

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for exemption ) DOCKET NO. 920847-WS  
from Florida Public Service ) ORDER NO. PSC-92-1297-FOF-WS  
Commission regulation for ) ISSUED: 11/10/92  
provision of water and )  
wastewater services in Bradford )  
County by GRIFFIN INDUSTRIES, )  
INC. )  
\_\_\_\_\_ )

ORDER INDICATING NONJURISDICTIONAL STATUS OF  
GRIFFIN INDUSTRIES, INC.

BY THE COMMISSION:

On August 24, 1992, Griffin Industries, Inc. (Griffin) filed an application with this Commission for recognition of nonjurisdictional status, pursuant to Section 367.021(12), Florida Statutes. Griffin is a rendering facility that owns and operates a well and a wastewater treatment plant. There is no service provided to the public. The mailing address is Route 3, Box 530-P, Starke, FL 32091. The contact person is Richard Austin, General Manager.

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. In its application, Griffin stated that there is no charge for providing utility service; all costs of providing service are treated or recovered as operational expenses; the system provides both water and wastewater; and the service territory is limited to Griffin Industries, located on Highway 221 in Hampton, Florida. Also included with the application was a statement from Mr. John Griffin, Executive Vice President, authorizing Mr. Austin to file the application for Griffin Industries.

Griffin acknowledged Section 837.06, Florida Statutes, regarding false statements. The application was filed in accordance with Section 367.021, Florida Statutes, and Rules 25-30.060(1), (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, Florida Statutes, includes every person, lessee, trustee, or receiver owning, operating, managing or controlling a system, or proposing construction of a system, who is providing or

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ORDER NO. PSC-92-1297-FOF-WS  
DOCKET NO. 920847-WS  
PAGE 2

proposes to provide water or wastewater service to the public for compensation."

Since, based on the facts as represented, Griffin Industries, Inc. will not be providing water or wastewater service to the public for compensation, we find that Griffin Industries, Inc. 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 Griffin Industries, Inc. or any successor in interest shall inform this Commission within 30 days of the change so we may reevaluate its nonjurisdictional status.

It is, therefore,

ORDERED by the Florida Public Service Commission that Griffin Industries, Inc. is not a utility subject to this Commission's jurisdiction, pursuant to Section 367.021(12), Florida Statutes. It is further

ORDERED that should there be any change in circumstances or method of operation, the owner of Griffin Industries, Inc. or its successor(s) in interest shall inform this Commission of the change within 30 days so we may reevaluate its nonjurisdictional status. It is further

ORDERED that this docket is hereby closed.

By ORDER of the Florida Public Service Commission this 10th day of November, 1992.

  
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STEVE TRIBBLE, Director  
Division of Records and Reporting

( S E A L )

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

ORDER NO. PSC-92-1297-FOF-WS  
DOCKET NO. 920847-WS  
PAGE 3

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.