

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application of Wildwood Oaks, Ltd. and Vestco Properties, Ltd. III for a Sewer Certificate in Sumter County, Florida.)	DOCKET NO. 880937-SU
)	ORDER NO. 21119
)	ISSUED: 4-24-89

The following Commissioners participated in the disposition of this matter:

MICHAEL McK. WILSON, Chairman
 THOMAS M. BEARD
 BETTY EASLEY
 GERALD L. GUNTER
 JOHN T. HERNDON

ORDER GRANTING CERTIFICATE

BY THE COMMISSION:

Background

On July 11, 1988, Wildwood Oaks, Ltd. and Vestco Properties, Ltd. III (WO&VP, Applicant or utility) filed an application for a sewer certificate in Sumter County. WO&VP are Florida limited partnerships, formed in 1986. WO&VP owns and operates the Parkwood Oaks Mobile Home Park in Sumter County. The Applicant also owns the sewer utility, which has been providing service to the Park since 1987. The utility currently provides service to approximately 58 lots in the mobile home park.

We learned of the existence of this utility as a result of an informal investigation that uncovered six water and/or sewer utilities which provide service to mobile home parks owned and operated by Century Realty Funds, Inc. (CRF) or its affiliates. Upon being advised that the mobile home parks are subject to the jurisdiction of the Commission and must apply for certificates to operate the utility systems, CRF filed a request for a formal determination of the exempt status of the parks.

In Order No. 18727, issued in Docket No. 870865-WS on January 25, 1988, the Commission found that the mobile home parks were jurisdictional because each provided service for compensation. As a result of that order, the utility filed its application for a sewer certificate to provide service in Sumter County.

Application

The application is in compliance with Section 367.041, Florida Statutes, and Rule 25-30.035, Florida Administrative Code. The Applicant has paid the proper filing fee and provided proof of ownership of the land upon which the treatment facilities are located. Adequate territory and system maps have been filed and a territory description is attached as Attachment A. Noticing requirements have been met in accordance with Rule 25-30.030, Florida Administrative Code. No objections to the application have been filed with the Commission. Further, the Department of Environmental Regulation has no outstanding citations or violations for this utility.

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A review of the financial statements submitted along with the application indicates sufficient financial backing to continue operations of the utility. Also, since WO&VP has successfully operated the system since 1987, we find that it is in the public interest to grant it Certificate No. 449-S to provide sewer service to the territory described in Attachment A.

Rates and Charges

The utility currently charges a flat rate of \$10.00 per month for sewer service. No customer deposit or miscellaneous service charges are collected. However, a tap-in fee of \$650 is collected for all new connections. These are the original rates and charges of the utility. We find these rates to be reasonable, and they are, therefore, approved.

Regulatory Assessment Fees

As previously mentioned, Order No. 18727, issued in Docket No. 870865-WS, found this sewer system to be subject to the jurisdiction of this Commission and directed the utility to file an application for sewer certificate. Since this decision was made in 1988, we find it appropriate for WO&VP to file a 1988 Annual Report and pay regulatory assessment fees for that year. The utility is, therefore, directed to file its 1988 annual report and pay 1988 regulatory assessment fees within 45 days of the date of this Order.

It is, therefore,

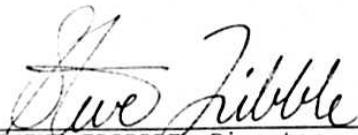
ORDERED by the Florida Public Service Commission that Wilwood Oaks, Ltd. and Vestco Properties, Ltd. III, 475 Southfork Drive, Post Office Box 5252, Lakeland, Florida 33803, are hereby granted Certificate No. 449-S to provide sewer service to the territory described in Attachment A of this Order. It is further

ORDERED that the utility is authorized to charge the rates and charges set forth in the body of this Order. It is further

ORDERED that the utility shall file its 1988 Annual Report and pay its 1988 regulatory assessment fees within 45 days of the date of this Order. It is further

ORDERED that this Docket is hereby closed.

By ORDER of the Florida Public Service Commission,
this 24th day of APRIL, 1989.



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

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ATTACHMENT A

WILDWOOD OAKS, LTD. & VESTCO PROPERTIES, LTD. III
SUMTER COUNTY, FLORIDA
SERVICE TERRITORY DESCRIPTION

In Section 7, Township 19 South, Range 23 East:

PARKWOOD OAKS MOBILE HOME PARK

That part of the SE 1/4 of the SE 1/4 of Section 7, Township 19 South, Range 23 East, Sumter County, Florida, lying South of the Southerly right of way boundary of State Road 44 as it is now established.