

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request for Exemption) DOCKET NO. 930078-WS
From Florida Public Service) ORDER NO. PSC-93-0872-FOF-WS
Commission Regulation for) ISSUED: June 9, 1993
Provision of Water and)
Wastewater Service in Brevard)
County by Palm Bay Estates)
Mobile Home Park.)
_____)

ORDER INDICATING EXEMPT STATUS
OF PALM BAY ESTATES MOBILE HOME PARK

Palm Bay Estates Mobile Home Park (PBE) is a mobile home park consisting of 282 lots, situated at 3092 Indian River Drive, N.E., Palm Bay, Florida 32905, which is in Brevard County. PBE is a not-for-profit corporation, consisting of mobile home owners operating as a cooperative.

On January 19, 1993, PBE filed an application for recognition of its exempt status pursuant to Section 367.022(8), Florida Statutes, as a reseller of water and wastewater services. Section 367.022(8), Florida Statutes, indicates exempt status for:

any person who resells water or wastewater at a rate or charge which does not exceed the actual purchase price thereof, if such person files at least annually with the Commission list of charges and rates for all water services sold, the source and actual purchase price thereof, and any other information required by the Commission to justify the exemption.

Mr. William D. Gorman, Vice President of Blair Group, Inc. Agent for PBE and the contact person, filed the application on behalf of the applicant. Mr. Gorman's mailing address is 5600 U.S. 98 North, Suite 7, Lakeland, Florida 33809. After reviewing PBE's application, by letter dated February 11, 1993, PBE was advised that its proposed rates exceeded the actual purchase price from the City of Palm Bay. Consequently, it would not qualify for exemption as a reseller.

Subsequently, on April 23, 1993, Palm Bay Estates Mobile Home Park filed a revised application pursuant to Section 367.022 (8), Florida Statutes, and Rules 25-30.060(2) and (3) (h), Florida Administrative Code. Presently, PBE purchases water and wastewater service from the City of Palm Bay (City) through a master meter to the mobile home park and the charge for water and wastewater service is a non-specific portion of the maintenance fee. PBE

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plans to install individual water meters on each lot and bill each customer monthly based on consumption. The application included a statement from Mr. William D. Gorman, that PBE will provide water and wastewater service at a rate or charge which does not exceed the actual purchase price from the City and that the service area is limited to the mobile home park.

PBE also provided a list of the City's current rates and charges. The City charges PBE the following: a monthly base charge of \$168.30 for water and \$251.35 for wastewater plus a gallonage charge of \$6.75 per 1,000 gallons used for water and \$10.06 per 1,000 gallons used for wastewater. PBE proposes to charge each customer a pro-rata share of the City's base charges for water and wastewater which is equivalent to \$.059 for water (\$168.30/282) and \$.089 for wastewater (\$251.35/282). In addition, each customer will be billed gallonage charges registered on his meter using the same gallonage rates billed by the City to PBE. With regard to the common areas, the customers pay for usage as a non-specific portion of their maintenance fee. Based on our review, PBE will not be collecting more than the purchase price of the services provided by the City.

The revised application contained a signed document which acknowledged the reporting requirement in Rule 25-30.111, Florida Administrative Code. The document also stated that the applicant is aware of the requirements concerning the examination and testing of meters as provided in Section 367.132, Florida Statutes, and explain the responsibilities of the applicant for insuring the accuracy of the meters. Lastly, the applicant acknowledged Section 837.06, Florida Statutes, which details the penalty for making false statements within the application.

Based on the facts as represented, we find PBE exempt from Commission regulation pursuant to Section 367.022 (8), Florida Statutes. In the event of any change of circumstances or method of operation, PBE or its successor(s) in interest, shall notify the Commission within thirty days of such change so that its exempt status may be reevaluated.

Based on the foregoing, it is, therefore,

ORDERED by the Florida Public Service Commission that based upon the facts as represented, Palm Bay Estates Mobile Home Park located at c/o Mr. William D. Gorman, Blair Group, Inc., 5600 U.S. Highway 98 North, Suite 7, Lakeland, Florida 33809, is hereby

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exempt from Commission regulation pursuant to the terms of Section 367.022(8), Florida Statutes. It is further

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

ORDERED that should there be any changes in the method of operation or billing procedure of PBE in the course of its providing water and wastewater service, the owner(s), or any successor in interest, shall inform this Commission within 30 days of such change. It is further

ORDERED that this docket may be closed.

By ORDER of the Florida Public Service Commission this 9th day of June, 1993.



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.