

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request for exemption) DOCKET NO. 940961-WU
from Florida Public Service) ORDER NO. PSC-94-1385-FOF-WU
Commission for provision of) ISSUED: November 14, 1994
water service in Putnam County)
by C.J.'s LOUNGE.)
_____)

ORDER INDICATING NON-JURISDICTIONAL
STATUS OF C.J.'S LOUNGE

BY THE COMMISSION:

On September 9, 1994, C.J.'s Lounge (C.J.'s) filed an application with this Commission for recognition of its non-jurisdictional status, pursuant to Section 367.021(12), Florida Statutes. C.J.'s is a lounge/bar physically located at U.S. 17 & West River Road, Palatka, Florida 32177. Ms. Emma E. Sanders is the owner of C.J.'s and is the primary contact person. Ms. Sanders filed the application. Both Ms. Sanders' and C.J.'s Lounge's mailing address is 47 Elsie Drive, East Palatka, Florida 32131.

Upon request and sufficient proof, the Commission will issue an order indicating the non-jurisdictional or exempt status of water or wastewater systems if they qualify under either Section 367.021(12) or Section 367.022, Florida Statutes. The application was filed in accordance with Section 367.021(12), Florida Statutes, and Rules 25-30.060(2) and (3)(j), Florida Administrative Code.

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."

According to its application, C.J.'s provides water service solely in connection with its operations. C.J.'s has stated in the application that there is no charge for providing the utility service and all costs of providing service are treated or recovered as operational expenses. Wastewater service is provided through a septic tank.

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 second degree misdemeanor. By signing the application, Ms.

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Sanders acknowledged that she is aware of Section 837.06, Florida Statutes, and the penalties for making false statements in the application.

Based upon the facts as represented, we find that C.J.'s is exempt from Commission regulation as a non-jurisdictional entity pursuant to Section 367.021(12), Florida Statutes. In the event of any change of circumstances or method of operation, Ms. Sanders or any successors in interest in C.J.'s must inform the Commission within thirty (30) days of such change so that C.J.'s Lounge's exempt status may be reevaluated.

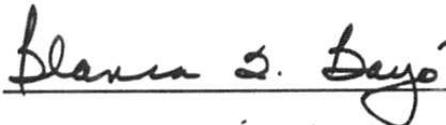
Based on the foregoing, it is, therefore,

ORDERED by the Florida Public Service Commission that, based upon the facts as represented, C.J.'s Lounge, U.S. 17 & West River Road, Palatka, Florida 32177, is hereby exempt from Commission regulation 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, a representative of C.J.'s Lounge shall inform the Commission within thirty (30) days of such change so that C.J.'s Lounge's exempt status may be reevaluated. It is further

ORDERED that this docket is hereby closed.

By ORDER of the Florida Public Service Commission, this 14th day of November, 1994.



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