

ORIGINAL  
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FORM 5  
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APPLICATION FOR LANDLORD-TENANT EXEMPTION  
SECTION 367.022(5), FLORIDA STATUTES  
RULE 25-30.060(3)(e), FLORIDA ADMINISTRATIVE CODE

NAME OF SYSTEM: Country Cove M.H.P.

PHYSICAL ADDRESS OF SYSTEM: 4015 N. U.S.I.  
Fort Pierce, FL (34946)

MAILING ADDRESS (IF DIFFERENT): P.O. Box 3815 - Fort Pierce, FL (34948)

COUNTY: St. Lucie

PRIMARY CONTACT PERSON:

NAME: Jane Cutullo

ADDRESS: 4015 No. U.S.I. (P.O. Box 3815)  
FT Pierce, FL 34948

PHONE #: 407-461-4523

ACK \_\_\_\_\_  
AFA \_\_\_\_\_  
APP \_\_\_\_\_  
CAF \_\_\_\_\_  
CDD \_\_\_\_\_  
CTR \_\_\_\_\_  
EAC \_\_\_\_\_  
LEA 1 \_\_\_\_\_  
LIM \_\_\_\_\_  
CPC \_\_\_\_\_  
ROH \_\_\_\_\_  
SDD 1 \_\_\_\_\_  
WAS 1 \_\_\_\_\_  
OTH \_\_\_\_\_

NATURE OF APPLICANT'S BUSINESS ORGANIZATION: (CORPORATION, PARTNERSHIP, SOLE PROPRIETOR, ETC.) (Sole prop.)

I believe this system to be exempt from regulation of the Florida Public Service Commission pursuant to Section 367.022(5), Florida Statutes, for the following reasons:

- 1. The landlord will provide utility service solely to its tenants.
- 2. Charges for service are non-specifically contained in rental charges.
- 3. The system provides (CHOOSE THE ONE THAT IS APPLICABLE):  
 Water service only \_\_\_\_\_  
 Wastewater service only \_\_\_\_\_  
 Both X \_\_\_\_\_

DOCUMENT NUMBER-DATE  
06906 JUN 25 82

LAW OFFICES  
PARKER, SKELDING, LABASKY & CORRY  
A PROFESSIONAL ASSOCIATION  
THE MADIGAN BUILDING  
318 NORTH MONROE STREET  
TALLAHASSEE, FLORIDA

RECEIVED

MAY 24 1993

Florida Public Service Commission  
Division of Water and Wastewater

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JOHN W. JOLLY, JR.  
ROBERT H. DODD, JR.

May 23, 1993

W W GARDNER, JR.  
GOVERNMENTAL CONSULTANT

NOT A MEMBER OF THE  
FLORIDA BAR

MILLARD F. CALDWELL (1897-1984)  
JULIUS F. PARKER (1910-1966)  
JOHN A. MADIGAN, JR. (1919-1984)

REPLY TO P. O. BOX 669  
TALLAHASSEE, FL 32302  
TELE (904) 222-3730  
FAX (904) 224-6422

Ms. Jackie Gilchrist  
Regulatory Analyst  
Public Service Commission  
Fletcher Building  
101 East Gaines Street  
Tallahassee, FL 32399-0850

Re: Docket No. 920999-WS

Dear Ms. Gilchrist:

I have been requested by Ms. Autullo of Country Cove Mobile Home Park to answer your request for information of February 25, 1993. There are three points that you raised. I will address them in the order that you presented them.

In the prospectus there are several references to the tenant's responsibility to pay for water and wastewater charges based on increased water consumption or expenses referenced on:

1. Page 12 - VIII(B)(7)
2. Item 9(b) and 9(c) of Exhibit A - Rules and Regulations

I have reviewed those sections of the prospectus and concur with you that those sections do in fact indicate that there may be additional charges collected for extra water consumption. However, it should be noted that those charges will be included at a flat rate in the base rent monthly, and not charged based upon usage. Please be advised that at this time these charges have not been collected by the Autullos. At the beginning of the next rental term, the Autullos will give a notice that there will be no charges collected for additional water or wastewater service. I believe that should correct that matter to your satisfaction.

Ms. Gilchrist  
May 23, 1993  
Page 2

The prospectus includes references to indicate that Country Cove Mobile Home Park intends to install individual meters for the purpose of billing each tenant individually. Please be on notice that in the event that the park does install individual meters, they will notify the Commission in writing within thirty days of such change in order that the Commission may reevaluate jurisdictional status. I believe your letter sufficiently placed us on notice as to those future consequences if in fact the Autullos do install individual meters at the site.

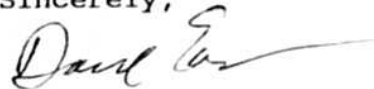
Finally, the staff questions whether or not the following paragraphs of the prospectus apply to water and wastewater service:

1. Page 12, items 8(C) and (D)
2. Page 13 - 1c

It is possible that those matters may relate to water and wastewater service. However, please be advised that those are separate charges which may be charged in the future. The prospectus is a document which is delivered to the homeowner at the beginning of a new rental term and is binding for the length of the tenancy of that homeowner in the mobile home park. The disclosure of government or utility charges and pass-through charges is consistent with the requirements of section 723.031(5) and 723.031(6), Florida Statutes. The park owner reserves the right to begin charging these charges at some time in the future, but does not at this time charge for either government or utility charges or pass-through charges based on water or wastewater. In the event that the park owner's relationship with the homeowners change, and water and wastewater services are charged for separately from the base rent, we will notify the Commission pursuant to the statement set forth above.

If you have any question, I will be available to answer them for you. Thank you very much for your patience in waiting for my reply.

Sincerely,



David D. Eastman

DDE/khs

Ms. June Autullo  
February 25, 1993  
Page 2

are involved and how these are collected from your tenants.

Pursuant to Section 367.022(5), Florida Statutes, an exemption is granted under this authority when a utility provides water or wastewater service to its tenants and where charges for such service is non-specifically included in the rent. Based on the prospectus as submitted with your application, it appears Country Cove assesses additional charges for water service in addition to the base rent. As the prospectus is currently written, staff will have no choice but to recommend to this Commission that your exemption request be denied. Furthermore, staff must recommend that Country Cove Mobile Home Park be required to file for a certificate of authorization under Section 367.171, Florida Statutes.

In order for Country Cove Mobile Home Park to qualify for an exemption under Section 367.022(5), Florida Statutes, the prospectus should be changed to remove any provision for specific water and wastewater charges which are in addition to the rental charge or otherwise considered a pass-through charge. Please respond in writing by March 12, 1993 concerning whether or not you intend to change the prospectus or proceed to obtain a certificate of authorization.

Sincerely,



Jackie Gilchrist  
Regulatory Analyst

Enclosure

cc: Charles H. Hill, Director  
Alice Crosby, Legal Services  
Division of Records and Reporting