville Regional Utilities (GRU). The Gardens proposes to resell these services to the residents at a rate that does not exceed the actual purchase price paid for these services, in accordance with Section 367.022(8), Florida Statutes. The Gardens will install water meters in each apartment unit to register the amount of water consumed. Therefore, residents will pay only for

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individual water consumption. The Gardens does not require a customer deposit from the residents, nor will it allocate the cost of common area water to the residents.

E.C.B.S./ Enviro-Check, Inc., will provide customer billing and meter reading services to the residents of The Gardens. The applicant submitted a schedule of GRU's current rates and charges, an explanation of the applicant'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. The applicant proposes to charge its residents the same rates and charges as GRU except for the fixed monthly meter charges and the conservation water rate. This methodology ensures that the applicant's revenues from reselling water and wastewater service to the residents of The Gardens will not exceed its costs to provide these services.

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. Frazier 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 The Gardens 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 The Gardens or any successors in interest, must inform the Commission within thirty (30) days of such change so that its exempt status may be reevaluated.

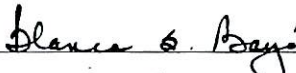
Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that, based upon the facts as represented, The Gardens, 75 S.W. 75th Street, Gainesville, Florida 32607, 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 The Gardens or any successors in interest shall inform this Commission within thirty (30) days of such a change so that we may reevaluate The Gardens' exempt status. It is further

ORDERED that this docket is hereby closed.

By ORDER of the Florida Public Service Commission, this 31st  
day of October, 1995.



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, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, 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 and/or wastewater 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 Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900 (a), Florida Rules of Appellate Procedure.