

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request for Exemption) DOCKET NO. 930301-WS
from Florida Public Service) ORDER NO. PSC-97-0348-FOF-WS
Commission Regulation for) ISSUED: March 26, 1997
Provision of Water and)
Wastewater Service by Normandy)
Village Utility Co-Op, Inc. in)
Duval County.)
_____)

ORDER INDICATING THE EXEMPT STATUS OF
NORMANDY VILLAGE UTILITY CO-OP, INC. AND CLOSING DOCKET

BY THE COMMISSION:

On May 22, 1993, Normandy Village Utility Company filed a request for recognition of its exempt status, pursuant to Section 367.022(7), Florida Statutes. Normandy Village Utility Company is located at 7800 Delaroache Drive, Jacksonville, Florida. Mr. Raymond J. Gmuca, President, filed the application on behalf of Normandy Village Utility Company. The primary contact person is Ms. Dorothy Letien.

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 requesting exemption pursuant to Section 367.022(7), Florida Statutes. However, when the application was filed, Normandy Village Utility Company was a for-profit corporation and, therefore, did not qualify for exemption. On September 9, 1996, Normandy Village Utility Company reincorporated as a nonprofit corporation under the name, Normandy Village Utility Co-Op, Inc. (Normandy Village).

Section 367.022(7), Florida Statutes, states that nonprofit corporations, associations, or cooperatives providing service solely to members who own and control such nonprofit entities are exempt from Commission regulation. Before an exemption of this nature may be granted, the applicant requesting the exemption must file with the Commission a statement specifying the following: that the corporation is nonprofit; providing service solely to the members who own and control it; whether it provides water service, wastewater service, or both; and who will do the billing. Additionally, the applicant must submit its Articles of Incorporation as filed with the Secretary of State and its Bylaws. These documents must show clearly the requirements of membership, the members' voting rights, and the circumstances under which control passes to the nondeveloper members.

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

In its application and the information provided subsequent to the filing, Normandy Village stated that it is a nonprofit corporation organized pursuant to Chapter 617, Florida Statutes; that it will provide water and wastewater service solely to its members who own and control it; and that it will provide water and wastewater service for which it will provide its own billing.

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. Gmuca 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 Normandy Village is exempt from our regulation pursuant to Section 367.022(7), Florida Statutes. However, the owner of Normandy Village or any successors in interest are put on notice that if there is any change in circumstance or method of operation which causes it to no longer qualify for exemption pursuant to Section 367.022, Florida Statutes, it should inform the Commission within 30 days of such change so that its status may be reevaluated.

It is, therefore,

ORDERED by the Florida Public Service Commission that, based upon the facts as represented, Normandy Village Utility Co-Op, Inc., 1828 Fouraker Road, Jacksonville, Florida 32221, is hereby exempt from Commission regulation pursuant to the provisions of Section 367.022(7), Florida Statutes. It is further

ORDERED that this Docket is hereby closed.

By ORDER of the Florida Public Service Commission, this 26th day of March, 1997.

BLANCA S. BAYÓ, Director
Division of Records and Reporting



Kay Flynn
Chief, Bureau of Records

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), 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.