

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request For Exemption ) DOCKET NO. 950968-WS  
From Florida Public Service ) ORDER NO. PSC-95-1179-FOF-WS  
Commission Regulation For ) ISSUED: September 20, 1995  
Provision of Water and )  
Wastewater Service in Desoto )  
County by Ar-Jo of Central Fl., )  
Inc. )  
\_\_\_\_\_ )

ORDER INDICATING EXEMPT STATUS OF  
AR-JO OF CENTRAL FL., INC. AND CLOSING DOCKET

BY THE COMMISSION:

On August 15, 1995, Ar-Jo of Central Fl., Inc. (Ar-Jo) filed an application with this Commission for recognition of its exempt status pursuant to Section 367.022(5), Florida Statutes. Ar-Jo is a recreational vehicle (R.V.) park which is currently under construction. The R.V. park will be located at 6837 Northeast Highway 17, Arcadia, Florida. Ms. Betty Jo Harkless, Vice President and primary contact person, filed the application on behalf of Ar-Jo. Ms. Harkless' address is Post Office Box 1757, Arcadia, Florida 33821.

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(5), Florida Statutes, and Rule 25-30.060(3)(e), Florida Administrative Code. Upon review of the application, it was determined that Ar-Jo also qualifies for 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 service solely to its tenants, and there are no specific charges for the utility service.

According to the application, Ar-Jo will provide water and wastewater service solely to its tenants and guests and the cost of the service will be included as a nonspecific portion of the rent. Ar-Jo does not have a lease; rent will be from day to day and month to month. The service territory will be limited to the R.V. park located at 6837 Northeast Highway 17, Arcadia, Florida.

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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, Ms. Harkless acknowledged that she 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 Ar-Jo is exempt from Commission regulation, pursuant to the provisions of Sections 367.022 (4) and (5), Florida Statutes. However, should there be any change in circumstances or method of operation, the owner of Ar-Jo 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, Ar-Jo of Central Fl., Inc., Post Office Box 1757, Arcadia, Florida 33821, is exempt from Commission regulation, pursuant to the provisions of Sections 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 Ar-Jo of Central Fl., Inc. 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 20th day of September, 1995.

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, 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.