

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for exemption from) DOCKET NO. 901009-WU
Florida Public Service Commission)
regulation for provision of water) ORDER NO. 24389
service in Pasco County by Imperial)
Oaks Mobile Home Park) ISSUED: 4/18/91

ORDER INDICATING THE EXEMPT STATUS OF
IMPERIAL OAKS MOBILE HOME PARK

BY THE COMMISSION:

Imperial Oaks Mobile Home Park (Imperial) is a fifty-six (56) lot mobile home park in New Port Richey, Florida. In addition to the mobile home operations, Imperial provides water service to the park on a resale basis. By letter dated December 21, 1990, Imperial requested that it be found exempt from this Commission's regulation under the reseller exemption Section 367.022(8), Florida Statutes.

Included with its request, Imperial filed a schedule of the rates and charges of Pasco County, the original provider, and an affidavit setting forth the reasons why it believes it is exempt from Florida Public Service Commission regulation.

Upon request and sufficient proof, the Commission will issue an order indicating the nonjurisdictional or exempt status of water or wastewater facilities, if the facilities qualify under the appropriate section of Chapter 367, Florida Statutes. Under Section 367.022(8), Florida Statutes, any person who resells water or wastewater service at a rate or charge which does not exceed the actual purchase price thereof and who complies with certain reporting requirements is exempt from Commission regulation.

The information provided by Imperial shows that: Imperial resells water service to its tenants at a lesser rate charged to it by the Pasco County Utilities Services; Imperial acknowledges the reporting obligation, under Rule 25-30.111, Florida Administrative Code; and the system's physical address is 11440 Causeway Boulevard, New Port Richey, Florida 34654. Based upon the facts as represented, we find that Imperial is exempt from our regulation under the terms of Section 367.022(8), Florida Statutes. However, should there be any change in the system's method of operation or billing procedures, the owner of Imperial, or any successor in interest, must inform the Commission within thirty (30) days of such change, so that we may determine whether exempt status is still appropriate.

DOCUMENT NUMBER-DATE

03760 APR 18 1991

REG-RECORDS REPORT

ORDER NO. 24389
DOCKET NO. 901009-WU
PAGE 2

It is therefore

ORDERED by the Florida Public Service Commission that based upon the facts as represented, Imperial Oaks Mobile Home Park, located at 11440 Causeway Boulevard, New Port Richey, Florida 34654, is hereby exempt from Commission regulation pursuant to the terms of Section 367.022(8), Florida Statutes. It is further

ORDERED that Imperial Oaks Mobile Home Park shall comply with the reporting requirements of Rule 25-30.111, Florida Administrative Code. It is further

ORDERED that should there be any change in the method of operation of billing procedure of Imperial Oaks Mobile Home Park in the course of its providing water services, the owner of Imperial Oaks Mobile Home Park, or any successor in interest, shall inform the Commission within thirty (30) days of such change. It is further

ORDERED that this docket be closed.

By ORDER of the Florida Public Service Commission, this 18th day of APRIL, 1991.



STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

NRF

ORDER NO. 24389
DOCKET NO. 901009-WU
PAGE 3

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.