

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request for exemption) DOCKET NO. 940221-WS
from Florida Public Service) ORDER NO. PSC-94-0929-FOF-WS
Commission regulation for) ISSUED: August 1, 1994
provision of water and)
wastewater service in Palm Beach)
County by HOLIDAY MOBILE HOME)
RETIREMENT PARK.)

ORDER ACKNOWLEDGING EXEMPT STATUS

On March 1, 1994, Holiday Mobile Home Retirement Park (Holiday) filed an application for exemption from Commission regulation pursuant to Section 367.022(8), Florida Statutes, as a reseller. The primary contact person is Peter Hostyn, owner, and his mailing address is P.O. Box 1186, Lake Worth, Florida 33460.

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. Holiday 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.

Section 367.022(8), Florida Statutes, provides that any person who resells water or wastewater service at a rate or charge that does not exceed the actual purchase price shall be entitled to a reseller exemption. Holiday purchases water and wastewater service from the City of Lake Worth (City) and resells its service to its residents at a rate that does not exceed its purchase price. Along with its application, Holiday included a schedule of its proposed rates and charges, an explanation of its proposed method of billing its customers, separately, for both water and wastewater, and a schedule showing that the amount billed will not exceed its purchase price. Holiday's customers will be individually metered to determine their actual usage. Holiday's service area will be limited to its residents. The following is a schedule of the City's rates and charges:

Water:

Base Charge: \$23.68
Gallonge Charge: \$.90 per 1,000 gallons

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Wastewater:

Customer Charge: \$1.75
Base Charge: \$4.10 per unit
Gallage Charge: \$1.50 per 1,000 gallons

The following is a schedule of Holiday's rates and charges:

Water:

Gallage Charge: \$1.70 per 1,000 gallons

Wastewater:

Base Charge: \$4.10 per unit
Gallage Charge: \$1.50 per 1,000 gallons

Every month Holiday's customers will pay an amount based on the previous year's bill divided by 12. At the end of the year, Holiday will read each meter to determine the individual usage for that year and then it assess the appropriate bill for the entire year. Holiday will then reconcile the bill for the entire year with the amount collected over the year. If the total bill for the year exceeds the amount collected, the customer is charged for the excess. If the total bill for the year is less than the amount collected, the customer is refunded the excess. The total bill for the year is then divided by 12 to determine the monthly amounts for the next 12 months. Each customer pays the monthly amount until the end of the year, when a new amount is determined based on the above methodology. For new customers, Holiday estimates the amount and then reads the meter at the end of three months to determine if the estimated deposit has been projected correctly. If necessary, the amount is then adjusted.

Holiday has acknowledged the requirements of Rule 25-30.111, Florida Administrative Code, regarding annual reporting requirements. Holiday has also acknowledged Section 837.06, Florida Statutes, regarding false statements.

Based on the foregoing and pursuant to Section 367.022(8), Florida Statutes, we hereby grant Holiday a reseller exemption. In the event of any change of circumstances or methods of operation, Holiday, or its successor(s) in interest, shall notify this Commission within thirty days of such change so that its exempt status may be reevaluated.

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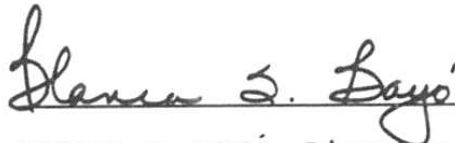
Based on the foregoing, it is, therefore,

ORDERED by the Florida Public Service Commission that the request for exemption from the Commission's jurisdiction for provision of water and wastewater service in Palm Beach County by Holiday Mobile Home Retirement Park is hereby granted. It is further

ORDERED that, in the event of any change in circumstances or methods of operation, Holiday Mobile Home Retirement park, or its successor(s), shall notify the Commission within thirty days of such change so that its exempt status may be reevaluated. It is further

ORDERED that this docket is hereby closed.

By ORDER of the Florida Public Service Commission, this 1st day of August, 1994.



BLANCA S. BAYÓ, 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.