

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for Exemption )  
as a Nonjurisdictional Entity) )  
From Florida Public Service )  
Commission Regulation for )  
Provision of Water Service in) )  
Alachua County by Maddox )  
Foundry & Machine Works. )  
\_\_\_\_\_)

DOCKET NO. 920905-WU  
ORDER NO. PSC-92-1090-FOF-WU  
ISSUED: 09/30/92

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Fla. Public Service Commission  
Division of Water and Sewer

ORDER INDICATING NONJURISDICTIONAL STATUS  
OF MADDOX FOUNDRY & MACHINE WORKS AND CLOSING DOCKET

BY THE COMMISSION:

On August 24, 1992, Maddox Foundry & Machine Works (Maddox), located in Alachua County, filed an application with this Commission for recognition of nonjurisdictional status, pursuant to Section 367.021(12), Florida Statutes. Mr. Lewis M. Hughes, Maintenance Supervisor, filed the application on behalf of Maddox. As a result of an inquiry by the Commission Staff regarding Mr. Hughes' authority to act on behalf of Maddox, we received a letter on September 21, 1992, from the President of Maddox stating Mr. Hughes was authorized to file the application.

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. According to the application, water is provided only to Maddox, there is no charge for providing the service, and all costs of providing service are treated or recovered as operational expenses.

Section 367.021(12), Florida Statutes, states that a "utility means a water or wastewater utility and except as provided in Section 367.022, includes every person, lessee, trustee, or receiver owning, operating, managing or controlling a system, or proposing construction of a system, who is providing or proposes to provide water or wastewater service to the public for compensation."

Because Maddox will not be providing water service to the public for compensation based on the facts as represented, we find that it is not a utility pursuant to Section 367.021(12), Florida Statutes. However, should there be any change in circumstances or method of operation, the owner of Maddox or any successors in interest, must inform the Commission within 30 days of such change

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ORDER NO. PSC-92-1090-FOF-WU  
DOCKET NO. 920905-WU  
Page 2

so that we may review the matter to determine whether nonjurisdictional status is still appropriate.

It is, therefore,

ORDERED by the Florida Public Service Commission, based upon the facts as represented, Maddox Foundry & Machine Works, 100 Mechanic Street, Post Office Drawer 7, Archer, Florida 32618, is not a water utility subject to this Commission's jurisdiction, pursuant to the provisions of Section 367.021(12), Florida Statutes. It is further

ORDERED that should there be any change in circumstances or method of operation, the owners of Maddox Foundry & Machine Works or any successors in interest, shall inform this Commission within 30 days of such a change so that we may re-evaluate Maddox's nonjurisdictional status. It is further

ORDERED that Docket No. 920905-WU is hereby closed.

By ORDER of the Florida Public Service Commission this 30th day of September, 1992.

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STEVE TRIBBLE, Director  
Division of Records and Reporting

( S E A L )

ALC

by: Kay Flynn  
Chief, Bureau of Records

ORDER NO. PSC-92-1090-FOF-WU  
DOCKET NO. 920905-WU  
Page 3

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 Civil Procedure. The notice of appeal must be in the form specified in Rule 9.900 (a), Florida Rules of Appellate Procedure.