

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for exemption from )	DOCKET NO. 911167-WS
Florida Public Service Commission )	
regulation for provision of water )	ORDER NO. 25798
and wastewater services by JULIA )	
MOBILE HOME PARK in Lee County )	ISSUED: 2/24/92
_____ )	

The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD, Chairman  
SUSAN F. CLARK  
J. TERRY DEASON  
BETTY EASLEY  
LUIS J. LAUREDO

ORDER INDICATING THE EXEMPT STATUS OF  
JULIA MOBILE HOME PARK

BY THE COMMISSION:

Julia Mobile Home Park (Julia Park) is a 97-lot mobile home park in Lee County owned by Mr. Buell Whitehead. Julia Park provides water service to its tenants and guests plus three owners of private lots located within the boundaries of Julia Park. There are also seven recreational vehicle (RV) lots within the boundaries of Julia Park and water and wastewater services are furnished to the guests who stay on these lots. Wastewater service is also provided to the tenants of Julia Park and one of the three private owners. The two remaining private lots get their wastewater service from septic tanks. The Commission learned of the utility service provided by Julia Park through a customer complaint concerning Siesta Mobile Home Park, another mobile home park owned by Mr. Whitehead.

Julia Park has requested that it be found exempt from Commission regulation by combining three exemptions as discussed below.

WASTEWATER SERVICE

Julia Park has requested exemption for its wastewater system under a combination of the provisions of sections 367.022(4) and

DOCUMENT NUMBER-DATE

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367.022(5), Florida Statutes. Mr. Whitehead built his own wastewater treatment facility to provide wastewater service to the tenants of Julia Park. The treatment facility has been in operation since 1972. There is no specific charge to the tenants for wastewater service as this service is included in the monthly rent. In addition, there is no specific charge for wastewater service for the RV lots as this service is included in the nightly, weekly, or seasonal rate. Julia Park also provides wastewater service to Mrs. Clara Williams, a private owner who lives within the boundaries of Julia Park. Wastewater service is provided to Mrs. Williams without compensation. There are two other owners of private lots within the boundaries of Julia Park. They receive wastewater service from septic tanks.

As the charge for wastewater service for the RV lots is included in the nightly, weekly, or seasonal fee, we find that the system is exempt with regard to these lots pursuant to section 367.022(4), Florida Statutes, which provides an exemption for public lodging establishments providing service in connection with services to their guests. As there is no specific charge for wastewater service to the tenants of the mobile home park and the only customer of the wastewater system that is not a tenant is provided service free of charge, we find the system is exempt under the landlord/tenant exemption, pursuant to section 367.022(5), Florida Statutes.

#### WATER SERVICE

Julia Park has requested exemption for its water service under a combination of the provisions of sections 367.022(4), Florida Statutes, which provides an exemption for public lodging establishments, and 367.022(8), Florida Statutes, which provides for exemption of resellers. Water service is provided to the mobile home park by Lee County Utilities through a master meter. Julia Park is the customer of Lee County Utilities. Mr. Whitehead has installed meters within the mobile home park and resells water to the tenants of the mobile home park as well as to the three lots that are not owned by the mobile home park, but are within the boundaries of the park. He requested an exemption as a reseller for services to these lots. There is no specific charge for water service to the guests who stay on the seven RV lots because the lots are not metered. This service is included in the daily, weekly, or seasonal fee paid by the guests of the RV lots. Julia

Park requested exemption for service to the RV lots pursuant to the public lodging exemption.

Mr. Whitehead has two different methods for billing the metered water service, one for the tenants of the mobile home park and one for the owners of private lots. For the owners of the private lots, Mr. Whitehead charges a consumption rate equal to the consumption rate charged by Lee County Utilities. There is no base charge assessed to either the tenants or the owners of the private lots. The rent charged to the tenants includes 3,000 gallons of water in the monthly rent (or 12,000 gallons of water within a four-month span). If they use more than this amount, they are assessed a separate overage charge for the consumption. This separate charge is equal to the consumption rate charged by Lee County Utilities. The Commission reviewed these methods of billing and found that Mr. Whitehead is not collecting more for water service than he is charged.

Based on the facts as represented, we find that Julia Mobile Home Park is exempt from Commission regulation for the wastewater system pursuant to sections 367.022(4) and 367.022(5), Florida Statutes. In addition, Julia Park is exempt from Commission regulation for the water system pursuant to sections 367.022(4) and 367.022(8), Florida Statutes. In the event of any change in circumstances or method of operation that might affect its exempt status, Julia Park or its successor(s) in interest, shall inform the Commission within 30 days of this change so the exempt status may be reevaluated.

It is, therefore,

ORDERED by the Florida Public Service Commission that Julia Mobile Home Park, located at 16500 Slater Road, North Fort Myers, Florida 33917, is exempt from Commission regulation under sections 367.022(4), 367.022(5), and 367.022(8), Florida Statutes. The contact person is Mr. Buell Whitehead. It is further

ORDERED that should there be any change in circumstances or method of operation, Julia Mobile Home Park or its successor(s) in interest, shall notify this Commission within 30 days of the change so we may reevaluate its exempt status. It is further

ORDERED that this docket is hereby closed.

ORDER NO. 25798  
DOCKET NO. 911167-WS  
PAGE 4

By ORDER of the Florida Public Service Commission, this 24th  
day of FEBRUARY, 1992.

STEVE TRIBBLE, Director  
Division of Records and Reporting

( S E A L )

KAC

by: Kay Hymn  
Chief, Bureau of Records

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.