

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request For Exemption) DOCKET NO. 950474-WS
From Florida Public Service) ORDER NO. PSC-95-0728-FOF-WS
Commission Regulation For) ISSUED: June 19, 1995
Provision of Water and)
Wastewater Service in DeSoto)
County by Rooms For Rent.)
_____)

ORDER INDICATING EXEMPT STATUS OF
ROOMS FOR RENT AND CLOSING DOCKET

BY THE COMMISSION:

On April 21, 1995, Rooms For Rent filed an application with this Commission for recognition of its exempt status, pursuant to Section 367.022(4), Florida Statutes. Rooms For Rent is a 14-unit motel which has been converted to housing for migrant workers. Rooms For Rent is located at 2077 Southwest Highway 17 South, Arcadia, Florida. Mr. G. Michael Rigney, owner and primary contact person, filed the application on behalf of Rooms For Rent.

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, which, in part, states that public lodging establishments providing service solely in connection with service to their guests are exempt from Commission regulation.

Upon review of the application, it was determined that since Rooms For Rent's 14 units are rented by migrant workers for periods from one month to a year, it more accurately qualifies for exemption pursuant to Section 367.022(5), Florida Statutes. 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.

On May 8, 1995, Rooms For Rent refiled its application requesting recognition of its exempt status pursuant to Section 367.022(5), Florida Statutes. According to the application, Rooms For Rent provides water and wastewater service only to its tenants and the service territory is limited to the 14 housing units located at 2077 Southwest Highway 17 South, Arcadia, Florida. Migrant workers rent the units on a month to month basis. Rooms For Rent provided an affidavit stating that it does not have a lease, that rent is on a month to month basis, and that the cost

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for water and wastewater service is 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. Rigney acknowledged 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 Rooms For Rent is exempt from Commission regulation, pursuant to the provisions of Section 367.022(5), Florida Statutes. However, should there be any change in circumstances or method of operation, the owner of Rooms For Rent or any successor in interest must inform the Commission within 30 days of such change so that its exempt status may be reevaluated.

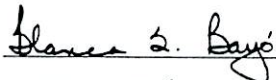
It is, therefore,

ORDERED by the Florida Public Service Commission that, based upon the facts as represented, Rooms For Rent, 1203 Hickory Street, Arcadia, Florida 33821, 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 Rooms For Rent or any successors in interest, shall inform this Commission within 30 days of such a change so that we may reevaluate its exempt status. It is further

ORDERED that this docket is hereby closed.

By ORDER of the Florida Public Service Commission, this 19th day of June, 1995.



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 and/or 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 Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900 (a), Florida Rules of Appellate Procedure.