

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request by LEISURE ACRES)	DOCKET NO. 890333-SU
MOBILE HOME PARK for exemption from)	ORDER NO. 21260
FPSC regulation for sewer treatment)	ISSUED: 5-19-89
facility in Highlands County.)	

ORDER INDICATING EXEMPT STATUS OF
LEISURE ACRES MOBILE HOME PARK

BY THE COMMISSION:

Leisure Acres Mobile Home Park (Leisure Acres or the park) is an existing mobile home/recreational vehicle park consisting of ninety-five (95) lots in Highlands County, Florida. The lots are rented on a monthly basis to the general public. Leisure Acres' engineer advises that construction on an expansion of the park, and its attendant sewage treatment facility is scheduled to begin in July, 1989, or as soon thereafter as possible.

Prior to issuing a utility construction permit, the Department of Environmental Regulation (DER), pursuant to Section 367.031, Florida Statutes, requires a certificate from the Commission authorizing Leisure Acres to provide utility service or proof of exemption from regulation by the Commission.

Therefore, on March 2, 1989, by way of letter and sworn affidavit, Leisure Acres requested that we issue an acknowledgement to the DER that Leisure Acres' proposed sewage treatment facility will be exempt from our regulation. Leisure Acres' sworn affidavit specifically alleges that: 1) The sewage treatment plant is located on the grounds of the park, and such plant will provide sewer service to the tenants of the park only; 2) Leisure Acres will not collect any specific charge from its tenants for sewer service; and, 3) Any compensation received by Leisure Acres for sewer service will be nonspecifically contained in the tenants' monthly rental charges.

Section 367.022(5), Florida Statutes, provides that "Landlords providing service to their tenants without specific compensation for the service" are not subject to our regulation. On the facts as represented, we find the subject sewer system to be exempt under Section 367.022(5), Florida Statutes.

It is, therefore,

ORDERED by the Florida Public Service Commission that based on the facts as represented, the sewage treatment facility owned by Leisure Acres Mobile Home Park, 3651 U.S. Highway 27 South, Sebring, Florida 33870 is hereby exempt under Section 367.022(5), Florida Statutes. It is further

ORDERED that should there be any change in circumstances or method of operation of the subject sewer facility, Leisure Acres Mobile Home Park, or its successor(s) in interest, shall inform this Commission within thirty (30) days of such change so that we may determine whether our decision herein is still appropriate. It is further

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ORDERED that this docket shall be closed.

By ORDER of the Florida Public Service Commission
this 19th day of MAY, 1989.



STEVE TRIBBLE, Director
Division of Records and Reporting

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JRF