

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request for Exemption ) DOCKET NO. 920185-WU  
from Florida Public Service ) ORDER NO. PSC-93-0614-FOF-WU  
Commission Regulation for ) ISSUED: April 21, 1993  
Provision of Water Service in )  
Escambia County by CENTRAL WATER )  
WORKS, INC. )

ORDER INDICATING THE EXEMPT STATUS OF  
CENTRAL WATER WORKS, INC.

BY THE COMMISSION:

On February 27, 1992, Central Water Works, Inc. (Central or applicant) filed its request for exemption from Commission regulation pursuant to Section 367.022(7), Florida Statutes. Central is located at 1101 Byrneville Road, Century, Florida 32535. The corporation's contact person David Huie Green, President, filed the application on behalf of the applicant. Central currently provides water service to 907 residential units, two volunteer fire departments, thirteen churches, three service stations, a retread business and four dairies in its service area. Wastewater service is provided by septic tanks.

Central 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" are exempt from Florida Public Service Commission regulation. In addition, Central filed its application in accordance with Rule 25-30.060 (3) (g), Florida Administrative Code. In order to comport with the statute and rule, Central Water Works, Inc. amended its Articles of Incorporation to clearly state that members only will be served.

In its application Central states that it is a nonprofit corporation, that it provides water service solely to its members who own and control it, and that it will provide its own billing. The service area is specified as the properties enumerated above in the area of North Escambia County, six miles west from the Escambia River. Proof of ownership of the utility facilities was provided by a Warranty Deed.

In addition, the application form states that pursuant to Section 837.06, Florida Statutes, anyone knowingly making a false statement in writing with the intent to mislead is guilty of a misdemeanor. By signing the application, David Huie Green

DOCUMENT NUMBER-DATE

04326 APR 21 83

FPSC-RECORDS/REPORTING

ORDER NO. PSC-93-0614-FOF-WU  
DOCKET NO. 920185-WU  
PAGE 2

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

Section 367.022(7), Florida Statutes, states that nonprofit corporations, associations, or cooperatives providing service solely to members who own and control such nonprofit entities are exempt from Commission regulation. Based upon the facts as represented, we find that Canoe Creek is exempt from our regulation under the terms of Section 367.022(7), Florida Statutes. However, should there be any change in circumstances of Central, a representative of the applicant must inform the Commission within thirty days of such change, so that we may determine whether exempt status is still appropriate.

It is, therefore,

ORDERED by the Florida Public Service Commission that, based upon the facts as represented, Central Water Works, Inc., located at c/o Mr. David Huie Green, 151 Bluff Springs Road, Century, Florida 32535-2801 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 Central, a representative of the applicant shall inform the Commission within thirty days of such change so that we may reevaluate the applicant's exempt status. It is further

ORDERED that this docket is closed.

By ORDER of the Florida Public Service Commission this 21st day of April, 1993.

  
\_\_\_\_\_  
STEVE TRIBBLE, Director  
Division of Records and Reporting

( S E A L )

SLE

ORDER NO. PSC-93-0614-FOF-WU  
DOCKET NO. 920185-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.