

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request For Exemption) DOCKET NO. 941152-WS
From Florida Public Service) ORDER NO. PSC-95-0134-FOF-WS
Commission Regulation For) ISSUED: January 26, 1995
Provision of Water and)
Wastewater Service in Duval)
County by Cedar Shores)
Apartments.)
_____)

ORDER INDICATING EXEMPT STATUS
OF CEDAR SHORES APARTMENTS AND CLOSING DOCKET

BY THE COMMISSION:

On October 28, 1994, Cedar Shores Apartments (Cedar Shores) filed an application with this Commission for recognition of its exempt status, pursuant to Section 367.022(8), Florida Statutes. Cedar Shores is a 103-unit apartment complex located at 3434 Blanding Boulevard, Jacksonville, Florida. Mr. John S. Ranney, Vice President of Envirotech Utility Management Services (Envirotech) and primary contact person, filed the application on behalf of Cedar Shores. Mr. Ranney's address is 2353 St. Johns Bluff Road South, Jacksonville, Florida 32246.

Because of the excessive water usage by the residents of Cedar Shores, individual meters have been installed and the residents will be charged for the actual amount of water and/or wastewater used. Valencia intends to purchase water and wastewater service from the City of Jacksonville and resell these services to its tenants at a rate that does not exceed the actual price paid for water and wastewater service. According to information provided, Envirotech will read the meters once a month and bill each tenant on behalf of Cedar Shores. No administrative or processing fee will be charged to the residents and there are no miscellaneous charges for common areas. In addition, Valencia will pay for the water and wastewater service for the units which are unoccupied.

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

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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 Cedar Shore's application, service is provided at a charge that does not exceed the actual purchase price; Cedar Shores is aware of the requirements of Rule 25-30.111, Florida Administrative Code; Cedar Shores provides water and wastewater service; and the service area is limited to the apartment complex located at 3434 Blanding Boulevard, Jacksonville, Florida.

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, Mr. Ranney 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 Cedar Shores 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 Cedar Shores or any successors in interest, must inform the Commission within 30 days of such change so its exempt status may be reevaluated.

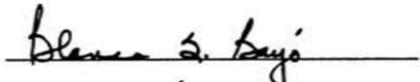
It is, therefore,

ORDERED by the Florida Public Service Commission that, based upon the facts as represented, Cedar Shores Apartments, 3434 Blanding Boulevard, Jacksonville, Florida 32210, 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 Cedar Shores Apartments or any successors in interest shall inform this Commission within 30 days of such a change so that we may reevaluate its exempt status. It is further

ORDERED that Docket No. 941152-WS is hereby closed.

By ORDER of the Florida Public Service Commission, this 26th day of January, 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 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,

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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.