

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request for exemption) DOCKET NO. 940845-WS
from Florida Public Service) ORDER NO. PSC-94-1423-FOF-WS
Commission regulation for) ISSUED: November 21, 1994
provision of water and)
wastewater service in Osceola)
County by WHISPERING OAKS MOBILE)
HOME PARK.)
_____)

ORDER INDICATING EXEMPT STATUS OF WHISPERING
OAKS MOBILE HOME PARK AND CLOSING DOCKET

BY THE COMMISSION:

On August 15, 1994, Whispering Oaks Mobile Home Park (Whispering Oaks) filed an application with this Commission for a reseller exemption pursuant to Section 367.022(8), Florida Statutes. Whispering Oaks is a mobile home park located at 1510 North Royal Street, Kissimmee, Florida 34744. Mr. Earl Johnson, owner and manager, the primary contact person, filed the application on behalf of Whispering Oaks. Mr. Johnson's address is 670 Basin Drive, Kissimmee, Florida 34744.

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 367.022(8), Florida Statutes, and Rules 25-30.060(2) and (3)(h), Florida Administrative Code.

Section 367.022(8), Florida Statutes, states, in part, that "[a]ny 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. According to Whispering Oaks's application, service is provided at a charge that does not exceed the actual purchase price; Whispering Oaks is aware of the requirements of Rule 25-30.111, Florida Administrative Code; Whispering Oaks provides water and wastewater service; and the service area is limited to the Whispering Oaks Mobile Home Park.

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. Johnson acknowledged that he is aware of Section 837.06,

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Florida Statutes, and the penalties for making false statements in the application.

Based on the facts as represented, we find that Whispering Oaks is exempt from Commission regulation as a reseller pursuant to Section 367.022(8), Florida Statutes. In the event of any change of circumstances or method of operation, the owner of Whispering Oaks or any successors in interest must inform the Commission within 30 days of such change so its exempt status may be reevaluated.

It is, therefore,

ORDERED by the Florida Public Service Commission that, based upon the facts as represented, Whispering Oaks Mobile Home Park, 670 Basin Drive, Kissimmee, Florida 34744, is hereby exempt from Commission regulation pursuant to the provisions of Section 367.022(8), Florida Statutes. It is further

ORDERED that should there be any change in circumstances or method of operation, the owner of Whispering Oaks or any successors in interest shall inform this Commission within 30 days of such change so that we may reevaluate Whispering Oaks's exempt status. It is further

ORDERED that Docket No. 940845-WS is hereby closed.

By ORDER of the Florida Public Service Commission, this 21st day of November, 1994.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

by: Kay Flynn
Chief, Bureau of Records

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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 and wastewater 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.