

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for exemption from)
Florida Public Service Commission)
regulation for provision of water)
and wastewater service in Duval)
County by McBERG Associates, d/b/a)
Portside Mobile Home Community.)
_____)

DOCKET NO. 911096-WS

ORDER NO. 25434

ISSUED: 12/3/91

ORDER INDICATING THE EXEMPT STATUS OF
McBERG ASSOCIATES, D/B/A PORTSIDE MOBILE HOME COMMUNITY

BY THE COMMISSION:

McBerg Associates, d/b/a Portside Mobile Home Community (Portside) provides water and wastewater services to a 615-lot mobile home park in Duval County, Florida. Portside resells water and wastewater services at the same rate charged to it by the City of Jacksonville Department of Public Utilities (JDPU). Portside will conduct its billing of residents as follows:

1. On approximately the same date as the city meter reading Portside will read each individual lot meter to calculate resident water bills. Using a computer program, called Utilibill, Portside will then enter the individual readings into the system for bill calculation. The program will be formatted to calculate water bills at exactly the same rate Portside is billed by the City. The system will print an individual bill for each lot detailing the beginning and ending meter readings, the amount of consumption and based on that consumption a charge for water and wastewater services. There will be no charge to the resident for installation and maintenance of the meters, reading of the meters or processing of the bills.

Portside has filed a schedule of recent rates and charges of JDPU which provides service to Portside and an affidavit setting forth the reasons why 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. Portside requested recognition of its exempt status under Section 367.022(8), Florida Statutes. Section 367.022(8), Florida Statutes, states that 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.

DOCUMENT NUMBER-DATE

11917 DEC -3 1991

FPSC-RECORDS/REPORTING

The information provided by Portside shows that: Portside resells water and wastewater service to its residents at the same rate charged to it by JDPU; Portside acknowledges the reporting obligation, under Rule 25-30.111, Florida Administrative Code; and the system's physical address is 14001 Beach Boulevard, Jacksonville, Florida. Based on the facts as represented, we find that Portside 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 Portside, or any successor in interest, must inform the Commission within thirty days of such a change, so that we may determine whether exempt status is still appropriate.

It is, therefore,

ORDERED by the Florida Public Service Commission that based upon the facts as represented, McBerg Associates, d/b/a Portside Mobile Home Community, located at 14001 Beach Boulevard, Jacksonville, Florida, is hereby exempt from Commission regulation pursuant to the terms of Section 367.022(8), Florida Statutes. It is further

ORDERED that McBerg Associates, d/b/a Portside Mobile Home Community shall comply with the filing requirements of Rule 25-30.111, Florida Administrative Code. It is further

ORDERED that should there be any change in the method of operation or billing procedure of McBerg Associates, d/b/a Portside Mobile Home Community in the course of its providing water and wastewater services, the owner of McBerg Associates, d/b/a Portside Mobile Home Community, or any successor in interest, shall inform the Commission within thirty days of such change. It is further

ORDERED that this docket be closed.

By ORDER of the Florida Public Service Commission, this
3rd day of DECEMBER, 1991.



STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)
RCB
0308.smj

ORDER NO. 25434
DOCKET NO. 911096-WS
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 of 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.