

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request For Exemption ) DOCKET NO. 950867-WS  
From Florida Public Service ) ORDER NO. PSC-95-1003-FOF-WS  
Commission Regulation For ) ISSUED: August 17, 1995  
Provision of Water and )  
Wastewater Service in Highlands )  
County by Tropical Harbor Mobile )  
Home Estates. )  
\_\_\_\_\_) )  
\_\_\_\_\_)

ORDER INDICATING EXEMPT STATUS OF  
TROPICAL HARBOR MOBILE HOME ESTATES AND CLOSING DOCKET

BY THE COMMISSION:

On July 21, 1995, Tropical Harbor Mobile Home Estates (Tropical Harbor) filed an application with this Commission for recognition of its exempt status, pursuant to Section 367.022(5), Florida Statutes. Tropical Harbor is a mobile home park located at 282 Austin Road, Lake Placid, Florida. Mr. Wayne C. Rickert, Owner, filed the application on behalf of Tropical Harbor. The primary contact person is Mr. Charles F. Clause.

Upon request and sufficient proof, the Commission will issue an order indicating the nonjurisdictional or exempt status of water and wastewater facilities, if they qualify under the appropriate provision of Chapter 367, Florida Statutes. The application was filed in accordance with Section 367.022(5), Florida Statutes, which states that an entity qualifies for exemption from Commission regulation if it provides service solely to its tenants, and there are no specific charges for the utility service.

The application indicates that Tropical Harbor provides water and wastewater service only to its tenants and the service territory is limited to the mobile home park located at 282 Austin Road, Lake Placid, Florida (Sections 19, 20, 29, 30, Township 36 South, Range 30 East). In addition, according to the application, the water and wastewater service is included as a nonspecific portion of the monthly rent.

Pursuant to Section 837.06, Florida Statutes, and Rule 25-30.060(2)(f), Florida Administrative Code, anyone knowingly making a false statement in writing with the intent to mislead is guilty of a misdemeanor. By signing the application, Mr. Rickert acknowledged that he is aware of Section 837.06, Florida Statutes, and the penalties for making false statements in the application.

DOCUMENT NUMBER-DATE

07957 AUG 17 95

FPSO-REG/OPS/REPORTING

ORDER NO. PSC-95-1003-FOF-WS  
DOCKET NO. 950867-WS  
PAGE 2

Based upon the facts as represented, we find that Tropical Harbor is exempt from Commission regulation, pursuant to the provisions of Section 367.022(5), Florida Statutes. However, should there be any change in circumstances or method of operation, the owner of Tropical Harbor or any successor in interest must inform the Commission within 30 days of such change so that its exempt status may be reevaluated.

It is, therefore,

ORDERED by the Florida Public Service Commission that, based upon the facts as represented, Tropical Harbor Mobile Home Estates, 282 Austin Road, Lake Placid, Florida 33852, is exempt from Commission regulation, pursuant to the provisions of Section 367.022(5), Florida Statutes. It is further

ORDERED that should there be any change in circumstances or method of operation, the owner of Tropical Harbor Mobile Home Estates or any successors in interest, shall inform this Commission within 30 days of such a change so that we may reevaluate its exempt status. It is further

ORDERED that this docket is hereby closed.

By ORDER of the Florida Public Service Commission, this 17th day of August, 1995.

BLANCA S. BAYÓ, Director  
Division of Records and Reporting

by: Kay Flynn  
Chief, Bureau of Records

( S E A L )

ALC

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, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, 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 and/or wastewater 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.