

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for exemption from)
 Florida Public Service Commission)
 regulation for provision of water)
 and sewer services by WEST GATE)
 PARK in Brevard County)

DOCKET NO. 900897-WS
 ORDER NO. 23959
 ISSUED: 1-4-91

ORDER INDICATING THE EXEMPT
STATUS OF WEST GATE PARK

BY THE COMMISSION:

West Gate Park ("West Gate" or "park") is an existing mobile home park located in Brevard County currently serving 100 customers with a capacity to serve 108 customers. West Gate resells water and wastewater service which it purchases from the city of Cocoa ("city"). On October 30, 1990, Mr. Edward Sanhueza, owner of West Gate, submitted a letter and affidavit requesting that the Commission acknowledge its exempt status pursuant to Section 367.022(8), Florida Statutes.

According to West Gate's letter and affidavit: the park resells water and wastewater service at a rate not exceeding its actual purchase price; there is no charge for the installation, maintenance, or monthly reading of meters or for monthly billing; monthly charges for water by the city are a flat fee of \$30 for the master meter which serves the park plus \$1.025 for the first 80,000 gallons and \$1.128 per 1,000 gallons thereafter; monthly charges for wastewater service by the city are \$10.75 per connection plus \$2.65 per 1,000 gallons; the park's service area is limited to West Gate Park located at 700 Friday Road, Cocoa, Florida 32926.

Before applying to this Commission for this exemption, West Gate billed its tenants for wastewater service based on consumption only, without accounting for the fixed portion of the cost of \$10.75 per connection. Upon being informed that this billing scheme is inappropriate because it promotes subsidization of part-time tenants by full time tenants, West Gate corrected its billing system for wastewater. Each tenant is now billed for the fixed cost of \$10.75 per connection plus consumption.

Pursuant to Section 367.022(8), Florida Statutes "[a]ny person who resells water or wastewater service at a rate or charge which does not exceed the actual purchase price thereof" is exempt from Commission regulation if the person also complies with certain

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annual filing requirements set forth in Section 367.022(8), Florida Statutes, and Rule 25-30.111, Florida Administrative Code. In his affidavit, Mr. Sanhueza acknowledged that he is aware of these reporting requirements. Based on the facts as presented here, we find that West Gate Park is exempt from our regulation under Section 367.022(8), Florida Statutes. Should there be any change in circumstances or method of operation, however, the owner of West Gate Park, or any successor in interest, must inform the Commission within thirty days of such change, so that we may determine whether exempt status is still appropriate.

It is therefore

ORDERED by the Florida Public Service Commission that, based on the facts as presented, West Gate Park, located at 700 Friday Road, Cocoa, Florida 32926, is exempt from Commission regulation pursuant to Section 367.022(8), Florida Statutes. It is further

ORDERED that West Gate Park shall comply with the annual reporting requirements set forth in Section 367.022(8), Florida Statutes, and Rule 25-30.111, Florida Administrative Code. It is further

ORDERED that should there be any change in circumstances or method by which West Gate Park's water and wastewater services are provided, the owner of West Gate Park or its successor in interest shall inform the Commission within thirty days of such change. It is further

ORDERED that this docket is closed.

By ORDER of the Florida Public Service Commission this 4th
day of JANUARY, 1991.



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.