

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for exemption from)	DOCKET NO. 910623-WS
Florida Public Service Commission)	ORDER NO. 24714
regulation for provision of water and)	ISSUED: 6/25/91
sewer services by Vista del Lago Mobile))	
Home Park in Orange County)	
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ORDER INDICATING THE EXEMPT STATUS OF
VISTA DEL LAGO MOBILE HOME PARK

BY THE COMMISSION:

Vista del Lago Mobile Home Park (Vista del Lago) is an existing mobile home park consisting of 350 lots in Orange County, Florida. The lots are rented on a monthly basis to the general public. By letter dated May 21, 1991, and affidavit dated June 24, 1991, Vista del Lago requested that it be found exempt from our regulation under Section 367.022(5), Florida Statutes. Upon request and sufficient proof, the Commission will issue an order indicating the nonjurisdictional or exempt status of water or wastewater facilities, if they qualify under the appropriate provision of Chapter 367, Florida Statutes.

The application for an exemption included an affidavit from the owner stating that: the utility will provide water and wastewater service solely to Vista del Lago tenants; Vista del Lago will not collect any specific charge for service from its tenants; any compensation received for service will be a non-specific portion of monthly rental charges; the service area will be limited to Vista del Lago, which is located at 14465 Vista del Lago Blvd., Winter Garden, Florida 34787. Vista del Lago's application for an exemption includes a copy of the rental agreement which shows that water and wastewater service is provided at no additional charge.

According to Section 367.022(5), Florida Statutes, "landlords providing service to their tenants without specific compensation for the service" are exempt from Commission regulation. On the facts as represented, we find that Vista del Lago is exempt from Commission regulation pursuant to Section 367.022(5), Florida Statutes. We further find that Vista del Lago, or its successor in interest, should inform this Commission of any change in circumstances or method of operation within thirty days of such change so that we may review the matter to determine whether exempt status would still be appropriate.

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It is therefore,

ORDERED by the Florida Public Service Commission that based on the facts as represented, the water and wastewater treatment facilities owned by Vista del Lago Mobile Home Park, 14465 Vista del Lago Boulevard, Winter Garden, Florida 34787, are hereby exempt from Commission regulation under Section 367.022(5), Florida Statutes. It is further

ORDERED that should there be any change in circumstances or method of operation, Vista del Lago Mobile Home Park or its successor(s) in interest, shall inform this 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 25th day of JUNE, 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.