

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request for Exemption) DOCKET NO. 950493-WS
from Florida Public Service) ORDER NO. PSC-96-1312-POF-WS
Commission Regulation for) ISSUED: October 28, 1996
Provision of Water and)
Wastewater Service in Orange)
County by Hunter's Ridge)
Apartments.)
_____)

ORDER INDICATING EXEMPT STATUS OF HUNTER'S
RIDGE APARTMENTS, AND CLOSING DOCKET

BY THE COMMISSION:

On August 25, 1995, an application for reseller exemption was filed on behalf of Hunter's Ridge Apartments (Hunter's Ridge or apartment complex), pursuant to Section 367.022(8), Florida Statutes. The application was signed by Mr. Richard D. Schofield, who is the general partner for Hunter's Ridge Associates, Ltd., the owner of Hunter's Ridge. The primary contact person is Ms. Donna K. Vickstrom, c/o Schofield Management, 701 West Fletcher Avenue, Suite A, Tampa, Florida, 33612. The physical location and mailing address for the apartment complex is 3733 North Goldenrod Road, Winter Park, Florida 32792.

Upon request and sufficient proof, the Commission will issue an order indicating the nonjurisdictional or exempt status of water or wastewater systems if they qualify under the appropriate provision of Chapter 367, Florida Statutes. Hunter's Ridge filed its application in accordance with Section 367.022(8), Florida Statutes, and Rule 25-30.060(1), (2) and (3)(h), Florida Administrative Code. Section 367.022(8), states, in part, that "[a]ny person who resells water or wastewater service at a rate or charge which does not exceed the actual purchase price thereof," and who complies with certain reporting requirements, is exempt from Commission regulation. Hunter's Ridge intends to provide water and wastewater service to its residents at a rate or charge that does not exceed the actual purchase price.

By signing the application Mr. Schofield has acknowledged responsibility for the requirements of Rule 25-30.111, Florida Administrative Code, regarding annual reporting requirements as well as responsibility for the requirements of Section 367.122, Florida Statutes, and Rules 25-30.262 through .267, Florida Administrative Code, regarding the examination and testing of meters. Furthermore, Mr. Schofield has acknowledged that he is aware of the penalty pursuant to Section 837.06, Florida Statutes,

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for knowingly making false statements in writing with the intent to mislead.

Hunter's Ridge is a 238-unit apartment complex which has been in existence since 1985. The conversion to individually metered apartment units was completed in June of 1995. Water Service is provided by Southern States Utilities, Inc. (SSU) and wastewater service is provided by the City of Winter Park Utilities (Winter Park). Residents' meters are read monthly by a representative of Hunter's Ridge and sent to Water and Sewer Collection Services, Inc., for billing. Customer deposits are not required. Hunter's Ridge is responsible for common area water and administrative costs.

The application included a schedule of SSU's and Winter Park's current rates and charges; a schedule of the applicant's proposed method of billing residents separately for water and wastewater; and an explanation showing that the amount billed will not exceed the amount paid for water and wastewater services. Hunter's Ridge proposed to charge the same usage rates charged by both providers and to prorate the base facility charges evenly across all units. To ensure that revenues do not exceed costs, Hunter's Ridge will discount the base facility charges slightly. This proposed methodology will ensure that the revenues Hunter's Ridge receives from reselling water and wastewater service will not exceed its costs. Therefore, Hunter's Ridge will not provide service at a rate that exceeds the actual purchase price.

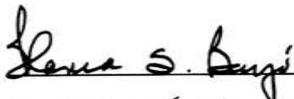
Based on the facts as represented, we find that Hunter's Ridge is exempt from our regulation pursuant to Section 367.022(8). However, the owner of Hunter's Ridge or any successors in interest are put on notice that if there is any change in circumstance or method of operation which causes it to no longer qualify for exemption pursuant to Section 367.022, Florida Statutes, it should inform the Commission within 30 days of such change so that its status may be reevaluated.

It is, therefore,

ORDERED by the Florida Public Service Commission that, based upon the facts as represented, Hunter's Ridge Apartments, 3733 North Goldenrod Road, Winter Park, Florida, 32792, is hereby exempt from Commission regulation pursuant to the provisions of Section 367.022(8), Florida Statutes. It is further

ORDERED that this docket is hereby closed.

By ORDER of the Florida Public Service Commission, this 28th day of October, 1996.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

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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, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, 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 and/or wastewater 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.