

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 CENTURY)
WOODS APARTMENTS)
_____)

DOCKET NO. 920134-SU
ORDER NO. PSC-92-0457-FOF-SU
ISSUED: 06/05/92

ORDER INDICATING THE EXEMPT STATUS OF
CENTURY WOODS APARTMENTS

BY THE COMMISSION:

On February 14, 1992, the Century Woods Apartments (Century), located at 20 West Highway 4, Century, Florida, filed an application for an exemption from regulation by the Florida Public Service Commission pursuant to Section 367.022(5), Florida Statutes. Currently, Century's wastewater system provides service to a maximum of 34 tenants. Century is owned by Royal American Management, Inc., which is based in Panama City, Florida. The City of Century, Florida, provides the potable water service to Century's tenants.

As a matter of practice, upon request and sufficient proof, this Commission will issue an order indicating the nonjurisdictional or exempt status of water or wastewater facilities, if they qualify under the appropriate section of Chapter 367, Florida Statutes. Section 367.022(5), Florida Statutes, provides that landlords providing service to their tenants without specific compensation for the service shall not be subject to regulation by this Commission.

In addition, Rule 25-30.060(e), Florida Administrative Code states:

For an exemption pursuant to Section 367.022(5), Florida Statutes, a statement from the landlord that it provides service solely to tenants; that charges for service are non-specifically contained in rental charges; stating whether it provides water service, wastewater service or both; and specifying the service area. A copy of the landlord's most recent version of a standard lease or rental agreement, stating that there is no separate charge for water service, wastewater service,

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or both, shall be submitted with the application;....

Century's application contains the following information. Century provides wastewater service solely to its tenants. Century does not collect any specific charge for wastewater service from its tenants, as those charges are nonspecifically included in the tenants' monthly rents. A standard lease was submitted which states that there is no separate charge for wastewater service, and the service area is limited to the boundaries of the Century Woods Apartments. Also, the wastewater facility is located on-site. In addition, the application contains a signed statement acknowledging the requirements of Section 837.06, Florida Statutes, regarding the penalties for making false statements.

Based upon the facts as represented, we find that Century is exempt from our regulation under the terms of Section 367.022(5), Florida Statutes. However, should there be any change in circumstances or method of operation, the owner of Century, or any successor in interest, must inform this Commission within thirty days of such change, so that we may determine whether exempt status is still appropriate.

It is, therefore,

ORDERED by the Florida Public Service Commission that, based upon the facts as represented, Century Woods Apartments, located at 20 West Highway 4, Century, Florida, with Stephen N. Singleton, as contact person, and a mailing address of Royal Management, Inc., 1002 West 23rd Street, Suite 400, Panama City, Florida 32405, is hereby exempt from Commission regulation pursuant to the terms of Section 367.022(5), Florida Statutes. It is further

ORDERED that should there be any change in circumstances or method of operation of Century Woods Apartments' wastewater facility, the owner of Century Woods Apartments, or any successor in interest, shall inform this Commission within thirty days of such change. It is further

ORDERED that this docket is closed.

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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 his 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.