

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for exemption) DOCKET NO. 920259-WS
from Florida Public Service) ORDER NO. PSC-92-0691-FOF-WS
Commission regulation as a) ISSUED: 07/22/92
reseller of water and wastewater)
services by Pinewood Pointe)
Apartments in Duval County)

ORDER INDICATING THE EXEMPT STATUS
OF PINWOOD POINTE APARTMENTS

BY THE COMMISSION:

Pinewood Pointe Apartments (Pinewood Pointe) is a 136 unit apartment complex located in Duval County. Pinewood Pointe provides water and wastewater services to its tenants, and is owned by Flournoy Development Company. Martin Flournoy, Vice President of Flournoy Development Company, is the contact person and the mailing address is 900 Brookstone Centre Parkway, Post Office Box 6566, Columbus, Georgia 31995. Pinewood Pointe proposes to resell water and wastewater services at the same rate charged to it by the City of Jacksonville (City), the supplier of water and wastewater services to Pinewood Pointe. When calculating tenants' water and wastewater bills, Pinewood Pointe proposes to pass along the base facility charge to the tenants by dividing the charge on a pro rata basis among the units in Pinewood Pointe. Each tenant will be charged for usage based on his or her meter reading. Pinewood Pointe will charge the usage rates of the City. Therefore, by letter and affidavit received March 18, 1992, Pinewood Pointe has requested recognition of the exempt status of its water and wastewater system.

Pinewood Pointe has filed a list of current rates and charges of the City and a statement setting forth the reasons why it is exempt from Florida Public Service Commission regulation.

Upon request and sufficient proof, the Commission will issue an order indicating the nonjurisdictional or exempt status of water and wastewater facilities, if the facilities qualify under the appropriate section of Chapter 367, Florida Statutes. Pinewood Pointe requested recognition of its exempt status under Section 367.022(8), Florida Statutes. Section 367.022(8), Florida Statutes, states that any 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.

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The information provided by Pinewood Pointe shows that: Pinewood Pointe proposes to resell water and wastewater services to its tenants at a rate or charge that does not exceed the actual purchase price charged to it by the City; Pinewood Pointe acknowledges the reporting obligation, under Rule 25-30.111, Florida Administrative Code; and the system's address is 7925 Merrill Road, Jacksonville, Florida 32211. Based upon the facts as represented, we find that Pinewood Pointe is exempt from our regulation under the terms of Section 367.022(8), Florida Statutes. However, should there be any change in the system's method of operation or billing procedures, the owner of Pinewood Pointe, or any successor in interest, shall inform the 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, Pinewood Pointe, located at 7925 Merrill Road, Jacksonville, Florida 32211, is hereby exempt from Commission regulation pursuant to the terms of Section 367.022(8), Florida Statutes. It is further

ORDERED that Pinewood Pointe shall comply with the filing requirements of Rule 25-30.111, Florida Administrative Code. It is further

ORDERED that should there be any change in the method of operation or billing procedure of Pinewood Pointe in the course of providing water and wastewater services, the owner of Pinewood Pointe, or any successor in interest, shall inform the Commission within thirty days of such change. It is further

ORDERED that this docket be closed.

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By ORDER of the Florida Public Service Commission this 22nd
day of July, 1992.



STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

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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 Civil Procedure. The notice of appeal must be in the form specified in Rule 9.900 (a), Florida Rules of Appellate Procedure.