

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request for exemption ) DOCKET NO. 940435-WU  
from Florida Public Service ) ORDER NO. PSC-94-0854-FOF-WU  
Commission regulation for ) ISSUED: July 14, 1994  
provision of water service in )  
Monroe County by WHISPERING )  
PINES TRAILER PARK. )  
\_\_\_\_\_)

ORDER ACKNOWLEDGING EXEMPT STATUS  
AND  
CLOSING DOCKET

BY THE COMMISSION:

On May 3, 1994, pursuant to Section 367.022(8), Florida Statutes, Whispering Pines Trailer Park (Whispering Pines) filed an application for a reseller exemption. Mr. Edward McDevitt, manager of Whispering Pines, is the primary contact person, and his mailing address is 98150 Overseas Highway, Key Largo, Florida 33037.

Whispering Pines is a mobile home park consisting of 30 lots, and its service area is located at Route 2, Box 549, Marathon, Florida 33050. Whispering Pines plans to purchase its water service from Florida Keys Aqueduct Authority (FKAA), and it will resell the purchased water to its residents at a rate or charge that will not exceed FKAA's rates or charges. The residents of Whispering Pines receive their wastewater service via septic tanks.

Upon request and sufficient proof, the Commission will issue an order granting exempt status to a utility if it qualifies under the appropriate provision of Chapter 367, Florida Statutes. Section 367.022(8), Florida Statutes, states that a utility will not be subject to the Commission's jurisdiction if it does not resell its water or wastewater service at a rate or charge that exceeds the primary providers' rates or charges. Whispering Pines filed its application in accordance with Section 367.022(8), Florida Statutes, and Rules 25-30.060(1), (2), and (3)(h), Florida Administrative Code. In its application, Whispering Pines included a statement providing the factual and statutory bases for its request for a reseller exemption. Whispering Pines also acknowledged the requirements of Rule 25-30.111, Florida Administrative Code, regarding the annual reporting requirements. Whispering Pines further acknowledged the requirements of Section 367.122, Florida Statutes, regarding the examination and testing of meters, and Rules 25-30.262 through 25-30.267, Florida Administrative Code, explaining Whispering Pines' responsibilities

FILED IN PSC-94-0854-FOF-WU  
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for insuring the accuracy of its meters. Furthermore, Mr. McDevitt acknowledged Section 837.06, Florida Statutes, regarding false statements.

As stated earlier, Whispering Pines will do its own billing based on its monthly reading of the individual customers' meters. Approximately two days after Whispering Pines reads its customers' meters, it will mail the customers their bills. Whispering Pines uses the same methodology that FKAA uses for assessing Whispering Pines' water service and, based on that methodology, Whispering Pines' rates and charges will not exceed the actual purchase price.

Based on the above facts and pursuant to Section 367.022(8), Florida Statutes, we find that Whispering Pines qualifies for exemption from the Commission's regulation. However, should there be any change in circumstances or methods of operation, the owner of Whispering Pines, or any successors in interest, shall inform this Commission within thirty days of any changes so that we can reevaluate its exempt status.

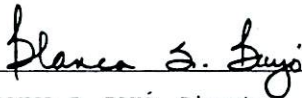
Based on the foregoing, it is, therefore,

ORDERED by the Florida Public Service Commission that, based upon the foregoing facts and pursuant to Section 367.022(8), Florida Statutes, Whispering Pines Trailer Park, Route 2, Box 549, Marathon, Florida 33050, is exempt from the Commission's regulation. It is further

ORDERED that should there be any change in circumstances or methods of operation, the owner of Whispering Pines Trailer Park, or any successors in interest, shall inform this Commission within thirty days of any changes so that we can reevaluate its exempt status. It is further

ORDERED that this docket is hereby closed.

By ORDER of the Florida Public Service Commission, this 14th day of July, 1994.



BLANCA S. BAYÓ, Director  
Division of Records and Reporting

( S E A L )

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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.