

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request For Exemption) DOCKET NO. 930734-WS
From Florida Public Service) ORDER NO. PSC-94-0518-FOF-WS
Commission Regulation For) ISSUED: April 29, 1994
Provision of Water and)
Wastewater service in Marion)
County by Plantation Landing)
Mobile Home Park.)
_____)
)
)
)

ORDER INDICATING NONJURISDICTIONAL STATUS
OF PLANTATION LANDING MOBILE HOME PARK AND CLOSING DOCKET

BY THE COMMISSION:

On July 23, 1993, Plantation Landing Mobile Home Park (Plantation Landing or Park) filed an application with this Commission for recognition of its nonjurisdictional status, pursuant to Section 367.021(12), Florida Statutes. Plantation Landing is a proposed mobile home park which has not yet been constructed. The Park will be located on U.S. Highway 441 South, Ocala, Florida. Plantation Landing will notify this Commission when an address has been assigned to the Park.

Upon request and sufficient proof, the Commission will issue an order indicating the nonjurisdictional or exempt status of water or wastewater systems if they qualify under the appropriate provision of Chapter 367, Florida Statutes. The application was filed in accordance with Section 367.021(12), Florida Statutes, and Rules 25-30.060(2) and (3)(j), Florida Administrative Code. However, upon review of the application it was determined that Plantation Landing did not qualify for exemption pursuant to Section 367.021(12), Florida Statutes.

On October 19, 1993, Plantation Landing refiled its application seeking recognition of its exempt status pursuant to Section 367.022(5), Florida Statutes. Mr. Gene Boone, President and primary contact person, filed the application on behalf of Plantation Landing.

Section 367.022(5), Florida Statutes, states that an entity qualifies for exemption from Commission regulation if it provides service solely to its tenants, and there are no specific charges for the utility service. Plantation Landing's application indicates that it will provide water and wastewater service only to its tenants and the service territory will be limited to the mobile

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home park. Also, the water and wastewater service will be included as a nonspecific portion of the monthly rent.

In addition, pursuant to Section 837.06, Florida Statutes, and Rule 25-30.060(2)(f), Florida Administrative Code, anyone knowingly making a false statement in writing with the intent to mislead is guilty of a misdemeanor. By signing the application, Mr. Boone acknowledged that he/she is aware of Section 837.06, Florida Statutes, and the penalties for making false statements in the application.

Based on the facts as represented, we find that Plantation Landing is not a utility pursuant to the provisions of Section 367.021(12), Florida Statutes. Accordingly, Plantation Landing is not subject to this Commission's jurisdiction. However, should there be any change in circumstances or method of operation, the owner of Plantation Landing or any successors in interest, must inform the Commission within 30 days of such change so that its nonjurisdictional status may be reevaluated.

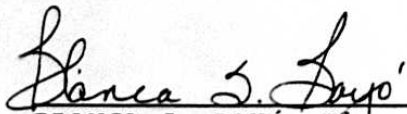
It is, therefore,

ORDERED by the Florida Public Service Commission that, based upon the facts as represented, Plantation Landing Mobile Home Park, 615 East Silver Springs Boulevard, Ocala, Florida 34470, is exempt from Commission regulation, pursuant to the provisions of Section 367.022(5), Florida Statutes. It is further

ORDERED that should there be any change in circumstances or method of operation, the owner of Plantation Landing Mobile Home Park or any successors in interest, shall inform this Commission within 30 days of such a change so that we may reevaluate the Park's nonjurisdictional status. It is further

ORDERED that this Docket is hereby closed.

By ORDER of the Florida Public Service Commission, this 29th day of April, 1994.



BLANCA S. BAYO, 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 Civil Procedure. The notice of appeal must be in the form specified in Rule 9.900 (a), Florida Rules of Appellate Procedure.