

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for exemption) DOCKET NO. 921329-SU
from Florida Public Service) ORDER NO. PSC-93-0493-FOF-SU
Commission Regulation for) ISSUED: 04/02/93
Provision of Wastewater Service)
in St. Lucie County by OCEANA)
UTILITY COOPERATIVE, INC.)

ORDER INDICATING THE EXEMPT STATUS OF
OCEANA UTILITY COOPERATIVE, INC.

BY THE COMMISSION:

On December 30, 1992, Oceana South Association, Inc., now reorganized and named Oceana Utility Cooperative, Inc. (Oceana or Corporation) filed its request for exemption from Commission regulation pursuant to Section 367.022(7), Florida Statutes. Oceana is located at 10660 South Ocean Drive, Jensen Beach, Florida, 34957. Jane L. Cornett, Esquire, of Wackeen, Cornett & Googe, P.A., Post Office Box 66, Stuart, Florida 34995, is the contact person for Oceana. Martin Hopkins, President of Oceana, filed the application on behalf of the Corporation.

Oceana 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 providing service solely to members who own and control such nonprofit corporations, associations, or cooperatives" are exempt from Florida Public Service Commission regulation. In addition, the Association's application was filed in accordance with Rule 25-30.060(3)(g), Florida Administrative Code.

In its amended application dated March 10, 1993, the Corporation states that it is a nonprofit association, that it will provide wastewater service solely to its members who own and control it for which it will provide its own billing. The service area is specified as: Island Crest Condominium; Oceana South II Condominium; Oceana Recreation Property; and Turtle Reef Condominiums I, II, and III. The Corporation provided a long term lease executed by the Corporation and Oceana South Association, Inc., owner of the facility, thereby establishing proof of the continued use of the facilities and the land upon which the facilities are located.

Based upon the facts as represented, we find that Oceana is exempt from our regulation under the terms of Section 367.022(7), Florida Statutes. However, should there be any change in circumstances of Oceana, a representative of the Corporation must inform this Commission within thirty days of such change, so that we may reevaluate the Corporation's exempt status.

EXEMPT NUMBER-DATE

03634 APR-28

FPSC-RECORDS/REPORTING

It is, therefore,

ORDERED by the Florida Public Service Commission that, based upon the facts as represented, Oceana Utility Cooperative, Inc., located at 10660 South Ocean Drive, Jensen Beach, Florida 34957, is 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 Oceana Utility Cooperative, Inc., a representative of the Corporation shall inform this Commission within thirty days of such change so that we may reevaluate its exempt status. It is further

ORDERED that this docket is closed.

By ORDER of the Florida Public Service Commission this 2nd day of April, 1993.

STEVE TRIBBLE, Director
Division of Records and Reporting

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by: Kay Hign

Chief, Bureau of Records

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.