

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for exemption from)	DOCKET NO. 910936-WU
Florida Public Service Commission)	ORDER NO. 25181
regulation for a water treatment)	ISSUED: 10/09/91
facility in Bay County by TRITON)	
INC.)	
)	
)	

ORDER INDICATING THE NONJURISDICTIONAL STATUS OF
TRITON, INC.

BY THE COMMISSION:

Triton, Inc. (Triton), owns and operates a water system which currently provides non-potable water to Happy Store number 510, a convenience store located in Bay County. Triton is currently providing potable water by bottled water to the convenience store. Wastewater service for the convenience store is furnished by a septic tank. Triton is a Georgia corporation which operates seven other convenience stores in North Florida. All the water or wastewater systems of those stores are under city or county jurisdiction.

Currently, Triton's water system for Happy Store is a well which provides non-potable water. Triton needs a permit from the Department of Environmental Regulation (DER) so that it can use this system to provide potable water. Upon request and sufficient proof, the Commission will issue an order indicating the nonjurisdictional or exempt status of water or wastewater facilities, if they qualify under the appropriate section of Chapter 367, Florida Statutes. By affidavit received August 28, Triton requested recognition of the nonjurisdictional status of its water system under Section 367.021(12), Florida Statutes.

Triton's affidavit stated that: Triton owns and operates a non-community public water system; Triton will provide water service solely for the operation of its establishment; the costs of water service will be treated as an operational expense of Triton's; and the water system will be located on the premises of Happy Stores number 510 which is located at 1408 West 23rd Street, Panama City, Florida 32405.

Section 367.021(12), Florida Statutes, defines a utility as "every person . . . who is providing or proposes to provide, water or wastewater service to the public for compensation." Based upon

DOCUMENT NUMBER-DATE

09996 OCT -9 1991

FPSC-RECORDS/REPORTING

ORDER NO. 25181
DOCKET NO. 910936-WU
PAGE 2

the facts as presented herein, it does not appear that Triton will be a utility, as defined by Section 367.021(12), Florida Statutes, since it will not be providing water service for compensation. Accordingly, Triton will not be subject to this Commission's jurisdiction. However, should there be any change in circumstances or method of operation, the owner of Triton, or any successor(s) in interest, must inform the Commission within thirty (30) days of such change, so that we may determine whether nonjurisdictional status is still appropriate.

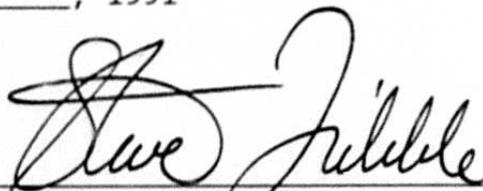
It is, therefore,

ORDERED by the Florida Public Service Commission that, based upon the facts as represented, Triton, Inc., located at 1408 West 23rd Street, Panama City, Florida 32405, is not a utility subject to this Commission's jurisdiction pursuant to the terms of Section 367.021(12), Florida Statutes. It is further

ORDERED that should there be any change in circumstances or method of operation of Triton's water system, the present owner or any successor in interest shall inform the 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 9th
day of OCTOBER, 1991



STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

RG

ORDER NO. 25181
DOCKET NO. 910936-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 Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900 (a), Florida Rules of Appellate Procedure.