

478

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for exemption by)	
FAIRFIELD FARMS MOBILE HOME PARK)	DOCKET NO. 890327-WS
in Marion County)	ORDER NO. 21145
_____)	ISSUED: 4-28-89

ORDER INDICATING EXEMPT STATUS OF
FAIRFIELD FARMS MOBILE HOME PARK

BY THE COMMISSION:

Fairfield Farms Mobile Home Park, ("Park"), is a 302 unit mobile home park in Marion 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.

On March 3, 1989, this Commission received a letter from the engineer for the Park requesting that the Park be found exempt from our jurisdiction pursuant to the exemption for landlords providing service to their tenants set forth in Section 367.022(5), Florida Statutes. Enclosed were an affidavit signed by the owner of the Park and copies of the project's location map and master plan.

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.

The affidavit 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.

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 circumstances 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.

WHEREFORE, 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 Fairfield Farms Mobile Home Park, c/o McKean & Associates, 2203 Highway 44 West, Inverness, Florida 32650, 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

ORDERED that should there be any change in circumstances or method of operation, the owner of the Fairfield Farms Mobile Home 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. It is further

ORDERED that Docket No. 890327-WS is hereby closed.

DOCUMENT NUMBER-DATE

04279 APR 28 1989

FPSC-RECORDS/REPORTING

ORDER NO. 21145
DOCKET NO. 890327-WS
PAGE 2

By ORDER of the Florida Public Service Commission
this 28th day of April, 1989.

Steve Tribble
STEVE TRIBBLE, Director
Division of Records & Reporting

(S E A L)

DAS

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.