

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request For Exemption) DOCKET NO. 951131-WS
From Florida Public Service) ORDER NO. PSC-96-0626-FOF-WS
Commission Regulation For) ISSUED: May 9, 1996
Provision of Water and)
Wastewater Service in Marion)
County by Willow Reed, Inc.)

ORDER INDICATING EXEMPT STATUS OF
WILLOW REED, INC. AND CLOSING DOCKET

BY THE COMMISSION:

On September 19, 1995, Briar Patch Mobile Home Community filed an application with this Commission for recognition of its exempt status pursuant to Section 367.022(6), Florida Statutes. Briar Patch Mobile Home Community is a mobile home park located at 9600 Southeast 36th Avenue, Belleview, Florida. Ms. Gayle S. Reed, Owner and primary contact person, filed the application on behalf of Briar Patch Mobile Home Community.

After reviewing the application, it was determined that the name Briar Patch Mobile Home Community is not registered with the Secretary of State's office as a fictitious name. Although the owner is currently in the process of registering the name with the Secretary of State, it has requested that the exemption be granted to Willow Reed, Inc. for the mobile home park known as Briar Patch Mobile Home Community.

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(6), Florida Statutes, which states, in part, that "[s]ystems with the capacity or proposed capacity to serve 100 or fewer persons" are exempt from Commission regulation.

A review of the application indicates that Willow Reed, Inc. more accurately qualifies for exemption pursuant to Section 367.022(5), Florida Statutes. That Section 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. The application indicates that Willow Reed, Inc. provides water and wastewater service only to tenants of the Briar Patch Mobile Home Community located at 9600 Southeast 36th Avenue, Belleview, Florida. Also, the water and wastewater service is included as a nonspecific portion of the monthly rent.

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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, Ms. Reed acknowledged that she is aware of Section 837.06, Florida Statutes, and the penalties for making false statements in the application.

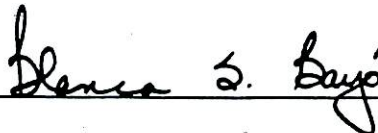
Based on the facts as represented, we find that Willow Reed, inc. is exempt from our regulation pursuant to Section 367.022(5), Florida Statutes. However, the owner of Willow Reed, Inc. or any successors in interest are put on notice that if there is any change in circumstance or method of operation, it should 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, Willow Reed, Inc. 9600 Southeast 36th Avenue, Belleview, Florida 34420, is exempt from Commission regulation, pursuant to the provisions of Section 367.022(5), Florida Statutes, only for the Briar Patch Mobile Home Community. It is further

ORDERED that this Docket is hereby closed.

By ORDER of the Florida Public Service Commission, this 9th day of May, 1996.



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.