

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request For Exemption) DOCKET NO. 950830-WS
From Florida Public Service) ORDER NO. PSC-95-1508-FOF-WS
Commission Regulation For) ISSUED: December 6, 1995
Provision of Water and)
Wastewater Service in Lee County)
by Daniel's Crossing Shopping)
Center.)
_____)

ORDER INDICATING EXEMPT STATUS
OF DANIEL'S CROSSING SHOPPING CENTER AND CLOSING DOCKET

BY THE COMMISSION:

On July 17, 1995, Daniel's Crossing Shopping Center (Daniel's Crossing) filed an application with this Commission for recognition of its exempt status, pursuant to Section 367.022(8), Florida Statutes. Daniel's Crossing is a 24-unit shopping center located at 6900 Daniels Road, Fort Myers, Florida. The shopping center is owned by Daniels Road Partners. Mr. James W. Pierson, Property Manager of Stiles Property Management Company, and primary contact person, filed the application on behalf of Daniel's Crossing.

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 Rule 25-30.060(1), (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 Daniel's Crossing's application, the service area is limited to the shopping center located at 6900 Daniels Road, Fort Myers, Florida. Daniel's Crossing intends to purchase water and wastewater from Lee County and resell it to its tenants at a rate that does not exceed the actual purchase price. Meters have been installed on each unit so that the tenants will be charged for the actual amount of water used. WaterMaster Metering Systems, Inc. (WaterMaster) has been retained to read the meters on a

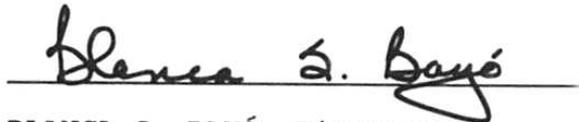
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By ORDER of the Florida Public Service Commission, this 6th
day of December, 1995.



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.