

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request by CASA DEL MONTE)	DOCKET NO. 890595-WU
MOBILE HOME PARK for exemption from)	ORDER NO. 21510
FPSC regulation for a water facility)	ISSUED: 7-5-89
in Palm Beach County.)	

ORDER INDICATING THE EXEMPT STATUS OF
CASA DEL MONTE MOBILE HOME PARK

BY THE COMMISSION:

Casa Del Monte Mobile Home Park (Casa Del Monte or park) is an existing park located in Palm Beach County. The park receives water and sewer service from the County. The park is billed for water consumption through a master meter serving the entire park. The park's sewer bill is based on the water consumption by the park. On April 26, 1989, by way of letter, CPA Realty, Inc. (CPA) of Atlanta, Georgia, as agent for the park, advised the Commission that the park planned to install individual water meters within the park in an attempt to reduce the park's monthly water and sewer bills.

CPA's letter further requested that the Commission acknowledge that the park would be exempt from regulation pursuant to Section 367.022(8), Florida Statutes. CPA attached an affidavit to its letter in support of the park's requested exemption.

CPA's above-mentioned affidavit alleges that : 1) Casa Del Monte desires to meter individual water services to all residents of the park; 2) The residents would be billed for their actual consumption of water and a pro rate share of the park's sewer bill based upon the same rates charged Casa Del Monte by the County; 3) The residents would not be billed for any unaccounted for water billed to the park; 4) Casa Del Monte would not receive any compensation for metering, managing, and billing the park residents for water consumption; and, 5) The park's water and sewer systems serve only residents of Casa Del Monte.

Section 367.022(8), Florida Statutes, states that any person who resells water or sewer service at a rate or charge which does not exceed the actual purchase price thereof, and who complies with certain reporting requirements, is exempt

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from Commission regulation. Based upon the facts as represented, we find that Casa Del Monte Mobile Home Park is exempt from our regulation under the terms of Section 367.022(8), Florida Statutes. However, should there be any change in circumstances or method of operation, the owner(s) of Casa Del Monte Mobile Home Park, or any successor in interest, must 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, Casa Del Monte Mobile Home Park, c/o Andrew P. Ragin, CPA Realty, Inc., 2951 Flowers Road South, Suite 220, Atlanta, Georgia 30341, is hereby exempt from Commission regulation pursuant to the terms of Section 367.022(8), Florida Statutes. It is further

ORDERED that should there be any change in circumstances or method that Casa Del Monte Mobile Home Park's water or sewer services are provided, the owner of Casa Del Monte Mobile Home Park, or any successor in interest, shall inform the Commission within thirty days of such change. It is further

ORDERED that this docket be closed.

By ORDER of the Florida Public Service Commission,
this 5th day of JULY, 1989.


STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

RJF

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

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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.