

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for exemption from )  
Florida Public Service Commission )  
regulation for a sewage treatment )  
plant in Collier County by )  
Leawood Lakes Commons Association, )  
Inc. )  
\_\_\_\_\_ )

DOCKET NO. 900120-SU  
ORDER NO. 22961  
ISSUED: 5-21-90

The following Commissioners participated in the disposition of this matter:

MICHAEL McK. WILSON, Chairman  
BETTY EASLEY  
GERALD L. GUNTER

ORDER ACKNOWLEDGING WITHDRAWAL OF EXEMPTION REQUEST  
AND CLOSING DOCKET

BY THE COMMISSION:

On February 14, 1990, Leawood Lakes Commons Association, Inc. (Association) submitted a request for an Order indicating that the Association was exempt from Commission regulation pursuant to Section 367.022(7), Florida Statutes. Specifically, the Association alleged that it was a nonprofit association which proposed to provide utility service solely to its members who own and control such association.

In support of its exemption request, the Association's legal counsel provided our staff with copies of the Association's Articles of Incorporation and proposed By-Laws. After reviewing the documents, our Staff informed the Association's legal counsel that it appeared that the Association's request did not meet the statutory criteria for exemption, in that the Articles did not vest the members with voting control over the Association. Thus, on April 16, 1990, counsel for the Association filed a request that the Association be permitted to withdraw its exemption request without prejudice to re-file its request at a later date.

In consideration of the above, we hereby acknowledge the Association's withdrawal of its request for exemption without prejudice to re-file its request at a later date.

DOCUMENT NUMBER-DATE

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It is, therefore,

ORDERED by the Florida Public Service Commission that this docket is hereby closed.

By ORDER of the Florida Public Service Commission this 21st day of MAY, 1990.

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STEVE TRIBBLE, Director  
Division of Records and Reporting

( S E A L )

JRF

by: Kay Flynn  
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

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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.