

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request For Exemption) DOCKET NO. 940991-WU
From Florida Public Service) ORDER NO. PSC-94-1511-FOF-WU
Commission Regulation For) ISSUED: December 8, 1994
Provision of Water Service in)
Putnam County by MARC'S VILLA)
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ORDER GRANTING EXEMPT STATUS
TO MARC'S VILLA AND CLOSING DOCKET

BY THE COMMISSION:

On September 19, 1994, Marc's Villa, a sole proprietorship, filed an application with this Commission for a non-jurisdictional exemption pursuant to Section 367.021 (12), Florida Statutes. On November 14, 1994, the applicant filed a superseding application for recognition of exempt status as a public lodging establishment providing service solely in connection with service to its guests, pursuant to Section 367.022 (4), Florida Statutes. Marc's Villa is a mobile home park providing temporary accommodations for recreational camping or travel use, with an office located on the east side of U.S. Highway 17 near San Mateo, north of Browning-Pearce School. Mr. Marc Spalding, 1900 Moseley Avenue, Palatka, Florida 32177, is the sole proprietor of Marc's Villa and the primary contact person. Mr. Spalding filed the application on behalf of Marc's Villa. The applicant will provide water service by means of a well and wastewater service by means of a septic system only to the mobile home 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 367.022 (4), Florida Statutes, and Rule 25-30.060 (3) (d), Florida Administrative Code.

Section 367.022(4), Florida Statutes, states that public lodging establishments providing service solely in connection with service to its guests are exempt from Commission regulation. The applicant states that, as a public lodging establishment, it will provide water service solely in connection with services to its guests. Further, according to the application, the service territory is limited to the Marc's Villa mobile home park on U.S. Highway 17 near San Mateo, north of Browning-Pearce School.

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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. Spalding acknowledges that he is aware of Section 837.06, Florida Statutes, and the penalties for making false statements in the application.

Based upon the facts as represented, we find that Marc's Villa is exempt from our regulation pursuant to the provisions of Section 367.022(4) Florida Statutes, for the mobile home park it owns on U.S. Highway 17 near San Mateo, north of Browning-Pearce School. However, should there be any change in circumstances or method of operation, the owner of Marc's Villa, or any successor in interest, must inform the Commission within 30 days of such change so that its exempt status may be reevaluated.

It is, therefore,

ORDERED by the Florida Public Service Commission that, based upon the facts as represented, Marc's Villa, on U.S. Highway 17 near San Mateo, north of Browning-Pearce School, is exempt from Commission regulation, pursuant to the provisions of Section 367.022 (4), Florida Statutes. It is further

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

ORDERED that this Docket is hereby closed.

By ORDER of the Florida Public Service Commission, this 8th day of December, 1994.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

by: Kay J. Lyon
Chief, Bureau of Records

(S E A L)
CJP/

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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.