BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request for exemption | DOCKET NO. 940426-WU | from Florida Public Service | ORDER NO. PSC-94-0853-FOF-WU | ISSUED: July 14, 1994 | provision of water service in | Monroe County by SAN PEDRO, INC. |

ORDER ACKNOWLEDGING EXEMPT STATUS AND CLOSING DOCKET

BY THE COMMISSION:

On May 2, 1994, pursuant to Section 367.022(8), Florida Statutes, San Pedro, Inc., (San Pedro) filed for a reseller exemption. Mr. Edward McDevitt, manager of San Pedro, is the primary contact person, and his mailing address is 98150 Overseas Highway, Key Largo, Florida 33037.

San Pedro is a mobile home park with 42 lots, and its service area is located at 87401 Old Highway, Islamorada, Florida 33036. San Pedro plans to purchase its water service from the Florida Keys Aqueduct Authority (FKAA), and it will resell the purchased water to its residents at a rate or charge that will not exceed FKAA's rates or charges. The residents of San Pedro receive their wastewater service via septic tanks.

Upon request and sufficient proof, the Commission will issue an order granting exempt status to a utility if it qualifies under the appropriate provision of Chapter 367, Florida Statutes. Section 367.022(8), Florida Statutes, states that a utility will not be subject to the Commission's jurisdiction if it does not resell its water or wastewater service or both at a rate or charge that exceeds its primary providers' rate or charge. San Pedro filed its application in accordance with Section 367.022(8), Florida Statutes, and Rules 25-30.060(1), (2), and (3)(h), Florida Administrative Code. In its application, San Pedro included a statement of the statutory and factual bases for its request for a reseller exemption. San Pedro also acknowledged the requirements of Rule 25-30.111, Florida Administrative Code, regarding the annual reporting requirements. San Pedro further acknowledged the requirements of Section 367.122, Florida Statutes, regarding the examination and testing of meters, and Rules 25-30.262 through 25-30.267, Florida Administrative Code, which explain San Pedro's responsibilities for insuring the accuracy of its meters.

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Furthermore, Mr. McDevitt acknowledged Section 837.06, Florida Statutes, regarding false statements.

As stated earlier, San Pedro will do its own billing based on its monthly reading of the individual customers' meters. Approximately two days after San Pedro reads its customers' meters, it will mail its customers their bills. San Pedro uses the same methodology that FKAA uses for assessing San Pedro's water service and, based on that methodology, San Pedro's rates and charges will not exceed the actual purchase price.

Based on the above facts and pursuant to Section 367.022(8), Florida Statutes, we find that San Pedro qualifies for exemption from the Commission's regulation. However, should there be any change in circumstances or methods of operation, the owner of San Pedro, or any successors in interest, shall inform this Commission within thirty days of any changes so that we can reevaluate its exempt status.

Based on the foregoing, it is, therefore,

ORDERED by the Florida Public Service Commission that, based upon the foregoing facts and pursuant to Section 367.022(8), Florida Statutes, San Pedro, Inc., 87401 Old Highway, Islamorada, Florida 33036, is exempt from Commission's regulation. It is further

ORDERED that should there be any change in circumstances or methods of operation, the owner of San Pedro, Inc., or any successors in interest, shall inform this Commission within thirty days of any changes so that we can reevaluate San Pedro's exempt status. It is further

ORDERED that this docket is hereby closed.

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

BLANCA S. BAYÓ, 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.