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Public Service Commission

June 5, 2003

Katherine Hoffman
President, Mobile Manor, Inc.
345 Lantern Lane
N. Fort Meyers, FL 33917-6515

Re: Docket No. 021251-WU - Request for Acknowledgment of Nonprofit Exemption in Lee County and for Cancellation of Certificate No. 056-W, by Mobile Manor, Inc.

Dear Ms. Hoffman:

With respect to the above-referenced docket, our initial understanding was that all of the lots in the subdivision were subject to deed restrictions which could, if enforced, require membership in the homeowners association. Upon our further investigation into this matter, we understand that is not the case. Furthermore, we understand that currently, there are residents of Mobile Manor subdivision who are receiving water service from Mobile Manor, Inc. who are not members of the homeowners association, and who at this time, do not plan on becoming members of the homeowners association. Therefore, it is our opinion that Mobile Manor, Inc. does not qualify as an exempt entity pursuant to Section 367.022(7), Florida Statutes.

In the future, should the homeowners association achieve 100% membership within the Mobile Manor subdivision, and is thereby providing service only to members of the homeowners association, the exempt status of the utility will be addressed at that time. As for now, it is our recommendation that Docket No. 021251-WU should be closed. In order to do that, it will be necessary for someone on behalf of the Board of Directors to provide us with notification that Mobile Manor's Request for Acknowledgment of Nonprofit Exemption has been withdrawn. Upon receipt of that notification, the docket will be closed administratively.

Should you have any questions regarding this letter, please do not hesitate to contact me at (850) 413-6185. I appreciate your attention to this matter and look forward to hearing from you.

Sincerely,

Loena A. Holley
Loena A. Holley
Senior Attorney

DOCUMENT NUMBER: 04997

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