

## BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for exemption from	)	DOCKET NO. 910774-WS
Florida Public Service Commission	)	ORDER NO. 25043
regulation for provision of water and	)	ISSUED: 9/11/91
wastewater services to Middleburg	)	
Bluffs Apartments in Clay County by	)	
MIDDLEBURG BLUFFS ASSOCIATES LTD.	)	
	)	

ORDER INDICATING EXEMPT STATUS  
OF MIDDLEBURG BLUFFS APARTMENTS

BY THE COMMISSION:

Middleburg Bluffs Apartments (Middleburg) is an existing apartment complex consisting of fifty-three units in Clay County, Florida. The units are leased on a yearly basis to the general public. During the term of the lease, the tenants pay a monthly rent charge. By letter and affidavit received July 17, 1991, Middleburg has requested recognition of the exempt status of its water and wastewater system.

Upon request and sufficient proof, the Commission will issue an order indicating the nonjurisdictional or exempt status of water and wastewater facilities, if they qualify under the appropriate provision of Chapter 367, Florida Statutes. Middleburg requested recognition of the exempt status of its water and wastewater system under Section 367.022(5), Florida Statutes.

The letter and affidavit show that: Middleburg provides water and wastewater services solely to its tenants; the service area will be limited to Middleburg; Middleburg will not collect any specific charge for water and wastewater services from its tenants; any compensation received for water and wastewater services will be nonspecifically included in the tenants' monthly rents; and the system's physical address is 2425 Iris Street, Middleburg, Florida 32608.

Section 367.022(5), Florida Statutes, provides that "[l]andlords providing service to their tenants without specific compensation for the service" are not subject to Commission regulation. Based upon the facts represented, we find that Middleburg's system is exempt from our regulation under the terms of Section 367.022(5), Florida Statutes. However, should there be any change in circumstances or method of operation, the owner of

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Middleburg or any successor in interest 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, Middleburg Bluffs Apartments' water and wastewater system, located at 2425 Iris Street, Middleburg, Florida 32608, is hereby exempt under Section 367.022(5), Florida Statutes. It is further

ORDERED that should there be any change in circumstances or method of operation of Middleburg Bluffs Apartments' system, the owner of Middleburg Bluffs Apartments or any successor in interest shall inform this Commission within thirty days of such change. It is further

ORDERED that this docket be closed.

By ORDER of the Florida Public Service Commission, this  
11th day of SEPTEMBER, 1991.

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STEVE TRIBBLE, Director  
Division of Records and Reporting

( S E A L )

NRF

by: Kay DeLeon  
Chief, Bureau of Records

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