

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Jurisdictional Resolution) DOCKET NO. 870060-WS
of the Board of County Commissioners)
of Sumter County declaring that) ORDER NO. 21066
Sumter County be subject to the pro-)
visions of the water and sewer system) ISSUED: 4-18-89
regulatory law, Chapter 367, Florida)
Statutes.)
_____)

FINAL ORDER INDICATING EXEMPT STATUS
OF BATTLE CREEK TRAILER PARK

BY THE COMMISSION:

On January 13, 1987, the Board of County Commissioners of Sumter County adopted a resolution, pursuant to Section 367.171, Florida Statutes, whereby jurisdiction over the authority, services, and rates of water and sewer utilities providing service in Sumter County was transferred to the Florida Public Service Commission. By Order No. 17207, issued February 18, 1987, this Commission acknowledged the jurisdictional transfer and directed all persons providing water and/or sewer service in Sumter County to register with the Commission for review of their regulatory status.

Battle Creek Trailer Park, ("Park"), is a mobile home park in Sumter County. The owner of the park leases mobile home lots to various tenants for a monthly rent. Water and sewer service is provided by the owner to his tenants. A March 27, 1989 affidavit signed by the owner of the park states that water and sewer service is provided solely to the tenants of the park, that the owner does not charge any specific charge for water and sewer service, and that any compensation received for said service is nonspecifically contained in tenants' monthly rents.

Section 367.022(5), Florida Statutes, provides an exemption from this Commission's regulation for landlords providing water and sewer service to their tenants without specific compensation for the service.

Upon consideration of the foregoing, we find that the water and sewer service provided by the owner of the park is exempt from our regulation under the terms of Section 367.022(5), Florida Statutes. However, should there be any change in circumstance or method of operation, the owner of the park, or his successor(s) in interest, must inform this Commission within thirty (30) days of such change so that we may determine whether exempt status is still appropriate.

In consideration of the foregoing, it is

ORDERED by the Florida Public Service Commission that the water and sewer service provided by the owner of the Battle Creek Trailer Park is exempt from regulation by this Commission under the exemption for landlords providing service to their tenants without specific compensation for the service as set forth in Section 367.022(5), Florida Statutes. It is further

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ORDERED that should there be any change in circumstance or method of operation, the owner of the Battle Creek Trailer Park, or his successor(s) in interest, must inform this Commission within thirty (30) days of such change so that we may determine whether exempt status is still appropriate.

By ORDER of the Florida Public Service Commission
this 18th day of APRIL, 1989.

STEVE TRIBBLE, Director
Division of Records & Reporting

(S E A L)

DAS

by: Kay Flynn
Chief, Bureau of Records

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 Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.