



Public Service Commission

-M-E-M-O-R-A-N-D-U-M-

DATE: March 5, 1996
TO: Michael Rebeck, Division of Legal Services
Division of Records and Reporting
FROM: Pat Brady, Division of Water and Wastewater *pb BGM/DW*
RE: Docket No. 951235-WS, Resolution of the Board of County Commissioners of Manatee County declaring Manatee County subject to the provisions of Chapter 367, Florida Statutes -- Request for exemption for provision of water and wastewater service by Capital Mobile Home Park.

On October 10, 1995, the Board of County Commissioners of Manatee County adopted Resolution No. R-95-109, pursuant to Section 367.171, Florida Statutes, declaring that as of October 10, 1995, the water and wastewater utilities in that County shall become subject to the provisions of the Water and Wastewater Regulatory Law, Chapter 367, Florida Statutes. The resolution was acknowledged by this Commission on November 9, 1995, by Order No. PSC-95-1393-FOF-WS. Pursuant to Section 367.131, Florida Statutes, a utility subject to the jurisdiction of this Commission must obtain a certificate of authorization or an order recognizing the exempt status of the system.

On December 4, 1995, a petition for landlord-tenant exemption from regulation by the Florida Public Service Commission was filed on behalf of Capital Mobile Home Park (Capital MHP) pursuant to Section 367.022(5), Florida Statutes. The application was signed by Mr. Bruno Lafrenz who is the owner and sole proprietor of Capital MHP and the primary contact for the application. The mailing address for Mr. Lafrenz is P.O. Box 494, Anna Maria, Florida 34216 (941/778-4102 or 758-0006). The physical location and mailing address for Capital Mobile Home Park is 5110 14th Street West, Bradenton, Florida 34207. This location is in Manatee County.

In accordance with Section 367.022(5), Florida Statutes, and Rules 25-30.060(1), (2), and (3)(e), Florida Administrative Code, Mr. Lafrenz filed a statement that utility service is provided solely to tenants and the charge for the service is non-specifically contained in the rent. A copy of the landlord's standard lease was included with the application and verifies that water and sewer services are included non-specifically in base rent. Bulk water and wastewater services for the park are purchased from Manatee County. Finally, by signing the application, Mr. Lafrenz has acknowledged that he is aware of the penalty pursuant to Section 337.06, Florida Statutes, for knowingly making false statements in writing with the intent to mislead.

Section 2.08(C)(14) of the Administrative Procedures Manual grants staff the administrative authority to approve requests for determination of exempt status that are clear-cut and without controversy. Staff, therefore, recommends that an administrative order be issued finding Capital Mobile Home Park exempt from Commission regulation pursuant to Section 367.022(5), Florida Statutes.

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Staff recommends that the order require the current owner, or successors, of Capital MHP to notify the Commission within 30 days of any change in circumstances or method of operation of the water or wastewater systems so that the exempt status may be reevaluated.

The docket should remain open to process additional applications resulting from Resolution No. R-95-109 by the Board of County Commissioners of Manatee County.

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