

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for exemption)
from Florida Public Service)
Commission regulation for)
provision of wastewater)
service in Escambia County by)
SANDY KEY OWNERS ASSOCIATION,)
INC.)
_____)

DOCKET NO. 920321-SU
ORDER NO. PSC-92-0455-FOF-SU
ISSUED: 06/05/92

The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD, Chairman
SUSAN F. CLARK
J. TERRY DEASON
LUIS J. LAUREDO

ORDER INDICATING THE EXEMPT STATUS OF
SANDY KEY OWNERS ASSOCIATION, INC.

BY THE COMMISSION:

Sandy Key Owners Association, Inc. (Sandy Key) is a nonprofit association that owns a wastewater treatment plant in Escambia County, which provides wastewater service to the 183 residents of Sandy Key Condominiums. Water service is provided by the Escambia County Utility Authority. Mr. A. Hurley Langford, General Manager of Sandy Key Condominiums, is the contact person and the mailing address is 13575 Sandy Key Drive, Pensacola, Florida 32507.

On April 7, 1992, Sandy Key filed its request for exemption from Commission regulation pursuant to section 367.022(7), Florida Statutes, as a nonprofit association. This section provides an exemption from Commission regulation for "nonprofit corporations, associations, or cooperatives providing service solely to members who own and control such nonprofit corporations, associations, or cooperatives."

The application was filed in accordance with section 367.022(7), Florida Statutes, and Rule 25-30.060(3)(g), Florida Administrative Code. Included with the application was a statement from Mr. Langford that: the association is nonprofit, service will be provided solely to members who own and control it, Sandy Key Owners Association, Inc. will do the billing, and the service area will be limited to the 183 units within Sandy Key Condominiums. In addition, Mr. Langford provided the Articles of Incorporation as

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filed with the Secretary of State and the Bylaws which clearly show the requirements for membership, that the members' voting rights are one vote per unit of ownership, and that control of the corporation passes to the nondeveloper members on February 26, 1982.

Mr. Langford also provided satisfactory evidence that the association has a right to the continued use of the land upon which the utility facilities are located. The evidence provided was in the form of a quit claim deed transferring ownership from the developer, Sandy Key Properties, Ltd., to the Sandy Key Owners Association, Inc., with a warranty deed in the name of Sandy Key Properties, Ltd. showing legal ownership of the land. The quit claim deed includes a clause that allows the association to use the land for the wastewater treatment plant facilities and for no other reason.

The applicant acknowledged section 837.06, Florida Statutes, regarding false statements.

Based on the facts as represented, we find that Sandy Key is exempt from Commission regulation pursuant to section 367.022(7), Florida Statutes, as a nonprofit association providing service solely to members who own and control it. In the event of any change of circumstances or method of operation, Sandy Key, or its successor(s) in interest, shall notify this Commission within thirty days of the change so we may reevaluate its exempt status.

Sandy Key shall record this order with the Clerk of the Court for Escambia County. Such recordation will provide notice to the public and to any potential purchaser within the development of the exempt status of Sandy Key.

It is, therefore,

ORDERED by the Florida Public Service Commission that Sandy Key Owners Association, Inc., located at 13575 Sandy Key Drive, Pensacola, Florida 32507, is exempt from Commission regulation under section 367.022(7), Florida Statutes, as a nonprofit association providing service solely to members who own and control it. The contact person is A. Hurley Langford. It is further

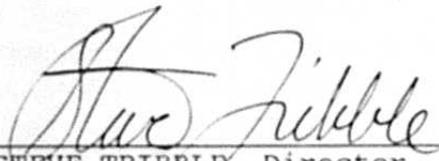
ORDERED that should there be any change in circumstances or method of operation, Sandy Key Owners Association, Inc. or its successor(s) in interest, shall notify this Commission within 30 days of the change so we may reevaluate its exempt status. It is further

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ORDERED that Sandy Key Owners Association, Inc. shall record this order with the Clerk of the Court for Escambia County. It is further

ORDERED that this docket is hereby closed.

By ORDER of the Florida Public Service Commission, this 5th day of June, 1992.



STEVE TRIBBLE, 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 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.