

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request for Exemption) DOCKET NO. 960589-WS
from Florida Public Service) ORDER NO. PSC-96-1246-FOF-WS
Commission Regulation for) ISSUED: October 7, 1996
Provision of Water and)
Wastewater Service in Lake)
County by Oak Springs)
Manufactured Home Community.)
_____)

ORDER INDICATING EXEMPT STATUS OF OAK SPRINGS
MANUFACTURED HOME COMMUNITY AND CLOSING DOCKET

BY THE COMMISSION:

On May 10, 1996, Oak Springs Mobile Home Park filed an application with this Commission for recognition of its exempt status pursuant to Section 367.022(5), Florida Statutes. Upon review of the application, it was determined that the correct name of the applicant is Oak Springs Manufactured Home Community (Oak Springs). Oak Springs is located at 12 Highland Street, Sorrento, Florida. Oak Springs is owned by Chateau Properties, Inc. Mr. Robert Munro, Utilities Director of Chateau Properties, Inc., and primary contact person, filed the application on behalf of Oak Springs Mobile Home Park. Mr. Munro's address is 14205 East Colonial Drive, Orlando, Florida 32826.

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, and Rule 25-30.060(3) (e), Florida Administrative Code.

Section 367.022(5), Florida Statutes, 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 Oak Springs provides water and wastewater service only to tenants of the mobile home park located at 12 Highland Street, Sorrento, Florida. Also, the water and wastewater service is included as a nonspecific portion of the monthly rent.

In addition, 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. Munro acknowledged that he is aware of Section 837.06, Florida Statutes, and the penalties for making false statements in the application.

DOCUMENT NUMBER-DATE

10693 OCT-7-96

FPSC-RECORDS/REPORTING

ORDER NO. PSC-96-1246-FOF-WS
DOCKET NO. 960589-WS
PAGE 2

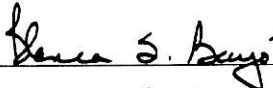
Based on the facts as represented, we find that Oak Springs is exempt from our regulation pursuant to Section 367.022(5), Florida Statutes. However, the owner of Oak Springs or any successors in interest are put on notice that if there is any change in circumstance or method of operation which causes it to no longer qualify for exemption pursuant to Section 367.022, Florida Statutes, it should inform the Commission within 30 days of such change so that its status may be reevaluated.

It is, therefore,

ORDERED by the Florida Public Service Commission that, based upon the facts as represented, Oak Springs Manufactured Home Community, 14205 East Colonial Drive, Orlando, Florida 32826, is exempt from Commission regulation, pursuant to the provisions of Section 367.022(5), Florida Statutes. It is further

ORDERED that this Docket is hereby closed.

By ORDER of the Florida Public Service Commission, this 7th day of October, 1996.



BLANCA S. BAYÓ, 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, 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.