

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request For Exemption) DOCKET NO. 950399-WS
From Florida Public Service) ORDER NO. PSC-95-0920-FOF-WS
Commission Regulation For) ISSUED: July 31, 1995
Provision of Water and)
Wastewater Service in Sumter)
County by Bays R.V. Park.)
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)

ORDER INDICATING EXEMPT STATUS OF
BAYS R.V. PARK AND CLOSING DOCKET

BY THE COMMISSION:

On April 10, 1995, Bays R.V. Park (Bays or Park) filed an application with this Commission for recognition of its exempt status pursuant to Section 367.022(5), Florida Statutes. Mr. Eugene Bays, Owner and primary contact person, filed the application on behalf of Bays.

Bays is a recreational vehicle (R.V.) park which, when constructed, will be located at 2499 East County Road 48, halfway between Bushnell and Webster in Sumter County. Phase 1 of the Park will have 132 R.V. sites; Phase 2 will have 89 sites. Bays' water and wastewater systems will consist of two wells and a central wastewater system with effluent disposal on site.

Upon request and sufficient proof, the Commission will issue an order indicating the nonjurisdictional or exempt status of water and wastewater facilities, 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)(e), Florida Administrative Code. However, upon review of the application, it was determined that Bays qualifies for exemption pursuant to Section 367.022(4) and (5), Florida Statutes, since it will have both short term guests and long term tenants. On May 6, 1995, Bays submitted another application requesting exemption pursuant to Section 367.022(4), Florida Statutes.

Section 367.022(4), Florida Statutes, states that public lodging establishments providing service solely in connection with service to their guests are exempt from Commission regulation. Section 367.022(5), Florida Statutes, states that an entity qualifies for exemption from Commission regulation if it provides

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service solely to its tenants, and there are no specific charges for the utility service.

According to the applications filed by Bays, water and wastewater service will be provided only to its tenants and guests and the service territory will be limited to the R.V. park, which will be located at 2499 East County Road 48, halfway between Bushnell and Webster, Florida. The application also indicates that water and wastewater service will be included as a nonspecific portion of the 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. Bays 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 Bays is exempt from Commission regulation, pursuant to the provisions of Section 367.022(4) and (5), Florida Statutes. However, should there be any change in circumstances or method of operation, the owner of Bays or any successor in interest must inform the Commission within 30 days of such change so that its exempt status may be reevaluated.

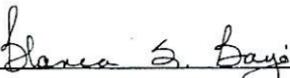
It is, therefore,

ORDERED by the Florida Public Service Commission that, based upon the facts as represented, Bays R.V. Park, Post Office Box 245, Webster, Florida 33597, is exempt from Commission regulation, pursuant to the provisions of Section 367.022(4) and (5), Florida Statutes. It is further

ORDERED that should there be any change in circumstances or method of operation, the owner of Bays R.V. Park 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 31st
day of July, 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, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, 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.