

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for exemption)
from Florida Public Service)
Commission regulation by SILVER)
OAK HILLS UTILITIES, INC. in)
Pasco County and cancellation of)
Certificate No. 151-W)
_____)

DOCKET NO. 911222-WU

ORDER NO. 25791

ISSUED: 2/24/92

The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD, Chairman
SUSAN F. CLARK
J. TERRY DEASON
BETTY EASLEY
LUIS J. LAUREDO

ORDER INDICATING THE EXEMPT STATUS AND
CANCELING THE CERTIFICATE OF
SILVER OAK HILLS UTILITIES, INC.

BY THE COMMISSION:

BACKGROUND

Silver Oak Hills Utilities, Inc. (Silver Oak or Utility) is a Class C utility that provides water service to 53 single-family homes in Pasco County. All 53 homes have septic tanks. In its 1990 annual report, the utility reported annual revenues of \$10,169 and a net operating income of \$50. An original water certificate No. 151-W, was granted by Order No. 5810, issued July 30, 1973. Subsequently, several transfers were approved by this Commission before the utility was transferred to Silver Oak on October 10, 1986, by Order No. 16706.

On December 27, 1991, the utility requested that it be found exempt from our regulation under section 367.022(6), Florida Statutes, and that its water certificate No. 151-W be canceled. Section 367.022(6), Florida Statutes, exempts utilities with the capacity to serve 100 or fewer persons from regulation by this Commission. Rule 25-30.055, Florida Administrative Code, provides that a water or wastewater system is exempt under section 367.022(6), Florida Statutes, if its treatment facilities and distribution or collection system have a capacity, excluding fire

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flow capacity, of no greater than 10,000 gallons per day (gpd) or if the entire system is designed to serve no greater than 40 equivalent residential connections (ERCs). For purposes of this rule, one ERC equals 250 gpd.

This water system is designed to serve the 26 ERCs in the Silver Oak Hills Subdivision. The subdivision has been built out. All surrounding areas are served by the City of New Port Richey or the Pasco County utilities system. Thus, there is no area for the utility to expand into. Moreover, the utility has no well or treatment facilities and only a 2-inch meter which limits its capacity to provide water service. The utility buys bulk water from the City of New Port Richey through a 2-inch interconnection. The utility's annual report indicates that during the past three years, the system has supplied water at a maximum of 6,515 gpd. This water system has the capacity to serve less than 40 ERCs.

Based on the information provided, pursuant to Section 367.022(6), Florida Statutes, and Rule 25-30.055, Florida Administrative Code and we find the Utility to be exempt from our regulation. Further, Certificate No. 151-W is canceled. However, should there be any change in circumstances or method of operation, the Utility or its successor(s) in interest, shall notify this Commission within 30 days of such change so we may reevaluate its exempt status.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Silver Oak Hills Utilities, Inc., 6906 Graphic Drive, Port Richey, Florida 34668, is exempt from this Commission's regulation under section 367.022(6), Florida Statutes. It is further

ORDERED that Certificate No. 151-W is hereby canceled. It is further

ORDERED that should there be any change in circumstances or method of operation, Silver Oak Hills Utilities, Inc., or its successor(s) in interest, shall notify this Commission within 30 days of such change so that we may reevaluate its exempt status. It is further

ORDERED that this docket is hereby closed.

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By ORDER of the Florida Public Service Commission, this 24th
day of FEBRUARY, 1992.



STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

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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 or sewer 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.