

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request For Exemption) DOCKET NO. 941296-WS
From Florida Public Service) ORDER NO. PSC-95-0835-FOF-WS
Commission Regulation For the) ISSUED: July 13, 1995
Provision of Water and)
Wastewater Service in Seminole)
County by Sabal Walk Apartments.)
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ORDER INDICATING EXEMPT STATUS
OF SABAL WALK APARTMENTS AND CLOSING DOCKET

BY THE COMMISSION:

On December 13, 1994, Sabal Walk Apartments (Sabal Walk) filed an application with this Commission for recognition of its exempt status, pursuant to Section 367.022(8), Florida Statutes. Sabal Walk is a 164-unit apartment complex located at 2800 Firethorn Lane, Longwood, Florida. The application was filed by Bruce Kene, Vice President of Summit Management on behalf of Teacher's Annuity and Insurance, Inc., owner of Sabal Walk.

Subsequent to the filing, Sabal Walk was sold to Windsor At Sabal Walk. On May 22, 1995, Mr. Stuart Johnson, Vice President, of Windsor At Sabal Walk refiled the application on behalf of Sabal Walk. The primary contact person is Mr. Frank R. Manno, Conservation Billing Services, Inc., 90 South Newtown Street Road, Suite No. 3, Newtown Square, Pennsylvania.

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, which 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 Sabal Walk's application, service is limited to the apartment complex located at 2800 Firethorn Lane, Longwood, Florida 32779. Individual meters are being installed on each apartment so that residents will be charged for the actual amount of water and wastewater service used. Sabal Walk intends to purchase water and wastewater service from Sanlando Utilities and

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resell these services to the residents at a rate that does not exceed the actual purchase price for the service. Conservation Billing Services, Inc. (CBSI) will read the meters on a monthly basis and bill residents accordingly for Sabal Walk. In order to determine the appropriate charge for service to common areas, Sabal Walk proposes to multiply three months average for water and wastewater service by twelve percent. This amount will be divided by the total number of units (164). No administrative or processing fee will be charged to the residents. Sabal Walk will pay all fees to CBSI. Sabal Walk does, however, intend to collect a \$10.00 deposit per unit. The deposit will be applied to the resident's last bill.

Sabal Walk is aware of the annual reporting requirements of Rule 25-30.111, Florida Administrative Code. Sabal Walk is also aware of Section 367.122, Florida Statutes, which deals with the examination and testing of meters; and Rules 25-30.263 through 25-30.267, Florida Administrative Code, regarding the responsibilities of the owner for insuring the accuracy of the meters.

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. Johnson 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 Sabal Walk 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 Sabal Walk 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, Sabal Walk Apartments, c/o Conservation Billing Services, Inc. 90 South Newtown Street Road, Suite No. 3, Newtown Square, Pennsylvania 19073-4035, 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 Sabal Walk 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. 941296-WS is hereby closed.

By ORDER of the Florida Public Service Commission, this 13th day of July, 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.