

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request for Exemption) DOCKET NO. 960666-WS
from Florida Public Service) ORDER NO. PSC-96-1365-FOF-WS
Commission Regulation for) ISSUED: November 18, 1996
Provision of Water and)
Wastewater Service in Pinellas)
County by Spring Lake)
Associates, Ltd. (Spring Lake)
Village Apartments).)
_____)

ORDER INDICATING EXEMPT STATUS OF SPRING LAKE
ASSOCIATES, LTD. (SPRING LAKE VILLAGE APARTMENTS)
AND CLOSING DOCKET

BY THE COMMISSION:

On April 8, 1996, Spring Lake Village Apartments filed an application with this Commission for recognition of its exempt status, pursuant to Section 367.022(8), Florida Statutes. Spring Lake Village Apartments is a 141-unit apartment complex located at 6401 31st Street South, St. Petersburg, Florida. The apartment complex is owned by Spring Lake Associates, Ltd. Mr. Warren Schob, agent for the owner, and primary contact person, filed the application on behalf of Spring Lake Village Apartments.

After reviewing the application, it was determined that the name, Spring Lake Village Apartments, is not registered with the Secretary of State's office as a fictitious name. Although the owner is currently in the process of registering the name with the Secretary of State, it has requested that the exemption be granted to Spring Lake Associates, Ltd. (SLAL/Spring Lake) for the apartment complex known as Spring Lake Village Apartments.

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. The application was filed 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), Florida Statutes, 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.

According to the application, SLAL/Spring Lake provides service only to the apartment complex located at 6401 31st Street

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FPSC-RECORDS/REPORTING

South, St. Petersburg, Florida. SLAL/Spring Lake intends to purchase water and wastewater from the City of St. Petersburg and resell it to its residents at a rate that does not exceed the actual purchase price. The residents will be charged a prorated share of the base charge, the 10 percent tax and the cost of reclaimed water. SLAL/Spring Lake has one 6-inch master meter. In addition, meters will be installed on each apartment so that the residents will be charged for the actual amount of water used. Conservation Billing Services, Inc. has been retained to read the meters on a monthly basis and bill the residents accordingly on behalf of SLAL/Spring Lake. The charge for service to common areas will be calculated by taking a three-month average for water and wastewater and multiplying it by twelve percent. This amount will be divided evenly between the total number of apartments. SLAL/Spring Lake will be responsible for prorated charges for service to vacant apartments. No administrative or processing fees or miscellaneous charges will be charged to the residents, and no customer deposits will be collected.

SLAL/Spring Lake is aware of the requirements of Section 367.122, Florida Statutes, and Rules 25-30.111 and 25-30.262 through 25-30.267, Florida Administrative Code. In addition, pursuant to Section 837.06, Florida Statutes, and Rule 25-30.060(2)(f), Florida Administrative Code, anyone knowingly making a false statement in writing with the intent to mislead is guilty of a misdemeanor. By signing the application, Mr. Schob acknowledged that he is aware of Section 837.06, Florida Statutes, and the penalties for making false statements in the application.

Based on the facts as represented, we find that SLAL/Spring Lake is exempt from our regulation pursuant to Section 367.022(8), Florida Statutes. However, the owner of SLAL/Spring Lake 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.

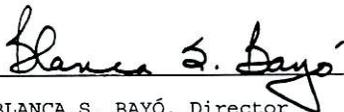
It is, therefore,

ORDERED by the Florida Public Service Commission that, based upon the facts as represented, Spring Lake Associates, Ltd., c/o Conservation Billing Services, Inc., 90 South Newtown Street Road, Suite No. 3, Newtown Square, Pennsylvania 19073-4035, is hereby exempt from Commission regulation pursuant to the provisions of Section 367.022(8), Florida Statutes, only for the apartment complex known as Spring Lake Village Apartments located at 6401 31st Street South, St. Petersburg, Florida 33712. It is further

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ORDERED that Docket No. 960666-WS is hereby closed.

By ORDER of the Florida Public Service Commission, this 18th
day of November, 1996.

A handwritten signature in cursive script, reading "Blanca S. Bayó", is written over a horizontal line. The signature is positioned above the typed name and title.

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.