

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for exemption) DOCKET NO. 921006-SU
from Florida Public Service) ORDER NO. PSC-92-1299-FOF-SU
Commission regulation for) ISSUED: 11/10/92
provision of wastewater service)
in St. Lucie County by D & M)
MOBILE HOME PARK, INC.)
_____)

ORDER INDICATING THE EXEMPT STATUS OF THE
D & M MOBILE HOME PARK, INC.

BY THE COMMISSION:

D & M Mobile Home Park, Inc. (D & M or park) is a mobile home park located in Port St. Lucie, Florida. The park operates a wastewater treatment system which provides water service to 81 home sites. The park began receiving water service from St. Lucie County in October of 1991. On October 5, 1992, D & M filed an application for an exemption from Commission regulation pursuant to Section 367.022(5), Florida Statutes. Section 367.022(5), Florida Statutes, states that landlords providing service to their tenants without specific compensation for the service are exempt from Commission regulation.

Upon request and sufficient proof, this Commission will issue an order indicating the nonjurisdictional or exempt status of water or wastewater facilities, if the facilities qualify under the appropriate section of Chapter 367, Florida Statutes.

According to Rule 25-30.060(e), Florida Administrative Code, an application for an exemption pursuant to Section 367.022(5), Florida Statutes, must contain:

[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, or both....

The information provided by D & M shows that it provides wastewater service to its tenants and the charges for the service are non-specifically contained in the rental charges; that it provides wastewater service only; and that the service area is limited to D & M Mobile Home Park, Inc. The park submitted a copy

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of its most recent rental agreement which contains no language that would indicate that a separate charge for wastewater is levied.

Based upon the facts as represented, we find that D & M is exempt from our regulation under the terms of Section 367.022(5), Florida Statutes. However, should there be any change in the applicant's method of operation or billing procedures, the owner of D & M, or any successor in interest, must inform this Commission within 30 days of such a change, so that the exempt status may be reevaluated.

It is, therefore,

ORDERED by the Florida Public Service Commission that, based on the facts as represented, D & M Mobile Home Park, Inc., with Marvin Z. Wininger as the system's contact person, with a mailing address and located at 3600 Southeast Mariposa Avenue, Lot B, Port St. Lucie, Florida 34952, is hereby exempt from Commission regulation pursuant to Section 367.022(5), Florida Statutes. It is further

ORDERED that should there be any change in the method of operation or billing procedure of D & M Mobile Home Park, Inc. in the course of its providing wastewater service, the owner of D & M Mobile Home Park, Inc., or any successor in interest, shall inform the Commission within 30 days of such change. It is further

ORDERED that this docket is closed.

By ORDER of the Florida Public Service Commission this 10th day of November, 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 Civil Procedure. The notice of appeal must be in the form specified in Rule 9.900 (a), Florida Rules of Appellate Procedure.