

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.

As stated previously, OSA intends to purchase water and wastewater service from the City of Lauderdale and resell these services to the residents at a rate that does not exceed the actual price paid to the City for the service. Conservation Billing Services, Inc. (CBSI) will read the meters on a monthly basis and bill residents accordingly for OSA. No administrative or processing fee will be charged to the residents. The charge for service to the common areas will be based on the average charge for water and wastewater for a three-month period, multiplied by 12 percent. This amount (12 percent) will be prorated between 144 units. OSA will pay for the unoccupied units.

OSA intends to collect a deposit for each unit. The deposit will be based on the \$4,980 deposit OSA pays to the City of Lauderdale. Although this amount (\$4,980) divided by 144 units, results in a deposit of \$34.58 per unit, OSA only intends to collect \$20.00 per unit. The deposit, plus interest, will be applied to the resident's final bill.

According to the information provided, the service area will be limited to the apartment complex located at 5280 North West 88th Avenue, Lauderdale, Florida. OSA is aware of the requirements of Section 367.122, Florida Statutes, and Rules 25-30.111, and 25-30.262 through 25-30.267, Florida Administrative Code.

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. Parajon 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 OSA 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 OSA 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,

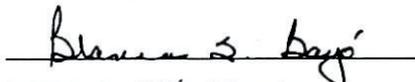
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ORDERED by the Florida Public Service Commission that, based upon the facts as represented, Oxford and Sussex Apartments, 5280 North West 88th Avenue, Lauderhill, Florida 33351, is hereby exempt from Commission regulation pursuant to the provisions 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 Oxford and Sussex 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. 941139-WS is hereby closed.

By ORDER of the Florida Public Service Commission, this 2nd day of March, 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, 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.