BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for exemption)	DOCKET NO. 921157-SU
from Florida Public Service)	ORDER NO. PSC-93-0230-FOF-SU
Commission Regulation for)	ISSUED: 02/10/93
Provision of Wastewater Service	j	White Notice (1997 Action 1907 1907 1907 1907 1907 1907 1907 1907
in St. Lucie County by TREASURE)	•
COVE DUNES CONDOMINIUM ASSOCIATI	ON)	
	j	

ORDER INDICATING THE EXEMPT STATUS OF TREASURE COVE DUNES CONDOMINIUM ASSOCIATION

BY THE COMMISSION:

On November 6, 1992, Treasure Cove Dunes Condominium Association (Treasure Cove or Association) filed its request for exemption from Commission regulation pursuant to Section 367.022(7), Florida Statutes. Treasure Cove is located at 4100 North A-1-A, #315, Fort Pierce, Florida, 34949. Stephen M. Haviland, President of the Association, is the contact person for Treasure Cove, and he filed the application on behalf of the Association.

Treasure Cove requested that it be found exempt pursuant to Section 367.022(7) of Chapter 367, Florida Statutes. Under this section, "[N]onprofit corporations, associations, or cooperatives providing service solely to members who own and control such nonprofit corporations, associations, or cooperatives" are exempt from Florida Public Service Commission regulation. In addition, the Association's application was filed in accordance with Rule 25-30.060(3)(g), Florida Administrative Code.

In its application dated November 4, 1992, the Association states that it is a nonprofit association, that it will provide wastewater service solely to its members who own and control it for which it will provide its own billing. The service area is specified as the Treasure Cove Dunes Condominium. The Association provided a recorded warranty deed conveying to the Association the land upon which the facilities are located, thereby establishing proof of ownership of the facilities and continued use of the land where the facilities are located.

Based upon the facts as represented, we find that Treasure Cove is exempt from our regulation under the terms of Section 367.022(7), Florida Statutes. However, should there be any change in circumstances of Treasure Cove, a representative of the Association must inform this Commission within thirty days of such change, so that we may reevaluate the Association's exempt status.

DOCUMENT NUMBER-DATE

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FFSC-RECORDS / PERCEPTION

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It is, therefore,

ORDERED by the Florida Public Service Commission that, based upon the facts as represented, Treasure Cove Dunes Condominium Association, located at 4100 North A-1-A, Fort Pierce, Florida 34949, is hereby exempt from Commission regulation pursuant to the terms of Section 367.022(7), Florida Statutes. It is further

ORDERED that should there be any change in circumstances of Treasure Cove Dunes Condominium Association, a representative of the Association shall inform this Commission within thirty days of such change so that we may reevaluate its exempt status. It is further

ORDERED that this docket is closed.

By ORDER of the Florida Public Service Commission this 10th

day of February, 1993.

STEVE TRIBBLE, Director

Division of Records and Reporting

(SEAL)

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